

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, MAY 3, 2016 – 7:00 pm
FINAL MINUTES**

Present: Chairman Senya D. Isayeff, Vice-Chairman Marty Shane, and Supervisors Janet Emanuel, Chuck Proctor, Carmen Battavio, Township Manager Rick Smith, Township CFO Jon Altshul, ABC Member Erich Meyer (Conservancy Board) and Township Solicitor Skip Brion.

Call to order & Pledge of Allegiance:

Senya called the meeting to order at 7:00 pm and asked Mr. Brion to lead the assembly in the Pledge of Allegiance.

Moment of Silence:

Carmen called for a moment of silence to honor the members of the military who keep us safe both locally and abroad. Senya added a moment of silence in honor of Dick Yoder, the former Mayor of West Chester who recently passed.

Recording of Meeting: None

Chairman's Report: Senya announced the following:

- a. On April 14, 2016, the Preserve at Applebrook, commenced a civil action against the Township and several other parties in the Chester County Court of Common Pleas regarding the use of Hibberd and Grist Mill Lanes. The Township Solicitor is representing the Township and has advised the Board of Supervisors not to further comment on the matter as it involves pending litigation.
- b. The Board met in Executive Session on April 16, 2016, and at 6:00 p.m., before this meeting, to discuss the pending litigation
- c. The Township was awarded a \$150,000 grant from Chester County for the Paoli Pike Trail, Segments F & G
- d. The Board would like to recognize the East Goshen Elementary School and Thrivent for their donation of \$1,428 to help send socioeconomically disadvantaged East Goshen Elementary students to the REC Camp.
- e. April 19th was declared as Rick Smith Day, in honor of his Excellence in Government Award.
- f. Both Rick Smith and Marty Shane were the recipients of the Pennsylvania State Association of Township Supervisors (PSATS) President's Award. They were honored on April 20, 2016 at the PSATS Convention in Hershey, PA.

Public Comment ~ Hearing of Residents:

David Malman of Landis & Setzler, legal counsel for the Preserve at Applebrook Homeowners Association (HOA), asked for the opportunity to distribute HOA documents to the Board regarding the Hibberd Lane Resolution which recognizes Hibberd and Grist Mill Lane as private roads, and asked that the Board read them. Mr. Brion, on behalf of the Board, commented that the Board will not publically comment on the documents.

Jim Dehaven, President of the Preserve at Applebrook Homeowners Association, commented that the HOA had provided several proposals to the Board and Township to help deal with the increased traffic through their community as a result of the East Boot Road detour, which had been denied by the Township. Mr. Dehaven spoke of 500 vehicles per day driving through the community's private roads due to the detour, as well as the HOA purchasing barriers to deal with the increased traffic. Mr. Dehaven warned of the unsafe conditions as a result of the increased traffic.

Robert Ruggiero, 1728 Hibberd Lane, commented that the Board has created a racetrack in his neighborhood (Applebrook Preserve). Mr. Ruggiero said the Board needs to address this unsafe situation immediately, and he urged the Board to use their common sense in this situation.

Old Business:

Consider Planning Commission recommendation to amend zoning requirements for swimming pools in Single Family Open Space Developments: Mr. Brian Nagle, on behalf of the Robbins Family of the Sorrell Hill Community discussed the April 6, 2016 Planning Commission meeting and its recommendation to amend the accessory use requirement for swimming pools in Single Family Open Space Developments. Janet motioned to amend the accessory use requirements. The motion was not seconded. Senya informed Mr. Nagle and his clients that the motion to amend the accessory use requirement for swimming pools, (240-32Q) within Single Family Open Space Developments was rejected.

New Business:

- a. **Consider Additional Signage For The East Boot Road Detour:** Rick recommended the installation of the following signs at a cost of \$1,018:
 - A second barricade sign on East Boot Road at North Chester Road.
 - A second barricade sign on East Boot Road at Line Road
 - A left arrow detour sign on East Boot Road just west of Line Road.
 - A right arrow detour sign at the intersection of Clocktower Drive and East Boot Road.
 - A right arrow detour sign at the intersection of Throncroft Drive and East Boot Road

Marty motioned to authorize this signage. Janet seconded.

Mr. Dehaven requested to go on record that he asked for this signage a month ago and was denied by the Township. Mr. Dehaven further asked for more detour signage on Paoli Pike, before and after the entrance of Hibberd Lane, as well as "No Thru-way" signage. Senya commented that the current motion did not address "No Thru-way" signage.

Scott Schaffer, 803 Grist Mill Lane, reminded the Board of a Township meeting in 2014 in which the Preserve at Applebrook HOA requested monetary assistance for the repaving of Hibberd Lane. This request was denied by the Township for the reason that Hibberd Lane is a private HOA road of the Preserve at Applebrook Community. Mr. Schaeffer also commented that the language of easement agreement between the HOA and the Township regarding Hibberd Road is very clear, and that the Township should install "No Thru-way" signs to rectify this situation.

Michael Simpson, 808 Grist Mill Lane, commented on witnessing serious and dangerous incidents as a result of motorists racing through his neighborhood. He further urged the Board to act reasonably in dealing with this situation.

Paul Finnegan, 1734 Hibberd Lane, urged the Board to consider the costs of one bad incident due to the speeding through his community.

Jean McGrail, 1703 Hibberd Lane, shared with the Board personally witnessing motorists speeding through her community, shouting obscenities at residents of her community, and physically threatening assault. She has called 911 to report incidents, and warned the Board that a very serious accident is imminent in the current status.

Jim Craven, 826 Grist Mill Lane, urged the Board to pass a resolution to install “No Thru-way” signage. He also commented that he has seen Police in the community to patrol traffic to no avail.

Michael Simpson, 808 Grist Mill Lane, commented that due to the Board’s inaction, the Board has encouraged the traffic through his community and thus contributed to the problem.

Marty amended the initial motion to add two detour signs on Paoli Pike before and after Hibberd Lane, and raise the funding to \$1,600. Janet seconded.

Carmen asked to convene for a short executive session with the Township Solicitor. After an 18 minute break, the Board meeting reconvened. Senya announced the following recommendation of the Board:

- A meeting will be scheduled at the earliest convenience between the Board, IMX and both legal counsels for the Township and HOA to come to a resolution on the matter.
- Temporary road closure signs and barriers would be installed immediately at the entrance to Hibberd Lane at East Boot Road, and remain throughout the East Boot Road Bridge construction closure.
- Temporary road closure and “Access to Homeowners, IMX Employees, and Park Visitors Only” signs would be erected immediately at the entrance of Hibberd Lane at Paoli Pike.
- All signs and barriers would remain for the duration of the East Boot Road Bridge construction closure.

Agnes Finnegan, 1734 Hibberd Lane, asked how one would distinguish a resident of her community. Senya commented that Hibberd Lane would be blocked at the East Boot Road entrance, so access would be limited to residents of her community.

The Board voted unanimously in favor of Marty’s amended motion.

Marty then motioned to authorize the Township to implement the plan of action and signage recommendations that resulted from the Board’s executive session, described above. Carmen seconded. The Board voted unanimously in favor of this motion.

Diane Corvino, Grist Mill Lane, recommended that a public notice of the above actions would be advisable. Senya agreed that an email blast on the matter could be arranged.

Ron Melancomp, 1707 Hibberd Lane, stated for the record that many residents of the Clocktower and Hunt Country communities were very respectful of the residents of the Preserve at Applebrook during this difficult time.

Mr. Brion, Township Solicitor, noted to the assembly that the Board of Supervisors acted diligently on behalf of all East Goshen residents, and that, likewise, these residents should reach out to one another in a neighborly fashion for the common good moving forward.

- b. **Consider Skid Steer Replacement:** Senya motioned to authorize the purchase of a Kubota skid steer from Eagle Power and Equipment in the amount of \$49,712, net of trade in. Marty seconded. The Board voted unanimously in favor of the motion.
- c. **Consider Awarding The Plank House HVAC Bid:** Plank House HVAC bids were received as follows:
 - Thermal Logistics \$6,218.00
 - Timothy Off Heating & AC \$7,113.60Janet motioned to award the bid to Thermal Logistics. Marty seconded. The Board voted unanimously in favor of the motion.
- d. **Consider Updating The Hershey Mill Dam Emergency Action Plan:** Marty suggested tabling this item to a future date to be determined. The Board agreed.
- e. **Consider Resolution Confirming Submission of a DVRPC Grant Application for the Paoli Pike Corridor Master Plan:** Marty motioned that the Board authorize the participation in the Delaware Valley Regional Planning Commission's 2017 Transportation & Community Development Initiative Grant Program for funds to develop a Paoli Pike Corridor Master Plan. Janet seconded. The Board voted unanimously in favor of the motion.
- f. **Authorize Chairman to Execute Stormwater Agreements for 1348 Mark Drive and 139 Dutton Mill Road:** Marty motioned to execute stormwater agreements for 1348 Mark Drive and 139 Dutton Mill Road. Carmen seconded. The Board voted unanimously in favor of the motion.
- g. **Consider Authorizing advertising a Revision to the Property Maintenance Code Concerning Smoke Detectors:** This item was tabled in order to consider more information on the matter.
- h. **Consider Conducting a "Statistically Valid" Recreation Survey:** This item was tabled.
- i. **Consider Amending the Performance Evaluation Process:** This item was tabled.

- j. **Review Paoli Pike Trail and Playground Renovation Status Update:** This item was tabled.
- k. **Review Water Usage Analysis:** Senya thanked Jon for the analysis and asked whether he would recommend any changes to how the Township calculates sewer bills. Jon stated that he did not think changes were appropriate and the Board agreed.

Any Other Matter:

- a. Upon Rick's recommendation, Marty motioned to approve a donation to the Malvern Fire Company in the amount of \$12,931 for the upkeep and maintenance of apparatus. Carmen seconded. The Board voted unanimously in favor of the motion.
- b. Marty recommended that the Board refrain from making a decision about the Milltown Dam over the summer while residents tend to be on vacation. The Board agreed.

Approval of Minutes: The Board reviewed and corrected the minutes from the following meetings:

- c. March 22, 2016 ~ Marty motioned to approve. Carmen seconded. The Board voted unanimously in favor of the motion.
- d. April 12, 2016 ~ Carmen motioned to approve. Marty seconded. The Board voted unanimously in favor of the motion.

Treasurer's Report:

See attached Treasurer's Report for April 28, 2016. 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. Marty seconded. The Board voted unanimously to approve the motion.

Correspondence, Reports of Interest: The Board acknowledged receipt of the April 11, 2016 letter from Verizon regarding Service Interruptions.

Adjournment:

There being no further business, Marty motioned to adjourn the meeting at 9:05 pm. The Board voted unanimously to adjourn.

Respectfully submitted,
Christina Rossetti Hartnett
Recording Secretary

Attachment: *Treasurer's Report for April 28, 2016*

April 28, 2016

TREASURER'S REPORT
2016 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$13,551.46	Accounts Payable	\$285,632.89
Earned Income Tax	\$139,800.00	Electronic Pmts:	
Local Service Tax	\$7,600.00	Credit Card	\$2,025.41
Transfer Tax	\$36,605.18	Postage	\$1,000.00
<i>General Fund Interest Earned</i>	\$0.00	Debt Service	\$31,162.13
Total Other Revenue	\$100,991.59	Payroll	\$149,866.46
Total Receipts:	\$298,548.23	Total Expenditures:	\$469,686.89

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	Accounts Payable	\$114,966.06
<i>Interest Earned</i>	\$0.00	<i>Credit Card</i>	\$0.00
Total Sinking Fund:	\$0.00	Total Expenditures:	\$114,966.06

TRANSPORTATION FUND

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

SEWER OPERATING FUND

Receipts	\$227,922.99	Accounts Payable	\$153,486.78
<i>Interest Earned</i>	\$0.00	<i>Debt Service</i>	\$31,892.43
Total Sewer:	\$227,922.99	<i>Credit Card</i>	\$1,608.65
		Total Expenditures:	\$186,987.86

REFUSE FUND

Receipts	\$76,670.64		
<i>Interest Earned</i>	\$0.00		
Total Refuse:	\$76,670.64	Expenditures:	\$75,863.90

SEWER SINKING FUND

Receipts	\$0.00		
<i>Interest Earned</i>	\$0.00		
Total Sewer Sinking Fund:	\$0.00	Expenditures:	\$5,353.00

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