

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, JANUARY 23, 2018  
FINAL APPROVED MINUTES**

**Present:** Vice Chairman Carmen Battavio; Supervisors David Shuey, Janet Emanuel and Mike Lynch; Township Manager Rick Smith; Mark Gordon, Township Zoning officer and Conservancy Board Chairman Erich Meyer.

**Call to Order & Pledge of Allegiance**

Carmen called the meeting to order at 7:00 p.m. and asked Erich Meyer to lead the pledge of allegiance.

**Moment of Silence**

Carmen called for a moment of silence to honor our EMS personnel and troops.

**Recording**

None.

**Chairman's Report**

Carmen announced that Marty had minor surgery and he would be out of action for a couple of weeks and that the Board met prior to this meeting in Executive Session to discuss a personnel matter.

He noted that Kevin Miller, one of our public works employees, was recently appointed as Fire Chief of the West Whiteland Fire Company. Kevin's grandfather served as West Whiteland Fire Chief 40 years ago. Carmen continued that he, his son, and grandson have all served at Goshen Fire Company and he thanked all of the fire company volunteers and Township ABC members for their service.

Carmen announced that the Board needed to make an appointment. Janet moved to appoint Sally Shabaker to the Historical Commission. Mike seconded. The Board voted unanimously in favor of the motion.

**New Business**

Carmen announced that the purpose of tonight's meeting was to consider the Zoning Hearing Board application for the Malvern Institute. He provided some back ground information and noted that the Board intended to conclude the meeting by 9:30 pm. He introduced Brian Nagle, the attorney for the Malvern Institute.

Brian stated the Institute needed additional space to provide treatment. Their initial application was for a second story addition and a loft in the barn. Based on comments from the Planning Commission and residents they revised the application adding an option to construct a one story addition that would screen most of the outdoor activities. The Malvern Institute is ok with the conditions recommended by

the Planning Commission. He noted that while they have security the Malvern Institute is not a prison and their mission is to provide a compendium of care for people undergoing treatment for drug and alcohol addiction.

Dennis Diehl – Chief Clinical Officer stated he began his career in addiction counseling in 1972 and started working at Malvern Institute in 2005, the facility currently has 80 beds, and that it was very difficult to provide an adequate level of service in the space available at Malvern's King Rd. facility.

In response to a question from Brian about two "incidents" which had received some degree of notoriety, he noted the first one involved an individual who was on his way to the Institute when he got into an argument with his father and shot him. The second involved a patient that left treatment, who was then subsequently arrested for robbing a bank.

He stated the drug addiction was a nationwide problem and there were a higher number of relapses since today's drugs have a higher purity.

He outlined the security measures currently in place.

David Lumpkin – Executive Director advised that there were two types of discharges, a regular discharge in which the patient is transported to an outpatient treatment and an irregular discharge which occurs when a patient wants to leave prior to the completion of their treatment. In an irregular discharge, the staff attempts to talk the patient into staying, but if that effort fails the staff will notify the patient's emergency contact, and/or transport the patient to the train station.

They have also instituted a policy under which cell phones, keys and wallets are placed in a safe upon admission. The patient is required to sign a form that prevents the patient from taking possession of the personal effects outside of regular business hours.

Robert Plucienik, PE – The applicant's Civil Engineer presented the existing conditions plans and the proposed plan that depicted the new building, sound wall, fences and landscaping improvements. The plan also depicted sight lines from the properties on Treemont Drive.

Jason Birl – The applicant's architect presented the plans for the pavilion, which would be completely enclosed on two sides, smoke eaters and the sound wall. He also reviewed the time line for the project.

Jack A. Zybura, P.E., – The applicant's sound engineer stated that he had created a computer model of the existing conditions of the site. He then added the proposed improvements and noted the one story addition resulted in a 10-20 dB decrease for properties to the east which effectively reduces the sound levels by half.

Dennis Diehl – Due to the lack of treatment space treatment staffing is organized into two teams to best utilize the available space for treatment. The situation is less than ideal, since counselors have to share offices, and that did not have enough group meeting space, which is an important part of a treatment program. In addition they have two or three patients in a room, while their competition is able to offer single person rooms. He noted under their proposal they would have two people per room, which would allow them to remain competitive.

Carmen then introduced Nate Cline, the Township Engineer, who stated he was in attendance to gather information about the project.

Carmen asked the Board members if they had any questions or comments.

David asked about the fence on the east side of the property and Brian advised that this was addressed in the draft motion.

Mike, Janet and Carmen did not have any comments.

Carmen then opened the meeting up to comments from the public.

Scott Relick, 12 Treemont Drive, said he was a 24 year resident, that the ordinance limited expansion to 25% and requested the Board to oppose the application.

Paige Fenimore, 3 Treemont Drive, stated the Institute is currently in violation of the parking requirements. Rick advised the Township had received a letter from Mark Thompson on this issue and it was currently under review. Kristin commented that the law protects both non-conforming uses and other aspects of a non-conforming use. In response to a question from Ms. Fenimore, Kristin advised that there was nothing in the Township Code that would allow the Township to limit the bed count at the Institute.

Richard Mullin, 35 Kings Circle, noted someone knocked on his door and asked to use the phone.

Diane O'Neil, 8 Queen Ann Lane, stated a patient knocked on their door.

Carmen asked Mr. Lumpkin to address these concerns.

Mr. Lumpkin advised that some patients do just walk away (AWOL) and that they cannot legally restrain someone and that contacting the police would be a violation of HIPPA regulations. He questioned the timing of these incidents noting that the policy of securing phones and patient personal belongings in a safe was just implemented in the fall of 2017.

Mark Hamilton, 20 Treemont Drive, stated that the residents should have been able to ask questions of each presenter. He also noted that water would adversely affect

the sound wall, which is not residential looking, and that the entire facility can be seen from Treemont Drive. He also said he was able to walk into the front door and ask the receptionist for a paper and pencil, which she gave to him, without anyone questioning him.

Diane Weltman, 5 Line Road, said she wanted the Institute to have 24 hour security; that she does not want to see a fence at the Malvern Institute property line; and that noise and foul language are an issue.

Tom McElwee, 6 Line Road, stated he has three young children and he does not want an 8 foot fence in his back yard.

Terri Relick, 12 Treemont Drive, noted that the sound wall is lower than the new building, and she showed the Board photos from her property, noting she can see the grounds of the Institute from her property. She also did not believe the houses and building were drawn to scale on the proposed plans.

Lisa O'Neil, 10 Brookmont Drive, provided the Board with copies of a fact sheet that contained various numbers about the project. She expressed a concern that the Institute has already expanded beyond the limits set forth in the Zoning Ordinance and was looking to expand again. She stated that without a deed restriction, the Institute would be able to expand again at some point in the future.

Carmen announced that he wanted to consult with the Township Solicitor about a legal question and said the Board would take a 5 minute recess.

Lorraine Pierce, 4 Line Road, expressed a concern about AWOL patients, and while HIPPA protects a patient's privacy, she was concerned about the safety of her family.

Lauren Webb, 2 Treemont Drive, noted that several years ago a patient knocked her family's door.

At 9:20 pm Janet announced that she had to leave the meeting, Carmen stated that the Board would not take action tonight and the matter would be continued until the Board meeting on February 6, 2018.

### **Public Comment**

None.

### **Adjournment**

There being no further business Mike motioned to adjourn the meeting. David seconded the motion. The motion passed 3-0.

Respectfully submitted,  
*Louis F. Smith, Jr.*  
*Township Manager*