

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

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

**WORKSHOP**

**Review of Minutes**

The minutes of February 6 and February 20 were reviewed and corrected.

**Bills**

Current invoices were reviewed.

**Zoning Ordinance Amendments**

The Supervisors reviewed Mark Gordon's February 20 memo recommending several Zoning Ordinance amendments. After some discussion, the Board agreed to postpone further discussion until after receiving a recommendation from the Planning Commission.

**West Chester Area Senior Center**

The Supervisors discussed a request from the WCASC for a \$5,000 donation. Thom believes it is a worthy cause, but is opposed to spending taxpayer dollars for charitable donations. Marty said the Township needs to write a clear-cut policy on charitable donations. The consensus of the Supervisors was that taxpayer money should not be spent for this cause. Carmen suggested the Township newsletter could feature an article about the WCASC, to help raise awareness about the organization and its financial needs.

**Deer Management Committee**

Jim McRee gave a brief report on the county deer forum he and other members of the DMC attended in February.

**FORMAL MEETING**

**Call to Order & Pledge of Allegiance**

Don McConathy called the meeting to order at 8:08pm and led everyone in the Pledge of Allegiance to the flag.

**Recording of Meeting**

Don asked if anyone would be recording the meeting. Resident Abbas Rahbari said he would be making a video and audio recording of the meeting.

### Approval of Minutes

Marty moved to approve the minutes of February 6 and February 20 as corrected in workshop. Thom seconded the motion.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Asked for a copy of the corrected February 6 minutes. Don told him that a copy would be made available to him after the Recording Secretary submitted the final version to the Township.

There was no discussion and no further public comment. The motion passed unanimously, with Carmen and Joe abstaining from voting on the February 20 minutes.

### Chairman's Report

Don announced the Board met in Executive Session on February 27 to interview for an ABC position, and that Albert Zuccarello has been appointed to the Planning Commission to fill Art Polishuk's unexpired term.

### Treasurer's Report

The Treasurer's report for March 6, 2007:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 317,848.75	
Earned Income Tax	\$ 329,856.23	
EMS TAX	\$ 9,000.00	Accounts Payable \$ 341,512.50
Transfer Tax	\$ 0.00	Debt Service \$ 33,395.67
Codes, Park & Rec, Etc.	\$ 90,789.87	Payroll \$ 120,000.00
<b>Total Receipts</b>	<b>\$ 747,494.85</b>	<b>Total Expenditures \$ 494,908.17</b>
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 5,459.39
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 45,920.56	\$ 31,410.22
Refuse	\$ 27,960.32	\$ 5,248.99
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.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Wanted to know how much the Township paid in legal fees for January. Don said it was \$9,931.45. Mr. Rahbari said that seemed high. Marty disagreed and said the Township's legal fees have been trending downward. Mr. Rahbari then asked to get copies of the Township's itemized legal invoices. Marty told him that material is not available to the public as the invoices may contain confidential information. Rick suggested Mr. Rahbari submit a request in writing which would be reviewed the Township solicitor.

There was no discussion and no further public comment. The motion passed unanimously.

### **Escrow Release #2 for Cornerstone-Gateway Apartments, Manley Road**

Carmen moved that the Board approve Escrow Release #2 for Cornerstone-Gateway Apartments in the amount of \$377,150.00 per the February 21, 2007 recommendation of Public Works Director Mark Miller. Joe seconded the motion. Carmen noted the developer actually asked for a larger release, but that amount was not noted in Mark's memo.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Wanted to know what the release would be used for. Don said it was to be used for earthwork, pavement, curb and sidewalk, storm sewer, some erosion control and landscaping. Mr. Rahbari complained about the excess water problem at the site and asked if the Township Engineer is aware of the situation. Rick told him they are aware of it and explained to Mr. Rahbari why the problem occurred.

There was no further public comment. The Supervisors voted unanimously to pass the motion.

### **Correspondence & Reports of Interest**

None.

### **Meetings & Dates of Importance**

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

### **Public Hour – Hearing of Residents – Receipt of Petitions**

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Complained that a letter he received from the Township Manager was not mailed in a timely manner. Don instructed Mr. Rahbari to put his complaint in writing and the Township would respond accordingly. Mr. Rahbari then had a question about compensation paid to consultant Bob Wise.

### **Adjournment**

There being no further business, the formal meeting adjourned at 8:32pm.

### **WORKSHOP (Resumed)**

#### **Townships Signs**

Rick informed the Supervisors that the Township perimeter signs would be replaced by signs of a different color, so they stand out more.

#### **YMCA Tree Issue**

The Board discussed Rick Smith's March 6, 2007 memo on the trees mistakenly cut down on the YMCA property. Joe said the YMCA should be penalized and made accountable. Carmen agreed. Marty said the Township should not pick and choose which developers face consequences for such issues – everyone should receive equal treatment. Joe said the YMCA should have to plant the largest possible replacement trees. Marty agreed and said that would be a more practical solution than merely citing the YMCA. Carmen also agreed but said provision must be made for maintenance of the replacement trees, to ensure they don't die. Jane Fava of the Conservancy Board suggested the Township consult with an arborist before deciding what should be planted, to help ensure the survival of the replacement trees. She added that lack of oversight of subcontractors charged with tree removal is an ongoing problem that should be addressed by the

Township. Joe said the recommendation in the March 6 memo does not solve the problem, but just covers over the developer's error.

Marty said the Township should develop a policy to address the size of replacement trees the Township requires in these matters. He said the YMCA should not be singled out for punishment, but all developers should be treated equally. He pointed out the ordinance might not back the Township's demand for large replacement trees; however, the Supervisors all agreed it would not hurt to ask for them.

*Public Comment: Harold Jones* – said it might actually be best to use smaller replacement trees, as they would have a better chance of survival.

Marty said the Township should get an expert recommendation on how best to handle the matter – what size trees to plant, where to plant them, etc.

Thom said he would like to have the YMCA cited and made to remedy the situation by planting replacement trees. Carmen agreed. Don, Marty, and Joe said they do not think it necessary to have them cited. Marty said the YMCA should revise their landscaping plan to show the additional trees they cut down.

Joe said he wants the YMCA to propose a remedy for the situation, one that will be up to the Supervisors to approve it or not. Carmen and Don agreed. Marty said that would be fine with him. Rick will draft a letter to the YMCA.

*Public Comment: George Griffin, 1455 Glenbrook Lane* – Asked what species was cut down in error. Rick said it that was unknown.

Kathryn Yahraes of the Historical Commission asked what the Township can do to ensure this does not happen again. Don said the ordinance may need to be revised.

Jane Fava of the Conservancy Board said she is concerned the YMCA will try to “clean up” the riparian under story. Rick said there is not much of an under story on the site. Jane said in that case the Township may wish to instruct the YMCA to build up the under story, as the site is at high risk for invasive species taking over. Don suggested the matter be put on the agenda for the Conservancy Board meeting on March 14, which he will attend.

*Public Comment: Bill Egan, 1422 Mill Creek Drive* – Asked if the Township had someone on site that witnessed the trees being cut. Rick said the Township did not have someone onsite full time. Carmen asked Rick if the engineer informed him of the mistake. Rick said no. Carmen said the engineer should be sent a letter.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Said it is very likely the additional trees were cut intentionally, and that East Goshen needs to tighten up the ordinance.

### **Subdivision, Land Development, and ZHB Applications**

Rick said the ZHB heard the Mershon application and will be making a decision soon.

**Adjournment**

There being no further business, the workshop adjourned at 9:20pm.

Respectfully submitted,

Anne Meddings  
Recording Secretary