

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS SPECIAL MEETING  
GOSHEN FIRE HOUSE  
1320 PARK AVENUE, WEST CHESTER, PA  
JUNE 28, 2016 – 7:00 pm  
APPROVED MINUTES**

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

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

Senya called the meeting to order at 7:03 pm and asked Eric Neast 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, and to extend prayers to all those affected in the recent Orlando shootings tragedy.

**Recording of Meeting:** *Baxter Wellmon, Lochwood Lane, stated that he would be recording the meeting. Senya acknowledged Adam Farence, Staff Writer for the Daily Local News, in the assembly.*

**Chairman's Report:** Senya introduced Eric Neast and David Graff of Gannett Fleming.

**New Business:**

**Hershey's Mill Dam:** Eric Neast gave a brief overview of the three repair options for Hershey's Mill Dam and the associated costs involved, noting that cost estimates are now appearing to be approximately 30% higher than initially quoted. The full report may be viewed under the **About Us** tab at [www.eastgoshen.org](http://www.eastgoshen.org).

*Phil Young, Hershey's Mill Village, asked the Board if they considered using metal sheathing on the downside of the dam as a repair, which he understood to cost approximately \$100,000. Carmen commented that the Board reviewed many options, including using metal sheathing, and that the Department of Environmental Protection (DEP) would not allow it.*

*Gerry Connor, 36 Lochwood Lane, commented that the East Goshen residents are "being herded", and asked why the Board is putting up with this. Gerry Connor also asked the Board what would happen if nothing was done in this situation, and questioned the authority of "these DEP people". Rick noted that the regulating entity in this matter is the DEP (Department of Environmental Protection) which can impose fines of approximately \$1,500 per day, and civil actions against the Township if nothing is done. Senya also commented that safety and insurance concerns needed to be addressed in this matter. Mr. Brion further commented that this*

matter has been under consideration for the past nine years. The DEP has labelled the dam as unsafe and the Board would be faced with liability issues if they did nothing.

*Mike Lynch, 1226 Upton Circle*, stated he supports the lowest cost solution and that long term costs should be considered.

*Kathryn Sloane, 1202 Burning Bush Lane*, stated that she has a view from her house of the pond, which was the reason for buying her home. She said there are no fish left in the pond and she favors the solution to maintain the pond. Rick stated that after the DEP earmarked the dam as unsafe, the Township was unable to acquire insurance coverage from its current agency, and had to shop for insurance on the secondary market.

*Ed Tomlinson, 1202 Foxglove Lane*, asked if any consideration was given to the water table, soil settling, and neighboring foundations cracking in the absence of the pond. Mr. Townsend also asked if there was ever a working mill at the dam site, and that he would like to see the preservation of the dam for historical purposes. Rick stated that a working mill did once exist, however the dam for it was located further upstream.

*Jan Wheeler, 1213 Candytuft Lane*, stated she favors the partial breach option as it has the lowest cost factor and would maintain some of the original features of the pond. Rick stated that in a partial breach there would be no pond remaining, but there would be a small waterfall over the dam.

*Mr. DePurglia, a resident of Newtown Square*, stated that he grew up in East Goshen and would want to see the dam preserved.

*Mr. Sussky, 1337 Sleepy Hollow Drive*, asked the Board what would happen to the pond area in a full breach scenario. Marty said that upstream restoration would be required to make the area attractive.

*Bob Sullivan, 33 Waterview Road*, commented that East Goshen is becoming “citified”, and that there are very few open spaces left. He further asked the Board how much the Township wants to spend to make the area look nice.

*Jim Brandolini, 1200 Burning Bush Lane*, stated that he has witnessed the long journey surrounding the Hershey’s Mill Dam remedy. He is looking to sell his home in the not too distant future and wants to see something done. Mr. Brandolini expressed his sadness to lose the historical feature of the dam and pond, and wants to know what the end product will look like. Rick stated that the deadline for action is December 1, 2018, whether it be fixing or breaching the dam. Eric Neast stated that in a full breach the resulting area would mimic the original environment.

*Jack Kinkelen, 1467 Greenhill Road*, expressed his desire to fix the dam, and that the Board should not just be considering the cheapest solution.

*Ron McGill, 1050 Hershey Mill Road*, stated that he owns the Hershey's Mill House and wants the pond and dam restored. He opined that it is the Township's duty to maintain the original intent of this feature when it had been gifted to the Township. He expressed his opinion that if the dam is fully breached, Mr. DeReimer's home will be turned into a floodplain, and that the Township should create a fund for Mr. DeReimer to make up for his property value loss and for the "taking" of Mr. DeReimer's property.

*Neil DeReimer, 1034 Hershey Mill Road*, expressed his opinion that if the dam is fully breached, his home will become a floodplain. Mr. DeReimer also stated that his earlier fundraising efforts had been thwarted due to his personal situation and asked the Board to hold off from making a decision until December 2018. Carmen stated that seven years ago when the Board was prepared to vote on this matter, he changed his vote to breach in order to give Mr. DeReimer and others the opportunity to raise funds to repair the dam. Within those seven years, Mr. DeReimer's fundraising group did nothing. Senya commented that seven years ago, monies had been presented to help defray costs of breaching the dam, and that these funds are now lost. Mr. Brion stated that the Board cannot wait another year for Mr. DeReimer's fundraising efforts, as the permitting process would take that long. Mr. Brion also clarified that the Township is not "taking" anyone's property.

*Mr. DePurglia, a resident of Newtown Square*, commented that breaching dams is more environmentally responsible than repairing them.

*Ed Tomlinson, 1202 Foxglove Lane*, stated that he lives within 2,000 feet of the dam and that this is the first time he has ever received notice of this topic. Rick clarified that notices are sent to those residents within 1000 feet of the dam. Senya stated that the Board and Township have promoted fully the success of the Friends of Hershey's Mill Dam and that Chuck Proctor has offered his legal services, gratis, in helping the organization off the ground. Chuck noted for the record that the entity of The Friends of Hershey's Mill Dam was created but the members of this group never filed the paperwork with the Internal Revenue Service in order to create it as a 501(c)(3).

*Bob Sullivan, 33 Waterview Road*, wished to remind the Board that if the decision to breach the dam is made tonight, the dam will be gone forever.

Marty commented that he and the entire Board understand the desire of the residents in the assembly to maintain the Hershey's Mill Dam, and that they do not relish the decision before them. Marty motioned to recommend a full breach of Hershey's Mill Dam, and to authorize the Township Manager to begin the permitting process with the DEP and for construction to begin after a contractor is chosen. Carmen seconded.

*Shirley Fox, 1711 East Boot Road*, commented that Board is not willing to spend \$600,000 to remedy Hershey's Mill Dam, but they are willing to spend \$8 million to create the "path to nowhere".

*Neil DeReimer, 1034 Hershey Mill Road*, asked Marty why he has chosen the full breach option. Marty responded that it is the most effective way of handling the situation.

*Shirley Beck, 1225 Foxglove Lane*, stated that her deceased husband would be very disappointed in what is happening. She urged the Board not to make the decision tonight, and commented that the “Board does not know what they are talking about”.

*Mr. DePurglia, a resident of Newtown Square*, noted again that breaching the dam is better for the environment than repairing it.

*Ron McGill, 1050 Hershey Mill Road*, asked how much was spent on the tree plantings in Applebrook Park. Senya stated that the trees in Clymer’s Woods were paid for by the YMCA.

The Board voted unanimously in favor of the motion.  
Senya called for a short break in the meeting at 8:50 p.m.

**Milltown Dam:** Eric Neast gave a brief synopsis of the dam and the possible solutions, with associated costs and diagrams. David Graff recapped the sediment report, stating that the sediment is classified as “Cleanfill”.

*Mike Lehmicke, 4 Reservoir Road*, stated that he sent an email to the Board. Mr. Lehmicke stated his opinion that Option 7 would solve the DEP problem, but believes there would be uncertainty about how to handle the sediment, and asked in Option 8, if the sediment would be stabilized. Mr. Lehmicke also expressed concern for an increase of mosquitoes as well as urging the Board to give a picture of the area when it’s complete and knowing how this would impact their home values. Eric Neast stated his belief that Option 7 was a viable option, and that the costs to remove the sediment would be approximately \$3.5 million.

*Baxter Wellmon, 46 Lochwood Lane*, stated that he takes offense at the Board’s claim that no residents had written or showed concern for this issue.

*Antoinette Schorn, 28 Reservoir Road*, expressed her desire at maintaining the reservoir and dam, as she lives near it and sees it every day, and thought the Township should run a fundraiser towards this effort.

*Jim Seeley, 47 Lochwood Lane*, asked Mr. Neast if he favored Option #7, and whether the sediment would be placed onto private property. Mr. Neast said he preferred Option #7. Marty answered that the land in this area has been surveyed and the sediment would not be placed on other properties.

*Paul Knox, 40 Lochwood Lane*, read a statement from Mr. Cab Willem (who was not present at the meeting), and also stated his preference to save the dam and reservoir. Mr. Knox also stated that his group should be allowed enough time to re-petition residents with the new information and pricing models provided by Gannett Fleming, as this information was not known when their first petition was signed. Mr. Knox further commented that the Hershey’s Mill group had seven years to raise funds and his group should be granted similar timing.

Carmen commented on the June 27, 2016 email the Board received from Chuck Hepler about possible funding sources. Mr. Hepler asked Carmen to keep the names on the list private.

*Mike Lynch, 1226 Upton Circle*, commented that he is not personally attached to the Milltown Dam, and recommended to the Board that they not consider long term debt options in the remedy. Marty discussed the Township's operating expenses and capital expenditures as well as the Township's current and future concerns, and ways in which to keep the Township competitive and attractive to future home buyers. Marty further commented on the Township's current AAA credit rating, and the Board does not want to jeopardize that or to raise taxes.

*Allen Seltzer, 1464 Glenbrook Lane*, asked whether the DEP could, at some point in the future, change the standards with which they classify dams. Mr. Neast answered that this is a possibility so the most viable options would be to fully restore the dam or to fully breach it.

*Chuck Hepler, 12A Reservoir Road*, thanked the Board for considering his new fundraising plan and had concerns about Option #8—Decommission the Dam. Mr. Hepler expressed concern for the quantity of sediment that would be moved around creating too much of a slope to the stream which would be hazardous to children and general public usage. Mr. Neast said the grading would be at a 2% slope in this scenario, and that for Options 8, 9, and 10, there would be no more than a 3 to 1 grading slope to the stream area. Mr. Hepler continued to state his preference for Option #7, as he bought his home because of the reservoir and that he has grown to love fishing in it. Mr. Hepler suggested that a larger parking area could be created, as well as walking trails to allow more residents to enjoy the reservoir.

Senya asked how the reservoir residents would feel about this area being opened up to a larger population of people. Carmen commented that it would not be fair to limit parking and that if the dam was fully repaired, it would not be fixed to benefit only the 36 homes that are adjacent to the dam.

*Baxter Wellmon, 46 Lochwood Lane*, thanked the Board for all their hard work in this matter and feels that the reservoir is unsafe for their children and security measures need to be installed surrounding it. Mr. Wellmon stated that he has issues with intruders in the wooded areas surrounding his home, but he would want the reservoir area to become another East Goshen Park area for all to enjoy.

*Vincent McGinnis, 32 Lochwood Lane*, stated he would be very happy to see more people enjoying the reservoir.

*Steve DiAntonio, 6 Reservoir Road*, stated he bought his home because of the reservoir, and also wanted to know where the equipment would access the reservoir and where it would be stored. He also inquired why the Board has not had more communications with Westtown Township in this matter. Mr. Neast answered that the equipment would access the reservoir at the crest of the dam and also at the easement on the downside of the dam. Senya stated that the Board is in contact and communication with Westtown Township and they are fully aware of this issue.

*Todd Bechtel, 1467 Glenbrook Lane*, commented that the Board should be presenting detailed visual renderings of the final product with cost estimates before a vote can be taken. Senya stated that the process would begin with DEP permitting, which would take approximately 13 months to complete, that a path has not been chosen, but whatever path is chosen, the Board is committed to making it look as high quality as possible.

*Chuck Hepler, 12A Reservoir Road*, commented that Greenways Funding would qualify in this effort. Senya corrected Mr. Hepler by stating that Greenways Funding only grants monies for drinking water and recreational reservoirs, and Milltown Reservoir does not qualify as that type of reservoir.

*Jim McBride, 34 Lochwood Lane*, appreciates the Boards tireless efforts in this matter, and inquired about the Airport Road Reservoir. Rick stated that the Aqua owns the Airport Road Reservoir.

Senya thanked everyone in the assembly for being patient and polite during the long meeting. Marty motioned to recommend Option #10—Partial Breach – Reduce Hazard Class, and to authorize the Township Manager to begin the permitting process with the DEP and for construction to begin after a contractor is chosen. Janet seconded. Carmen commented that in deference to Chuck Hepler, he recommends to defer the vote for three to four months in order for Mr. Hepler’s group the time to pursue raising at least \$1 million. Marty commented that those fundraising efforts would need to be at least \$3.1 million and asked the assembly if they are willing to be in the dam business and pass this issue along to future generations.

*Bob Simon, 30 Lochwood Lane*, stated he was one of the 1300 signers of the original petition, he doesn’t understand how the price to fix has grown so much, and he still wants the dam repaired.

Senya commented that the Board has an obligation to future generations and they cannot turn a blind eye to this matter. The Board does not want to create a wetland as part of the solution, but would rather seek funding to make the new area a world class facility. Senya further commented that many of the names and organizations on Mr. Hepler’s fundraising list are already contributing to other Township efforts.

The Board voted 4/1 in favor of the motion. Carmen was opposed.

Senya motioned to seek proposals from land planners to develop a plan on how the area above the dam could be restored and/or utilized once the dam was breached and made a commitment to the residents that the Board will work diligently to make the new area a world class facility. Chuck seconded.

*Dave Swingle, 1456 Glenbrook Lane*, asked how the Board would make the new area a world class facility. Marty commented that the Board will seek input from all residents for what would be included in the new area.

*Baxter Wellmon, 46 Lochwood Lane*, thanked the Board for listening to the full assembly for the evening even though the Board knew all along it was going to choose Option #10.

*Melissa McGinnis, 32 Lochwood Lane*, asked how this area can be turned into a park, and that she does not see how it can be turned into a beautiful area.

*Gerry Connor, 36 Lochwood Lane*, asked how long this process would take. Senya stated it would take between 2 to 3 years to complete.

*Karl Sivek, 28 Waterview Road*, asked why the Board feels renovating the dam is not viable and asked the Board to put this matter on the ballot as a referendum. Marty said that Pennsylvania does not permit referendums for this type of question.

The Board voted unanimously in favor of the motion. Jon commented that the Township property tax rate would be doubled for the next three years if the Board were to fix the dam and paid for it as an operating expense. Senya commented that the dam would still be classified as a high hazard dam no matter how much money was spent to fix it and this would not be fair for future generations.

**Adjournment:**

There being no further business, the Board voted unanimously to adjourn at 11:51 p.m.

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