

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
1580 PAOLI PIKE
January 16, 2007 – 7:00pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Joe McDonough and Carmen Battavio. Marty Shane was absent. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission), Phyllis Marron (Park & Rec), Kathryn Yahraes and Linda Gordon (Historical Commission), Jack Yahraes (Municipal Authority), Elaine Blair (Hershey's Mill rep), and Township Solicitor Jeff Sommer.

WORKSHOP

Minutes

The minutes of January 2 were reviewed.

Invoices

The current invoices were reviewed.

Printing Bids

The printing bids were briefly discussed.

Agenda Review

The agenda for the evening was reviewed.

Comcast Fence

The Comcast fence issue was briefly discussed.

Lease Agreement with Chester County for District Justice Court

The Board briefly discussed Jeff Sommer's January 16 memo on the lease agreement. Joe said he would like to have the lease reviewed by someone with knowledge of the real estate business, who could advise if the agreement makes good sense from a business perspective.

Deer Management Committee

The Board reviewed the DMC Charter prepared by Jim McRee and agreed it is too soon to assign a budget for this body. Letters will go out this week to the residents who were suggested as possible members for the DMC. Resident Bill Egan was present and informed the Board that Matt Keating will represent the Mill Creek neighborhood in his place. Per Rick, the Township does not yet have a quote for the aerial deer count.

Liaison Reports

Joe gave a report for the Historical Commission. Kathryn Yahraes will serve as Chairperson for 2007, with Monica Close as Vice-Chairperson.

Don gave a report for the Conservancy Board. Walter Wujcik will service as Chairman this year, with Nathan Gasser as Vice-Chairman. A grant writer is working with the CB to obtain money

for fish habitat and Growing Greener projects. The CB will be planting shrubs and trees to replace brush and shrubbery that was removed along E. Boot Road near the plank house. April 14 is Township Cleanup Day.

Carmen gave a report for the Municipal Authority. He said they are on target in gathering data for the recommendations they will make to the Board regarding the sewer plant.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don McConathy called the meeting to order at 8:00pm and led everyone in the Pledge of Allegiance to the flag.

Approval of Minutes

Don moved to approve the January 2 minutes as written. Joe seconded the motion. There was no discussion or public comment. The motion passed unanimously, with Carmen abstaining.

Chairman's Report

- Don announced the Board met in Executive Session on January 9 to discuss a personnel matter.
- Don announced the Board has authorized the formation of a Deer Management Committee to develop a plan for controlling the deer population in the Township. The first step will be to get an up-to-date count of the deer population. The DMC will be led by Jim McRee of the Planning Commission. It will include members from Township Boards and Commissions and six residents with varying perspectives on the deer problem. The first DMC meeting will be held January 31.

PUBLIC HEARINGS

Cingular Wireless, 1360 West Chester Pike – Conditional Use Application

Jeff Sommer stated that this is a continuation of a hearing that was opened in 2006. The applicant has requested the hearing be continued to March 20, 2007. Joe moved to continue this hearing until March 20, 2007 at 8pm. Thom seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Liberty Property Trust (Cephalon), 905 Airport Road – Conditional Use Application

Jeff Sommer stated that this is a continuation of a hearing opened on December 19, 2006. The applicant has requested a continuation as their witnesses are unavailable. Joe moved to continue this hearing until February 6, 2007 at 8pm. Thom seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Comcast, 1354 Boot Road – Curative Amendment

Jeff Sommer stated the Township would not be opening this hearing tonight at the request of Comcast's counsel. This hearing will be moved to February 20, 2007 at 8pm.

Penn Liberty Bank, 1301 Paoli Pike – Conditional Use Application.

The applicant was represented by Brian Nagle, Esq. Testimony was provided by David Griest, CIO of Penn Liberty, and Tom Ludgate of Ludgate Engineering. Public comment was received from residents Nick Lebresco and Linda Gordon.

Carmen moved to approve the conditional use application of Penn Liberty Bank as submitted and depicted in the plans dated 9/25/06 and last revised 12/19/06 with the following conditions:

1. The bank shall be built in accordance with the zoning relief granted by the Zoning Hearing Board in their decision dated 8/24/06.
2. All signs shall be in conformance with the Zoning Ordinance, excepting those signs for which a variance was granted by the Zoning Hearing Board in January 2007.
3. The signs allowed shall not include any LED signs.
4. All plans and construction shall conform to all local, state and federal regulations and the use shall meet the requirements of §240-21 of the Township Zoning Ordinance.
5. The applicant shall install and maintain signage prohibiting left-hand turns onto Airport Road from 4pm to 6pm Monday through Friday.
6. The use shall be conducted in accordance with the testimony and exhibits presented at the public hearing.

Joe seconded the motion. The applicant agreed with the conditions. The motion passed unanimously.

FORMAL MEETING (Resumed)

Treasurer’s Report

The Treasurer’s report for January 16, 2007:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ -	
Earned Income Tax	\$ 30,170.09	
EMS TAX	\$ -	Accounts Payable \$ 157,255.25
Transfer Tax	\$ -	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 10,833.21	Payroll \$ 0.00
Total Receipts	\$ 41,003.30	Total Expenditures \$ 157,255.25
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 2,702.90
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 123,169.02	\$ 51,430.03
Refuse	\$ 104,848.76	\$ 64,829.46
Capital Projects	\$ 0.00	\$ 0.00

Joe made a motion to accept the Treasurer's Report and the receipts and to approve the expenditures pending the Board's review. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Police Report

Chief John Dumond reported 861 police calls from East Goshen for December 2006, and a combined total of 1,638 calls from East Goshen, Westtown and Thornbury. Throughout the region, thieves are still breaking into automobiles stealing items from inside. The Chief reminded everyone to always lock their vehicle and not to leave valuables inside.

The Chief reported that no deer-related traffic accidents were reported to the police in December.

Joe asked the Chief whom residents should contact if they have concerns about sexual predators in the area, in light of the kidnapping cases in Missouri. The Chief said residents can direct any concerns to him directly.

Carmen mentioned the security concerns at Bellingham to the Chief, and asked him if it's true that management at Bellingham cannot be forced to install peepholes and video surveillance equipment for its residents. The Chief concurred. Chief Dumond said he sent a detective to meet with Mr. Egan, Bellingham's new safety director. Mr. Egan said Bellingham is looking into installing safes in the rooms, and video surveillance equipment.

Don asked the Chief to prepare an article with safety tips for Bellingham residents for the next newsletter, the deadline for which is February 9. The Chief said he would do so. Linda Gordon asked the Chief to stress to the residents that if there are any issues they should call 911 directly.

Public Comment: Bill Egan, Mill Creek Drive – Asked the Chief if he is aware of any reports of trespassing or vandalism at the Comcast building. The Chief said he is not aware of anything offhand but would check for Mr. Egan.

Status of 1419 Center Street

Jeff reported that the property owner did not respond to the court petition within the 20-day window. Jeff will contact the judge's office if the Township does not hear something by January 19. Don explained the Township is working to gain access to the site to clean up the property and make it safe. Carmen asked Rick to send update letters to the two residents with special concerns about this property.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked Jeff Sommer if he might be permitted to be present when and if Jeff makes a presentation before the judge on this matter. Mr. Rahbari said he would like to be present only as an observer and would not seek to make any presentation. Jeff said he will notify Rick Smith if he is asked to make a presentation before the judge, and Rick can inform Mr. Rahbari at that time.

Printing Bids & Rental Equipment with Operators - 2007

Thom moved to award the 2007 bid for Rental Equipment with Operators to S. A. Macanga in the amount of \$67,930.00. There were no other bidders. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Thom moved to award the 2007 bid for Printing to Reinos Center in the amount of \$8,814.42. The other bidders were Color Source at \$8,953.00 and GraphiColor Corp at \$9,875.00. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Donation to Senior Post-Prom Celebration for East High & Henderson High School

Carmen moved to donate \$500 to the joint Senior Post-Prom Celebration for East High & Henderson High. Joe seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked Thom Clapper for his opinion on such a donation. Thom said he is opposed to the Township using taxpayer funds to make charitable donations. Instead, he encourages residents to give to worthy causes like this on a private basis.

Public Comment: Nick Lebresco, 634 Meadow Drive – Had a question about the amounts donated in past years.

There was no further public comment and no discussion among the Board. The Board voted, and the motion carried 3:1 with Thom opposed.

Resignation of Art Polishuk from Planning Commission

Don announced that Art Polishuk has resigned from the Planning Commission after 18 years and will be sorely missed. Don said the Township plans to recognize Art for his service in the near future.

Comcast, 1354 Boot Road – Variance Application for Fence

No one was present for the applicant. Don announced the matter would be tabled until the January 23 workshop, at which time the Board will render a decision. Carmen said he would like Comcast to be told what specific information the Township is seeking, so Comcast can come prepared.

Bill Egan and a number of other Mill Creek residents who are Comcast neighbors were present in the audience. Thom asked resident Bill Egan for his thoughts on what compromise can be reached so that both the residents and Comcast will be satisfied. Mr. Egan said that without Comcast being present, so that he could hear their side, he didn't feel it is his place to offer a compromise. Mr. Egan said he and the other neighbors are totally opposed to the Township granting a variance to Comcast. Jim McCree of the Planning Commission then summarized the recommendations of the Planning Commission.

The residents who were present in opposition to the variance were:

Bill & Maureen Egan, 1422 Mill Creek Drive
Jack Wagner, 1006 Chambord Drive
Nick Laping, 1105 Amalfi Drive
The Delindes, 1106 Amalfi Drive
Susan Mangigian, 1105 Jaclyn Drive
Tom Drew, 1408 Mill Creek Drive
George Fentress, 1418 Mill Creek Drive
Mike Berger, 1421 Mill Creek Drive – Mr. Berger said Comcast is overstating the nuisance of children playing on the berm. He said if Comcast had planted what they were supposed to, they wouldn't have this problem. Don said that Comcast did comply with the approved landscape plan.

Don told the residents he has asked Comcast to attend the Conservancy Board meeting on February 14, and told the residents they were welcome to attend that meeting.

Don said the Board would try to make this item the first agenda item at the next BOS meeting.

Don asked the residents how many of them abut the berm, and of those present only the Egan's property abuts the berm.

Joe stated that Comcast could limit their liability by posting NO TRESPASSING signs.

Public Comment: Abbas Rahbari, 1613 Manley Road – Stated that NO TRESPASSING signs may not be effective.

The Board thanked the residents for coming out to the meeting.

Deer Survey

Don announced that the Township has not yet received a quote from Stockton Infrared Thermographic Services for a deer survey. The Board may take action on this at the January 23 workshop.

Mershon, 311 Jefferson Drive – Variance Application

Because no one was present for the applicant, Don stated that the Board's position from the January 2 meeting will stand.

Lease with Chester County for District Court 15-2-05

Joe moved to authorize the Chairman to sign the lease agreement incorporating the January 16, 2007 comments of the Township solicitor. Carmen seconded the motion. Thom suggested the motion be amended to indicate that the comments of the Township Manager will also be incorporated into the final agreement. Joe and Carmen accepted the amendment.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the lease has been evaluated by an independent party. Don said the draft lease is a standard county lease that was reviewed by the Township solicitor. Mr. Rahbari recommended it be reviewed by an independent party.

Thom informed Mr. Rahbari that the lease was reviewed by the real estate attorneys at Buckley, Brion, McGuire, Morris & Sommer.

There was no further discussion or public comment. The Board voted, and the motion passed unanimously.

Correspondence & Reports of Interest

Don acknowledged receipt of the following:

- December 2006 reports from the Fire Marshal and the Goshen Fire Company.
- 2006 Annual Fire Report.
- Letter dated January 3, 2007 from John E. Good Associates advising withdrawal of the Greenbank Builders application for 12 Reservoir Road.

Meetings & Dates of Importance

Don noted the list of upcoming meetings as listed in the agenda. He noted that the first Deer Management Committee meeting will be held January 31.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Nick Lebresco, 634 Meadow Drive – Expressed gratitude for the work of Mark Miller and his crew on the catch basin on Meadow Drive. Mr. Lebresco said the neighbors are very pleased.

Public Comment: Abbas Rahbari, 1613 Manley Road – Mr. Rahbari asked for clarification on several of the resolutions the Board passed on January 2. He stated the Board has violated the Right-To-Know procedure (Resolution 07-28). Don and Carmen told Mr. Rahbari the Board has followed that procedure to the best of their ability. Mr. Rahbari then stated the Board should consider recording the meetings, like Willistown.

Adjournment

There being no further business, the formal meeting adjourned at 9:30pm.

EXECUTIVE SESSION

The Supervisors met in Executive Session until 9:50pm to discuss a personnel matter.

Respectfully submitted,

Anne Meddings
Recording Secretary