

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

Present: Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Janet Emanuel, Carmen Battavio, Chuck Proctor, Township Manager Rick Smith, Township CFO Jon Altshul, Township Solicitor Kristin Camp 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 Carmen to lead the Pledge of Allegiance.

Moment of Silence:

Carmen called for a moment of silence to honor the members of the military that are currently serving, those that have passed and for their families.

Recording of Meeting:

Leo Sinclair, 217 Lochwood Lane, indicated that he would be recording the meeting.

Chairman's Report:

- Marty described meeting Julius Alzona, the 6-year-old son of the late Sgt. Louis Fastuca, an East Goshen resident who was killed in action in Afghanistan in 2010. Marty, who was part of a group that included Senya, District Judge Gwenn Knapp and Rep. Ryan Costello, was touched by the generosity of spirit displayed by Julius's family in ensuring that the boy was able to maintain a connection to his father, as well as by Julius's maturity. Senya made a motion to adopt Resolution 2015-131, acknowledging the service of Louis R. Fastuca and proclaiming his son, Julius Bonifacio Viqueira Alzona, an honorary resident of East Goshen Township. Carmen seconded the motion. The motion passed unanimously.
- Marty announced that the Board met in executive session from 6pm-7pm tonight to discuss a personnel matter and on June 23rd from 7pm-8:30pm to discuss a personnel matter.

Public Hearing To Consider an Amendment to the Zoning Ordinance to Add a Definition for Beverage Café and Shopping Center

The Board held a public hearing to consider an amendment to the zoning ordinance to add a definition for beverage café and shopping center, to allow these uses by conditional use in the C-2 zoning district, to establish regulations for menu boards, bills of fare and price lists, to amend the sign regulations for signs erected in the C-2 district, to add a parking requirement for a shopping center and to delete section 240-20.G(3).

Carmen made a motion to approve the amendment to the zoning ordinance as outlined by the solicitor. Janet seconded the motion. The motion passed unanimously. A court reporter was present and will provide a complete transcript of the hearing.

Fire Marshall Report

Carmen reported that he received a call on June 24th about a large amount of smoke in Milltown. However, after driving around the area, he was unable to identify any smoke or evidence of recent burning.

Consider Zoning Amendment Regulating the Number of Dogs and a Stand-Alone Ordinance

Rick explained that the Board could take three actions with respect to the curative amendment:

- Enact the ordinance that limits the number of dogs with the appropriate justification
- Enact the ordinance that removes the limit on the number of dogs
- Adopt a resolution affirming that the current ordinance is valid

Rick also explained that Kristin had prepared a stand-alone ordinance that mirrored state law regarding the confinement and control of dogs.

Senya made a motion to do nothing. There was no second. Carmen made a motion to send the draft ordinance to the Township and County planning commissions for comment and to advertise for a hearing on the ordinance that limits the number of dogs with appropriate justification. Janet seconded the motion.

Senya stated that limiting the number of dogs was an unfair condition on residents and that this limit would not have prevented the terrible tragedy that occurred earlier in the year on Brookmont Drive. He also stressed that for many residents, dogs are like family and that the Board has no business regulating this issue.

Carmen stated that while the overwhelming majority of residents are conscientious about pet ownership, there are always a few residents who will take advantage of a lax ordinance and put their neighbors at risk by having many more dogs than is reasonable. He also noted that he is aware of one townhouse community that is trying to amend its bylaws to limit the number of dogs to two per household because of the waste, odor and barking on the property. He also noted that in his experience having multiple dogs can create a “pack” problem, whereby the alpha dog encourages other dogs to be more aggressive than they otherwise would be.

Chuck agreed with Senya and likened limiting the number of dogs per household to limiting the number of children per household. He stated that it is important to regulate dogs to the extent that they create a nuisance, but that limiting the number of dogs was indefensible.

Janet noted the limit of four dogs per household has been in place since 1983. She also stated that the stand-alone dog ordinance is only relevant after a dog has gotten out and become a problem, whereas the limit of four dogs prevents problems before they could occur.

Mike Lehmicke, 4 Reservoir Road, stated that he felt like four is an arbitrary number. Kristin stated that the proposed ordinance, which explained that the Township’s housing stock consists of a proportionately large number of multi-family dwelling units and/or houses on less than an acre, satisfactorily justified the four dog limit. He also asked whether there have ever been any

problems in other townships with the four dog limit. Kristin responded that there have been many local ordinances throughout Pennsylvania that have been nullified by the courts on the grounds that they lacked sufficient justification.

Leo Sinclair, 217 Lochwood Lane, stated that residents should have more input in this decision. He also noted that he used to work as an investigator and none of the dog bite investigations he ever worked on involved more than one dog.

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

Carmen also made a motion to advertise for a public hearing on the stand alone ordinance. Janet seconded the motion. The motion passed unanimously.

Delaware Valley Health Trust Presentation

Marty welcomed Rick Lee and Steve Fallon from the Delaware Valley Health Trust (DVHT) and the two provided an overview of how DVHT operates. Mr. Lee and Mr. Fallon explained that by operating as a non-profit trust and only devoting 7% of premiums toward overhead, as well as being exempt from the ACA tax on insurers, DVHT could reduce East Goshen's health insurance premiums by 6% in 2016, and limit future premium increases, while also making the Township eligible for a rate credit after two years of participation in the trust.

Tom Stalaker, Treasurer of the Goshen Fire Company, asked whether he could get a list of Aetna doctors for his career staff. Mr. Fallon stated that he would prepare something.

Marty thanked Mr. Fallon and Mr. Lee for their presentation and asked Jon to provide a recommendation for the Board at the August 4th meeting.

Consider 19 Hill St/ZHB Application

John Smirga, Engineer for Nancy Smith, described the proposed dimensional variance from the side yard setback for a 18' by 27' garage.

Marty made a motion to support Ms. Smith's application due to the topography of Ms. Smith's parcel and the support of a number of her neighbors who were in attendance. Senya seconded the motion. The motion passed unanimously.

Consider Draft Resolution Regarding West Chester Area Council of Governments

Rick explained that the WCACOG had recently amended its bylaws to allow the attendance of an alternate representative from each municipality to count for the purposes of having a quorum and that the Board needed to ratify those amendments by resolution. Senya moved to adopt the resolution as recommended by the Township Manager. Carmen seconded the motion. The motion passed unanimously.

Consider Rescheduling Community Day

Marty made a motion to reschedule Community Day for Saturday, August 29th, with a rain date of Sunday August 30th. Janet seconded the motion.

Leo Sinclair asked if the Township had lost any deposits or money by canceling the original event. Jon assured him that the Township had not lost any money. Leo offered to make a contribution to Friends of East Goshen in support of Community Day.

The motion passed unanimously.

Consider Recommendation for Escrow Release for 1641 Manley Road

Rick explained that Bill Mullray has completed all of the outstanding items at 1641 Manley Road, except for the driveway site distance and replacements trees and recommended that \$29,210.13 be released, leaving approximately \$30,000 remaining in escrow. Carmen made a motion to approve an escrow release \$29,210.13. Senya seconded the motion.

Bill Mullray stated that the requirement for 62 trees in the approved plans was excessive, that the buyer did not want the trees planted on the property, and that the estimated cost for planting 62 trees of \$24,505 was triple the actual cost.

Edmund Last, 200 Pheasant Run Rd, stated that as a result of engineering decisions, trees on his property outside of the right of way had been taken down in order for the driveway to conform with PennDOT site distance requirements. Lynne Last, 200 Pheasant Run Rd, added that the integrity of her property has been destroyed by the tree removal.

Marty asked Rick and Mark Gordon to research and discuss the matter with Mr. Last and Mr. Mullray and to provide a recommendation for the Board at the next meeting.

The motion passed unanimously.

Execution of Stormwater Management Operation and Maintenance Agreements for 610A Reservoir Road and 1117 Taylor Ave

Senya moved to authorize the Chairman to execute stormwater management, operation and maintenance agreements for 610A Reservoir Road and 1117 Taylor Avenue. Carmen seconded the motion. The motion passed unanimously.

Consider Open Space and Recreation Plan

The Board provided line edits to Ann Toole from Toole Recreation Planning on the draft open space and recreation plan. Rick indicated that he, Mark Gordon and Janet could meet soon to provide additional edits, which they would provide back to Ann. In addition, Marty asked that the draft document be provided to the Trail Committee for its formal review.

Public Comments-Hearing of Residents

Shirley Fox, 1711 East Boot Rd, asked how the Board can justify spending money on the Paoli Pike trail when a trail along Line Road has been approved since 2000, but has not yet been built. She noted that Line Road can be very dangerous and recommended that the Township build a trail there. She also expressed concern about the maintenance of trees on the golf course next to her property.

Approval of Minutes

The Board reviewed and corrected the draft minutes of the June 2 and June 16, 2015 meetings. Marty said the minutes would stand approved as corrected.

Treasurer's Report:

See attached Treasurer's Report for July 2, 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 for all payments except for those related to Community Day. Senya seconded the motion. The Board voted unanimously to approve the motion.

Correspondence, Reports of Interest:

The Board acknowledged receipt of the following correspondence

- Pennsylvania DEP confirmation of receipt of permit for dam removal (for a small dam in Hershey Mill Village near Kennett Way)
- Goshen Fire Company's request for 2015 funding
- Charles Higgins's email regarding the Paoli Pike Trail
- PECO letter regarding routine tree trimming

Adjournment:

There being no further business, Marty made a motion to adjourn the meeting at 10:56 pm. Janet seconded the motion. The motion passed unanimously.

Respectfully submitted,
Jon Altshul
Chief Financial Officer

Attachment: *Treasurer's Report for July 2, 2015*

July 2, 2015

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

GENERAL FUND

Real Estate Tax	\$14,640.56	Accounts Payable	\$635,293.56
Earned Income Tax	\$36,500.00	Electronic Pmts:	
Local Service Tax	\$800.00	Health Insurance	\$45,947.60
Transfer Tax	\$39,956.66	Credit Card	\$925.24
<i>General Fund Interest Earned</i>	\$0.00	Postage	\$0.00
Total Other Revenue	\$129,900.81	Debt Service	\$0.00
Total Receipts:	\$221,798.03	Payroll	\$138,811.66
		Total Expenditures:	\$820,978.06

STATE LIQUID FUELS FUND

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

SINKING FUND

Receipts	\$0.00		
<i>Interest Earned</i>	\$0.00		
Total Sinking Fund:	\$0.00	Total Expenditures:	\$10,681.00

TRANSPORTATION FUND

Receipts	\$0.00		
<i>Interest Earned</i>	\$0.00		
Total Sinking Fund:	\$0.00	Expenditures:	\$0.00

SEWER OPERATING FUND

Receipts	\$139,578.49	Accounts Payable	\$64,390.53
<i>Interest Earned</i>	\$0.00	Debt Service	\$0.00
Total Sewer:	\$139,578.49	Credit Card	\$74.16
		Total Expenditures:	\$64,464.69

REFUSE FUND

Receipts	\$30,807.55		
<i>Interest Earned</i>	\$0.00		
Total Refuse:	\$30,807.55	Expenditures:	\$29,691.94

SEWER SINKING FUND

Receipts	\$0.00		
<i>Interest Earned</i>	\$0.00		
Total Sewer Sinking Fund:	\$0.00	Expenditures:	\$8,120.00

OPERATING RESERVE FUND

Receipts	\$0.00		
<i>Interest Earned</i>	\$0.00		
Total Operating Reserve Fund:	\$0.00	Expenditures:	\$0.00

Events Fund

Receipts	\$0.00		
<i>Interest Earned</i>	\$0.00		
Total Events Fund:	\$0.00	Expenditures:	\$0.00