

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
1580 PAOLI PIKE
February 6, 2007 – 7:00pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Joe McDonough, Marty Shane and Carmen Battavio. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission), Phyllis Marron (Park & Rec), Linda Gordon (Historical Commission), Jack Yahraes (Municipal Authority), Jane Fava (Conservancy Board), and Township Solicitor Jeff Sommer.

EXECUTIVE SESSION

The Supervisors met in Executive Session from 7:00pm to 7:15pm to discuss a legal matter.

WORKSHOP

Minutes

The minutes of January 13, 16, and 23 were reviewed and corrected.

Agenda Review

The agenda for the evening was reviewed.

Invoices

The current invoices were reviewed. The disposition of outdated Township computers was briefly discussed, but no action was taken.

Harlan Corp –Zoning Hearing Board Application

The Supervisors concurred that they have no problem supporting the Harlan application. They agreed that a Supervisor should attend the Zoning Hearing Board meeting to represent the Board's position. Joe will plan to attend if his schedule permits.

Generator for Township Building

The Board discussed Rick Smith's January 30, 2007 memo on the topic as well as the January 11, 2007 report by Yerkes. Don questioned whether an expenditure of this amount can be justified. Carmen, Joe and Marty believe it is a necessary expense. Carmen pointed out that in case of emergency, the Fire Company would be the only facility with a generator.

The Supervisors agreed to have the generator re-bid for 1) natural gas 2) diesel and 3) bi-fuel.

Thom would like the Township to use electronic bidding. Marty agreed and said that should be a standard operating procedure.

Public Comment: Linda Gordon, Line Road – Is opposed to the Township spending money on an emergency generator that may never be used.

Public Comment: Jim McRee, Oneida Lane – Suggested the Township investigate the possibility of using solar panels as an emergency power source.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don McConathy called the meeting to order at 8:03pm and led everyone in the Pledge of Allegiance to the flag.

Approval of Minutes

Carmen moved to approve the minutes of January 13, 16 and 23 as corrected in the workshop. Joe seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Requested the word “fungus” be changed to “fungi” on page 4 of the draft January 23 minutes.

There was no further comment and no discussion. The motion passed unanimously, with Marty abstaining from voting on the minutes of January 16 and 23.

Chairman’s Report

Don announced the following:

- The Board met in Executive Session on January 16 to discuss a personnel matter, and earlier this evening to discuss a legal matter.
- The Supervisors will not meet on February 13.
- Comcast has postponed their meeting with the Conservancy Board and thus will not be at the February 14 Conservancy Board meeting.
- The issue of the maintenance bond for The Reserve at Spring Meadow will be tabled until February 20.

Public Comment: Tom Bayley, Ruth Circle – Asked if any escrow funds will be released. Rick told him yes.

PUBLIC HEARINGS

Ordinance to Prohibit Left-Hand Turns for Vehicles Exiting Margo Lane

The Board voted unanimously to adopt an ordinance prohibiting left-hand turns for vehicles exiting Margo Lane. (Motion: Battavio/McDonough). A court reporter was present and will provide a complete transcript of the proceedings.

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

This was another continuation of a hearing opened on December 19, 2006.

The applicant was represented by Susan Line Boswell, Esq. Witnesses for the applicant included Mark Clark (property manager for Liberty Property Trust), Carl Holden (architect for Arcus Design Group), Troy Gaugler (project engineer for Cephalon), and Dan McGroary (Bala Consulting Engineers).

The Supervisors voted unanimously (motion: Clapper/McDonough) to approve the conditional use application of Liberty Property Trust to further amend the conditional use approval of April 4, 1990, last amended October 7, 2003 for their property at 905 Airport Road, TPN 53-3-1.2 with the following conditions:

1. All items in the Township Engineer's letter of November 30, 2006 shall be addressed to the satisfaction of the Township Engineer prior to the issuance of the building permit.
2. The use shall substantially conform to the plans and testimony presented.
3. The use shall conform to all applicable local, state and federal regulations.
4. Lighting on the generator enclosures shall be no higher than 14 feet from the ground.
5. Fences of a similar color to the building façade shall screen the emergency generator structures.
6. The applicant shall provide a minimum of 298 parking spaces for all of the uses in the building.
7. Generator testing and exercising shall only occur Monday through Friday between the hours of 1:00pm and 4:00pm.
8. Refuse collection areas shall be relocated, enclosed, and approved by the Township Zoning Officer prior to the issuance of the building permit.
9. Loading and unloading of vehicles shall not occur prior to 7:00am nor after 10:00pm.
10. The Township accepts the applicant's offer to install plantings to the rear of the building in order to bring the plantings into conformance with the plan prepared by Edward B. Walsh Associates dated November 7, 1989 last revised November 30, 1989 titled "Landscape Plan: The Commons at Goshen" which was entered as exhibit A-2 at the April 4, 1990 Conditional Use hearing for this property.

The applicant agreed to accept the conditions.

A court reporter was present and will provide a complete transcript of the proceedings.

FORMAL MEETING (Resumed)

Treasurer's Report

The Treasurer's report for February 6, 2007:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 1,286.84	
Earned Income Tax	\$ 47,485.58	
EMS TAX	\$ 2,000.00	Accounts Payable \$ 355,586.80
Transfer Tax	\$ -	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 20,350.57	Payroll \$ 80,000.00
Total Receipts	\$ 71,122.99	Total Expenditures \$ 435,586.80
Zoning Hearing Fund	\$ 350.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 9,263.23
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 510,423.43	\$ 257,420.97
Refuse	\$ 300,302.85	\$ 16,752.83
Capital Projects	\$ 0.00	\$ 0.00

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

Status of 1419 Center Street

Jeff reported that the Sheriff has been unable to contact the property owner, but will continue to try. The property has been posted as Condemned. The Township plans to take a backhoe and dumpster to the property tomorrow to start cleanup.

Public Comment: John Mummert, 1417 Center Street – Suggested the Township remove the one remaining wall of the garage, as it will be a safety hazard after the trash holding it up is taken away. Rick said the Township will remove the trash, cut the grass if possible and clean up the tree. Mr. Mummert also asked if the camper/trailer can be removed. Don explained that the Township has no authority to do that.

Public Comment: Richard Lauria, 705 Chelsea Drive – Asked for clarification if the remaining wall of the garage will be removed. Rick said the Township will take it down.

Rossmore – Withdrawal from Homeowners' Escrow Account

Carmen moved that the Board approve the request of the Rossmore Homeowners' Association to withdraw \$1,236.06 from their escrow account per their letter of January 29, 2007. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Harlan Corp –Zoning Hearing Board Application

No one was present for the applicant.

Marty moved that the Board support the applicant's position that the two detached garages on their property are existing nonconforming uses under §240-40(C)(1) of the East Goshen Township Zoning Ordinance, or in the alternative, are nonconforming structures under §240-40(B)(1). Marty said he supports keeping the garages as they are in character with the area, and he recommended that Joe McDonough attend the February 13, 2007 Zoning Hearing Board meeting to represent the position of the Board. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Goshen Friends Escrow Release #6

Carmen moved that the Board approve the release of \$37,326.99 of the requested \$51,566.00 per the January 30, 2007 recommendation of Public Works Director Mark Miller. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Rose Hill Escrow Releases

Thom moved that the Board approve Escrow Release #8 for Phase 1 in the amount of \$16,351.97 and Escrow Release #3 for Phase 2 in the amount of \$10,635.18 per the February 2, 2007 recommendation of Public Works Director Mark Miller. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Clocktower Speed Humps

Mr. Richard Lauria distributed a handout to the Board and expressed his concerns about the process used for deciding whether to install speed humps in Clocktower. He also questioned the quality and thoroughness of the engineering study.

Joe asked Mr. Lauria where he got the impression that the Township was definitely going to install the speed humps. Mr. Lauria said that when he left the LTAC meeting on January 10, he thought the issue was dead; however, he subsequently learned that Rick Smith advised Mrs. Horton (the original petitioner for the humps) to let him know if conditions in the neighborhood do not improve and if not, things would move forward. Rick said Mr. Lauria may also have gotten the wrong impression because Mrs. Horton had asked the LTAC to proceed with a survey of the residents, after the January 10 meeting.

Carmen told Mr. Lauria that regardless of what Mrs. Horton reports back to Rick, the Board still has to decide whether to approve the decision and authorize the expense.

Mr. Lauria said he and some of the other residents are concerned at the "glaring gap" in the decision-making process versus what they understood when they left the January 10 meeting.

Don agreed with Mr. Lauria that the engineering report shows no need for the issue to remain open. He said the information in the engineering study appears flawed, so that if some of the residents are still interested in getting speed humps, they will need to start the process over again from ground zero. Don said he apologized if the Township did not handle things as well as it should have in this matter.

Joe assured Mr. Lauria that if the Township does move forward with the issue, all the information he provided tonight would be reviewed and taken into consideration.

Don reiterated that the matter would be considered dead, and if Clocktower residents want to revive it, they will have to start over from the beginning with a new petition.

200KW Generator for Ashbridge Pump Station

Don announced that this matter was placed on the agenda in error, and that it has already been addressed by the Municipal Authority.

G&D Developers (Dulgarian) – Extension for Posting Financial Security for Final Land Development Plan

Susan Line Boswell, Esq. was present for the applicant.

Don moved that the Board grant Mr. Dulgarian a six-month extension for posting financial security in connection with the Final Land Development Plan, with the condition that the engineering recharges and the District Court filing fees are paid in addition to posting the required escrow prior to the Board signing the final plans. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Correspondence & Reports of Interest

Don acknowledged receipt of a letter from Verizon dated January 8, 2007 advising it is adding channels to FiOS TV and realigning several existing channels.

Meetings & Dates of Importance

Don noted the list of upcoming meetings as listed in the agenda.

Tax Bills

Joe advised the audience that the Township tax bills have all been mailed, and once again there is no increase in real estate taxes for 2007.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Abbas Rahbari, 1613 Manley Road – Mr. Rahbari resubmitted an anonymous letter the Board previously received, signed with his own name. The letter concerns a flag flying at the Tory Inne. Mr. Rahbari said he believes it qualifies as a “sign” under Township ordinance §240-29. He noted there is another such sign in front of Goshen Meadows apartments, and asked that the Township enforce its own ordinance. Mr. Rahbari then reiterated his remarks that Mark Gordon is not qualified to render an opinion regarding mold or fungi in the Township building, and suggested a sample be taken by a qualified person.

Adjournment

There being no further business, the formal meeting adjourned at 10:30pm.

WORKSHOP (Resumed)

The Board reviewed the packet of materials to be sent to residents of Brookmont and Charter Chase regarding sewer connections. Marty would like the draft letter to be simplified and the

contents of the packet to be reduced. Marty said the residents are only going to want to know 1) what will it cost them and 2) what must they do to get connected if that is their wish. He thinks the only additional materials that should be sent include Don's notes from the informational meetings, the Q&A, and the map. The Alternatives Analysis and the Charter Chase 30-Year Costs should not be included. Carmen would like all of the material to be sent to the residents, if only to show them the hard work the Township put into the issue. Thom would like the packet to include an explanation of why the Township chose low-gravity systems. Carmen said the letter must mention the alternatives and what each will cost. He suggested Rick cite the numbers obtained from the Health Department.

Adjournment

There being no further business, the workshop adjourned at 11:00pm.

Respectfully submitted,

Anne Meddings
Recording Secretary