

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
July 17, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio, Marty Shane and Joe McDonough. Also present were Township Manager Rick Smith, Linda Gordon (Historical Commission), Jim McRee (Planning Commission & DMC), Jane Fava (Conservancy Board), Elaine Blair (Hershey's Mill Rep), and Township Solicitor Jeff Sommer.

EXECUTIVE SESSION

The Supervisors met in Executive Session until 6:55pm to discuss a pending legal matter.

WORKSHOP

Review of Minutes

The minutes of June 21 and July 3 were reviewed and corrected.

Refuse Bids

The first set of refuse bids was reviewed.

Bills

Current invoices were reviewed.

Agenda Review

The agenda for the formal meeting was reviewed.

G&D Developers (Perakis), Paoli Pike & N. Chester Road

Susan Line Boswell, Esq. was present for G&D Developers. She requested the Board table the request from G&D to extend the conditional use approval for the development at the Perakis property until the August 7 meeting.

Francis, 1354 Paoli Pike - Variance Application

The Supervisors reviewed this application with Jeff Sommer.

Ruberti, 1360 Paoli Pike - Variance Application

The Supervisors reviewed this application with Jeff Sommer.

Deer Management Committee

Don announced that the DMC will not meet in August, so they will not be able to provide the Board with draft survey questions for some time. Don suggested the Board discuss this matter on July 24. Marty said if the Township does not plan to go forward with a hunting program, he sees no need to conduct a survey. Joe said that the Township can't have a successful hunting program unless the large private property owners in the Township also participate.

FORMAL MEETING

Call to Order & Pledge of Allegiance

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

Recording of Meeting

Don asked if any residents would be recording the meeting. Mr. Abbas Rahbari said he was recording the meeting and reserves the right to “transmit” the proceedings.

Approval of Minutes

Joe moved to approve the minutes of June 21 and July 3 as corrected in the Workshop. Carmen seconded the motion. There was no public comment and no discussion. The motion passed unanimously.

Chairman’s Report

Don announced that the Board met in Executive Session on July 10 to discuss legal and personnel matters, and again this evening to discuss a legal matter.

Keystone Foods, 905 Airport Road – Conditional Use Application

Paul Fitzmaurice, Esq. was present for the applicant.

Carmen moved that the Board approve the conditional use application of Keystone Foods to operate a research and development facility at 905 Airport Road pursuant to §240-19.C(1) and §240-19.C(11) of the Township Code, with the following conditions:

1. All rooftop structures as defined in §240-6.B of the Township Code shall be screened in accordance with §240-19.F(2) of the Township Code.
2. The applicant shall comply with all applicable Township, County, State and Federal regulations, including but not limited to the Township and State regulations on odor.
3. The use shall be conducted in accordance with the plans, exhibits and testimony presented at the public hearing on this matter. This includes reducing the number of parking spaces from the 298 required by the October 7, 2003 and February 6, 2007 conditional use decisions to 282 spaces as depicted on Exhibits 8 and 9.
4. The applicable conditions, as determined by the Township, of the April 4, 1990, October 7, 2003 and February 6, 2007 conditional use decisions for this property shall remain in effect.

Joe seconded the motion. There was no discussion and no public comment. The applicant indicated agreement with the conditions. The Board voted and the motion passed unanimously.

Refuse Bids

Don announced that the initial refuse bids have been received as follows:

J. P. Mascaro	Option 1	Option 2	Option 3
SE	\$692,134.59	\$759,061.71	\$759,061.71
SW	\$853,440.63	\$908,278.47	\$908,278.47
NE	\$663,329.94	\$732,415.86	\$732,415.86
NW	\$570,332.07	\$646,387.83	\$646,387.83
Allied Waste	Option 1	Option 2	Option 3
SE	\$658,755.30	\$736,156.74	\$735,555.30
SW	\$931,982.10	\$993,672.18	\$1,008,782.10
NE	\$631,339.80	\$711,546.84	\$708,139.80
NW	\$542,826.90	\$632,092.02	\$619,626.90

Don said the Township has requested additional bids with 3 options but only 1 zone, and in doing so hopes to gain at least one more bidder. Carmen said this will allow the hauler to go to the landfill of their choice, which may save money. Joe said the Township initially bid the project with 4 zones in the hope that it would yield more bids from smaller haulers. Rick added that Township staff called every hauler in the Yellow Pages to try and solicit more bids.

Public Comment: John Schorn, 1401 Larch Lane – Asked if the bids include the landfill cost. Rick said that they do not.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the Township could join SECCRA or the Honey Brook landfill. Rick said that membership in SECCRA is limited to those municipalities in southern Chester County and that the Township currently takes its refuse to the Lanchester Landfill that is located in Honey Brook.

Public Comment: Nick LeBresco, 634 Meadow Drive – Asked how the bids compare to the existing contract. Don said they are very close.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if the Township computer system is capable of handling the billing requirements for a variety of trash plans for residents. Rick said yes.

Treasurer's Report

The Treasurer's Report for July 17, 2007:

	EXPENDITURES	
GENERAL FUND		
Real Estate Tax		
Earned Income Tax		
EMS TAX	Accounts Payable	\$
Transfer Tax	Debt Service	\$
Codes, Park & Rec, Etc.	Payroll	\$
Total Receipts	Total Expenditures	\$ 78,125.25
Zoning Hearing Fund		\$
State Fund		\$
Capital Reserve		\$ 27,428.56
Transportation Fund		\$
Sewer Operating		\$ 25,807.70
Refuse		\$ 65,748.48
Capital Projects		\$

Marty moved to accept the Treasurer's Report and to approve the expenditures pending the Board's review. He noted there were no receipts in this report. Joe seconded the motion. There was no discussion. Don asked for public comment.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said the Board should provide an expanded copy of the Treasurer's Report to the public if they going to ask for public comment. Not providing this information is a violation of the Sunshine Law. Rick said the Township employee who usually prepares the Treasurer's Report has been out with a long-term illness, and the financial department is short-staffed, so copies of the summary have not been provided to the public as in the past. Don said he would start posting a copy on the conference room door, with the agenda, before the meetings.

Public Comment: Art Polishuk, Grand Oak Lane – Asked why the Treasurer's Report isn't being read out loud by category anymore. Rick read aloud the information that he had.

Public Comment: John Schorn, 1401 Larch Lane – Suggested the Treasurer's Report be posted to the website. Don said he wasn't sure that was a good idea, and said if any member of the public wants to come in and review the expanded Treasurer's report they are welcome to do so. Marty noted that the Treasurer's Report is always included in the meeting minutes.

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

Police Report

Sgt. Rick Gorman reported there were 825 calls for service from East Goshen in June, including 1 deer-related traffic incident.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked Sgt. Gorman how many officers are currently out on Workman’s Comp. Sgt. Gorman did not know the number, but Carmen told Mr. Rahbari there are 7 officers out.

Deed of Dedication for Additional ROW at N. Chester Road & Margo Lane

Carmen moved to authorize the Chairman to execute the temporary construction easement agreement between East Goshen Township and William and Jeannie Zimmerman of 1600 Margo Lane to address a roadway site distance issue, and for the Board to approve Resolution 07-36 accepting the Deed of Dedication for the additional right of way at N. Chester Road and Margo Lane. Joe seconded the motion.

Public Comment: Art Polishuk, Grand Oak Lane – Asked the cost of the land for the additional right of way. Don said it cost \$10,200.

Public Comment: Abbas Rahbari, 1613 Manley Road – Complimented the Public Works Department for their work at the site.

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

Comcast – Landscaping on Berm

Thom moved to direct Comcast to bring the landscaping on the berm into conformance with the approved plan dated 7/15/99 last revised 10/19/04, and, pursuant to condition 4 of the 1991 conditional use decision, Comcast shall install \$7,440 of additional landscaping. The plant costs used for the additional landscaping shall be as listed on the original escrow breakdown. The type and location of the additional landscaping shall be mutually agreed upon between Comcast and the Conservancy Board, with input from the abutting property owners. The additional landscaping shall be installed by October 30, 2007. The Township Manager shall send a letter to the Conservancy Board asking them to meet with the abutting property owners at their earliest convenience. Carmen seconded the motion.

Public Comment: Art Polishuk, Grand Oak Lane – Asked why the motion is limited to the berm. He said the landscaping around the generators on Wilson Drive should also be considered. Rick said the other landscaping on the property is in conformance with the 2004 plan. Art asked who has looked at it lately, and Rick said Yerkes did. Rick reiterated that the landscaping near the generators is in conformance with the 2004 plan. Art pointed out that the Planning Commission and Conservancy Board were not given an opportunity to review the 2004 plan. Joe said he agreed with Art that the generators are an eyesore.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Stated the 2004 plan did not go before the Planning Commission and the Conservancy Board because the Supervisors allowed Comcast to “drive the bus” on this issue. Joe responded that the Supervisors had an approved plan before them, and were advised by counsel that the Comcast building could be built as-is without going through the land development process. Mr. Egan said this issue should have been brought before the public. The Supervisors should have seen a red flag, and taken the conservative approach.

Art Polishuk agreed that the issue of the generators should have been brought before the Planning Commission and Conservancy Board.

Public Comment: Nick LeBresco, 634 Meadow Drive – Asked what remedy the Township has to address situations like this. Don said there is no remedy since the plans were approved. The only exception would be if there was a threat to the health, safety and welfare of Township residents.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said the Township has two sets of rules. Some applicants get a “pass” and sail through the process, and some are “put through the wringer.”

Public Comment: John Schorn, 1401 Larch Lane – Asked if Yerkes would be liable if the final result doesn't match the plans. Don and Rick said they could not comment.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Repeated his comment that this applications should have gone through a public review process.

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

G&D Developers (Perakis), Paoli Pike & N. Chester Road

Don announced that this matter has been tabled at the request of the applicant until August 7.

Consider Adoption of Resolution 07-38 Authorizing Electronic Bidding

Marty moved to adopt Resolution 07-38 as revised in Workshop, authorizing the Township to utilize electronic bidding. Joe seconded the motion.

Public Comment: Art Polishuk, Grand Oak Lane – Asked if there is any state law on this issue, and if so should it be referenced in the resolution. Rick said there is no need to reference a law for this resolution.

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

Francis, 1354 Paoli Pike - Variance Application

Mark Thompson, Esq. was present for the applicant. He stated that Mr. Francis owns two separate parcels of land totaling 6 acres, and he is requesting that the Supervisors support his request for a variance to build a horse barn.

Thom moved to support the zoning variance request of Joseph and Kathleen Francis for dimensional relief to enlarge their horse barn as depicted in the application, with the following conditions:

1. The number of horses on the property shall be limited to a total of 5 at any one time.
2. The applicant amends the zoning variance request application to include §240-32.L(2) and (3).
3. The property owner shall have all horse manure removed from the property monthly, at a minimum.

Joe seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Commended Mr. Francis for keeping horses in the Township.

Public Comment: Abbas Rahbari, 1613 Manley Road – Echoed Mr. Schorn’s comments.

The applicant indicated the conditions were acceptable. There was no discussion and no further public comment. The Board voted and the motion passed unanimously.

Ruberti, 1360 Paoli Pike - Variance Application

Mr. and Mrs. Ruberti were present.

Thom moved to support the zoning variance request of Richard Ruberti for dimensional relief to construct a deck in the rear yard area no closer than 28 ft. to the rear property line at the closest point and that the deck be constructed as depicted in the application. Joe seconded the motion.

Public Comment: Joseph Francis, 1354 Paoli Pike – Stated that he is the nearest property owner to the Rubertis and he supports their request.

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

Oxford Properties – Historic Resource Addition

Don announced that the Board has advised Oxford they must submit a revised land development plan, one that conforms to the zoning. Once that has been approved, they may apply for a building permit to construct an addition to the historic house.

Correspondence & Reports of Interest

Don acknowledged receipt of the Fire Marshal’s report and the Goshen Fire Company report, both for June 2007. He also acknowledged correspondence from Mark Miller, Director of Public Works, thanking Oxford Properties for their cooperation and assistance during the rehabilitation of the Ashbridge Pump Station.

Meetings & Dates of Importance

Don noted the list of upcoming meetings as published in the agenda. He said the August 20 Deer Management Committee meeting has been cancelled.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the Township plans to do anything to compensate for the increase in impervious coverage resulting from construction of the new park restrooms and the upcoming construction of the pavilion. Rick said a trench was installed to handle the water. Mr. Rahbari then stated that the pumping station driveway on Manley Road was recently paved, and has the Township compensated for the increase in impervious coverage. Rick stated that the driveway was recently repaved, but as it was paved before, the impervious coverage was not increased.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Stated that the agenda for tonight’s meeting was not posted to the website. Rick explained that the Township employee responsible for posting agendas has a computer system incompatible with what is needed for the website. Mr. Egan then asked if anyone knew why there is a new construction trailer located in the parking lot at Comcast. Rick said he was not aware of anything.

Public Comment: Art Polishuk, Grand Oak Lane – Said he was upset he could not get the agenda from the Township website. Said someone needs to take an active approach to fixing the website, and the consultant being used should be fired. Don said it is not a consultant issue but an internal computer issue. Mr. Polishuk then stated there is a berm of dirt under the dripline of two trees on the YMCA property and he wants it addressed because it is not in conformance. Rick had Mr. Polishuk describe where this berm is, and said he would look into it. Mr. Polishuk then asked why the Township was paying Mr. Sommer to be present throughout the entire meeting. Don said Mr. Sommer is often asked to stay when the Board believes an issue may arise requiring his expertise.

Public Comment: Abbas Rahbari, 1613 Manley Road – Complained about the Township website.

Adjournment

There being no further business, the formal meeting adjourned at 9:10pm.

WORKSHOP (Resumed)

Vacation Schedules

Don asked the Board to send their vacation schedules to Rick.

Police Labor Agreement

Joe stated that a special meeting should be scheduled to discuss the police labor agreement. The Board agreed to hold an Executive Session on this topic on August 14.

Deer Management Committee

Marty stated that because the Township is not planning to have a hunt anytime soon, he does not see the need to survey the residents. He said he does support implementing some of the recommendations in the DMC report, however, such as a tick management program.

Thom stated that East Goshen is not working in a vacuum – Willistown Conservancy and East Bradford are having a deer hunt this year, West Goshen will have a hunt on the Jerrehian tract, and some of the large property owners will have hunts. Any deer we can eliminate would be a positive step. He said he supports bringing in a hunt club. He asked why the Board prefers to sit around for months discussing reasons not to have a hunt, instead of moving forward. Marty said the Board has not received complaints from residents about the deer problem. Don said he is not convinced a survey is going to do any good. Joe agreed.

Jane Fava of the Conservancy Board said the longer the Board puts off taking action about the deer situation, the worse it will get. Someone has to start the ball rolling. Carmen said if private landowners and neighborhoods (like Grand Oak) with open space wish to have a hunt, he supports that. Marty suggested sending a letter to East Goshen landowners with more than 5 acres to solicit their interest in a hunting program. Rick will develop a list of names and see if Jim McRee has a letter already drafted.

Adjournment

There being no further business, the formal meeting adjourned at 9:55pm.

Respectfully submitted,
Anne Meddings
Recording Secretary