

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
NOVEMBER 10, 2015 – 7:00 pm  
FINAL APPROVED MINUTES**

**Present:** Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Janet Emanuel, Chuck Proctor, Carmen Battavio, 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 Leo Sinclair to lead the Pledge of Allegiance.

**Moment of Silence:**

Carmen acknowledged Veterans Day on Wednesday and called for a moment of silence to honor the members of the military who keep us safe and to all those who have lost their lives in the line of duty.

**Recording of Meeting:** Leo Sinclair, 217 Lochwood Lane, indicated that he was recording the meeting.

**Chairman's Report:** Marty reported that the Township was awarded a AAA bond rating for the third consecutive year. Senya observed that it is the Township's understanding that East Goshen is one of two municipalities in Chester County with a AAA rating, the other being Tredyffrin. He asked Jon to verify that statistic, and if correct, to design a poster stating this for display in the Township building and include on the Township's website.

**Public Hearing on the Township's Participation in the Delaware Valley Health Trust**

Carmen made a motion to adopt an ordinance authorizing the Township to participate in the Delaware Valley Health Trust. Senya seconded the motion. The motion passed 5-0. A court reporter was present and will provide a complete transcript of the hearing.

**Consider Milltown Dam Reservoir**

Rick and Kristin provided an overview of the legal principles outlined in Rick's November 5, 2015 memo about the sale of the property containing the Milltown reservoir and dam. Specifically, under the common law principle of the "public use doctrine", since the Township has variously referred to the property as a "passive park" in, for example, the 1992 and 2005 Comprehensive Plans and the 2015 Parks, Open Space and Recreation Plan, the property can never be used for any purpose other than as a passive park. Kristin clarified that the Township could legally sell the property to a non-profit, such as the Brandywine Conservancy, provided the property continued to be used in this manner. However, the "public use doctrine" does not protect the existing structures on the property such as the dam itself; it only ensures that the property remains a permanent open space for pastoral enjoyment and low-intensity recreational activities.

Mr. Sinclair asked whether this restriction would remain in perpetuity. Kristin replied that, yes, it would remain a passive park in perpetuity unless it could be shown in court that the property could no longer be feasibly used in this manner, which, in her opinion, is unlikely to occur.

Mike Lehmicke, 4 Reservoir Road, asked what court could make that determination. Kristin replied that it would be state court.

### **Consider Board of Supervisor Goals for ABCs in 2016**

Marty thanked Rick for his memo to the ABCs about their 2016 goals. The Board was in agreement that the memo accurately reflected the decisions made at the October 27<sup>th</sup> meeting.

### **Consider Stormwater Management Agreement for 1625 Highland Avenue**

Senya made a motion to approve the stormwater management agreement for 1625 Highland Avenue. Janet seconded the motion. The motion passed 5-0

### **Consider Escrow Release for Ashleybrooke Estates**

Carmen made a motion to release the remaining \$15,000 in escrow for Ashleybrooke Estates to the developer. Senya seconded the motion. The motion passed 5-0.

### **Any Other Matter**

1) Rick stated that he had received the annual request from Bob Wiggins to sell Christmas Trees on Route 3. Carmen made a motion to allow Bob Wiggins to sell Christmas Trees on Route 3 with the usual conditions. Janet seconded the motion. The motion passed 5-0.

2) Senya asked staff to consider amending the building permit application to include a question about the presence of any easements on the property to be improved. Senya noted that it is important that property owners avoid building over easements. Chuck asked whether easements appear in the Zoning department's mapping software. Rick replied that they usually do.

Mr. Sinclair asked who is responsible for filling out the application. Senya responded that it would be the responsibility of either the contractor or the property owner.

Joe Buonanno, 1606 Herron Lane, asked whether information about easements is on deeds. Chuck replied that it is not always on the deed. Mr. Buonanno added that all easements should be listed on all deeds.

3) Carmen described a new PECO program beginning in 2016 that will allow residents of developments without access to natural gas to request that gas mains be extended to their developments. He encouraged interested homeowners to visit PECO's website for more information.

### **Correspondence, Reports of Interest**

The Board acknowledged the following two documents:

- Sunoco Remediation Report for 3<sup>rd</sup> Quarter
- Notice of a 2-lot subdivision at 930 N. Chester Road

**Public Comment**

Mr. Buonanno asked the BOS to consider naming the Paoli Pike Trail after Louis Fastuca. Marty replied that it was far too early to have these types of discussions as the Township has not yet received the draft feasibility study, let alone applied for grants or decided whether to proceed.

Rick added that McMahon Associates will submit a draft Paoli Pike Trail Feasibility Study at the December 1 BOS meeting; that the Township would be accepting public comments for three weeks until December 15th; and that the study is scheduled for adoption at the January 4, 2016 BOS meeting.

Mr. Buonanno asked if the Comprehensive Plan was available. Rick noted that the plan can be downloaded from our website and that hard copies will be arriving shortly.

**Adjournment:**

There being no further business, Senya motioned to adjourn the meeting at 7:45 pm. Carmen seconded the motion. The motion passed 5-0.

Respectfully submitted,  
*Jon Altshul*  
*Chief Financial Officer*