

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
August 7, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio, Marty Shane and Joe McDonough. Also present were Public Works Director Mark Miller, Zoning Officer Mark Gordon, Linda Gordon (Historical Commission), Jim McRee and Al Zuccarello (Planning Commission & DMC), and Jane Fava (Conservancy Board).

WORKSHOP

Review of Minutes

The minutes of July 17 and 24 were reviewed and corrected. The Board decided to hold the July 17 minutes until Rick Smith returned from vacation and could answer a question about them.

Agenda Review

The agenda for the formal meeting was reviewed.

Cephalon (Liberty Property Trust), 905 Airport Road

Joe said the issue appears to be a clear zoning issue, and the Supervisors do not need to take action. Carl Holden from the Arcus Design Group was present and said the diesel exhausts will protrude 30” above the roof.

Losasso Subdivision, 938 Cornwallis Drive

Paul and Agnes Losasso were present, along with their realtor Cheryl Jacobs, and potential buyer Mr. Huntsburger. After some discussion it came to light that the Losasso’s and Mr. Huntsburger’s plans for the property now differ from what was represented to Township staff and presented to the Planning Commission. Therefore, the Financial Security and Demolition Agreement drafted by the Township Solicitor will have to be revised. It also came to light that part of the existing house was built in 1863, although the Losassos opted not to have it listed on the Historic Register. Don requested that Mark Gordon set up a meeting with Jeff Sommer, the Losassos, Mr. Huntsburger and Ms. Jacobs to clarify the intent for the property and to discuss the implications of the historical nature of the existing house.

FORMAL MEETING

Call to Order & Pledge of Allegiance

The Chairman called the meeting to order at 8:01pm and led everyone in the Pledge of Allegiance to the flag.

Approval of Minutes

Don announced that the July 17 minutes will be held and approved at the next formal meeting. Joe moved to approve the minutes of July 24 as corrected in the Workshop. Carmen seconded the motion. There was no public comment and no discussion. The motion passed unanimously.

PUBLIC HEARING

Comcast, 1354 Boot Road, Curative Amendment

This was a continuation from a hearing opened on June 5, 2007. Don announced that Comcast has withdrawn its application for a curative amendment, and he closed the hearing. A court reporter was present and will provide a complete transcript of the proceedings.

Chairman's Report

Don announced that the Board met in Executive Session on July 26 to discuss a personnel matter.

Refuse Bids

Don announced that the second set of refuse bids have been received as follows:

McCusker & Ogborne (Republic Services, Inc.)

Township pays tipping fees with this option

Option 1:	Total 3-year cost =	\$2,564,405.00
Option 2:	Total 3-year cost =	No bid
Option 3:	Total 3-year cost =	No bid

Hauler pays tipping fees with this option

Option 1A:	Total 3-year cost =	No bid
Option 2A:	Total 3-year cost =	No bid
Option 3A:	Total 3-year cost =	No bid

BFI Waste Services (Allied Waste)

Township pays tipping fees with this option

Option 1:	Total 3-year cost =	\$2,750,315.46
Option 2:	Total 3-year cost =	\$3,088,089.24
Option 3:	Total 3-year cost =	\$3,086,405.16

Hauler pays tipping fees with this option

Option 1A:	Total 3-year cost =	\$3,801,913.26
Option 2A:	Total 3-year cost =	No bid
Option 3A:	Total 3-year cost =	No bid

J.P. Mascaro & Sons (Solid Waste Services, Inc.)

Township pays tipping fees with this option

Option 1:	Total 3-year cost =	\$2,876,697.45
Option 2:	Total 3-year cost =	\$3,136,309.77
Option 3:	Total 3-year cost =	\$3,136,309.77

Hauler pays tipping fees with this option

Option 1A:	Total 3-year cost =	\$3,889,797.45
Option 2A:	Total 3-year cost =	\$4,260,047.37
Option 3A:	Total 3-year cost =	\$4,260,047.37

Carmen explained to the audience that the Township staff needs to let the Board know the tipping fees the Township is currently paying so those costs can be added in where appropriate.

Connect Cty

Don announced that a Connect Cty representative will make a presentation at the September 18 Supervisors meeting.

Certificate of Merit from Chester County Historic Preservation Network

Don announced that the Historical Commission has received a Certificate of Merit from the Chester County Historic Preservation Network for identifying and submitting Historic Resources to the Chester County GIS for the creation of the East Goshen Township Municipal Historic Resource Atlas.

Treasurer's Report

The Treasurer's Report for August 7, 2007:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 38,730.59	
Earned Income Tax	\$ 161,371.96	
EMS TAX	\$ 12,390.24	Accounts Payable \$ 297,940.63
Transfer Tax	\$ 73,658.64	Debt Service \$ 29,664.01
Codes, Park & Rec, Etc.	\$ 67,586.83	Payroll \$ 230,000.00
Total Receipts	\$ 353,738.26	Total Expenditures \$ 557,584.64
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 34,645.84
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 323,819.44	\$ 238,568.49
Refuse	\$ 215,507.28	\$ 12,744.62
Capital Projects	\$ 0.00	\$ 0.00

Marty moved to accept the Treasurer's Report and to approve the expenditures pending the Board's review. Joe seconded the motion. Don announced that this report was posted on the conference room door for interested members of the public.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said the report was not posted on the door. Mark Miller said that was his oversight, and he apologized. Mr. Rahbari said the Board should provide a copy of the Treasurer's Report to the public if they are going to ask for public comment. Not providing this information is a violation of the Sunshine Law.

The Board discussed whether they had previously agreed to post the summary on the door before meetings, or the complete report showing all the invoices. Marty and Don said they had agreed to post the complete report. Joe said he understood it to be just be the summary, and said the Board will need to set guidelines on public comments if the entire report is going to be posted, as it could take hours to answer questions on each individual invoice. Don said if the public

comment period becomes an issue, the Board will deal with it. Thom suggested that only the summary be posted, and anyone wanting to see the full report can come to the Township office, as always, and request to see a copy. If anything is not clear to them, they can submit a question in writing to the Board. Joe agreed with this suggestion. Carmen said before agreeing to that, he would like a legal opinion, to make sure there is no violation of the Sunshine Law.

Marty noted that the Treasurer's Report does not become a "public document" until after the Board has made a motion to approve it. However, everyone has a right to come to the Township office and view a copy. He told the audience that nothing is being hidden from the public. Marty agreed with Joe that parameters should be established for public comment on the full version of the Treasurer's Report. Don suggested the Board discuss this issue in an upcoming workshop session.

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

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

Mike Malloy, Esq. was present for G&D Developers to request an additional extension of the conditional use approval, the time for recording the land development plan and the time for posting financial security. The Board asked Mr. Malloy if an extension to November 15 would be acceptable, and Mr. Malloy agreed.

Joe moved to grant an extension for the conditional use approval, the time for recording the land development plan and the time for posting financial security until November 15, 2007. Carmen seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Synthes Escrow Release

Don announced that the Board would deny the applicant's request for an escrow release at this time as there are three outstanding items that need to be addressed per Public Works Director Mark Miller:

1. The Type C inlet along Wrights Lane has a significant sink hole behind it.
2. The Type M inlet located in the swale has a hole beside it and the inlet needs to be pulled off and reset in grout.
3. The trees located in the spillway need to be removed, and there needs to be some stabilization in the interior of the basin.

The applicant has \$20K left in their escrow account to cover these issues.

Cephalon (Liberty Property Trust), 905 Airport Road

Don announced that the Board determined during Workshop that this is actually a building permit issue and not a matter for the Supervisors. Therefore, the Board will take no action.

Lexington Escrow Release #2, Lot 12 at Goshen Parkway

Thom moved to release \$115,582.65 of the requested \$147,939.71 at this time based on the

July 26, 2007 recommendation of Public Works Director Mark Miller. Carmen seconded the motion.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if a “core sampling issue” (like with the Rossmore curb) is applicable here. Don said no, as no public roads are involved.

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

Ulster Village – Maintenance Security Agreement & Escrow Release

Bob Greco, President of the Ulster Village HOA, was present. He said they have been unsuccessful in getting K. Hovnanian to transfer the property to the HOA. He asked that the Board deny K. Hovnanian’s request to release the escrow funds until the property is transferred. Joe asked Mr. Greco if K. Hovnanian has made all the improvements they were supposed to, and Mr. Greco said yes. Marty said he would like to help the homeowners, but he is not sure the Board has the option to deny the developer’s request if all the improvements have been made. Don suggested the Board table the matter for two weeks in order to get the opinion of the Township Solicitor.

Mr. Greco said that until the property belongs to the HOA, he is concerned about potential liability issues and costs the HOA will face if something goes wrong. Also, the HOA would like ownership of the wetlands so they can be turned over to the Master Association.

Marty raised the issue of whether the clock has run out for the escrow release. The Board determined that it has, and they had no choice but to act. Carmen moved to authorize the Chairman to execute the Maintenance Security Agreement for Ulster Village and to authorize the release of the balance of the funds in escrow, which is \$31,776.88. Joe seconded the motion, and told Mr. Greco that releasing the escrow will trigger the Maintenance Security Agreement, which the HOA needs for their protection.

Marty and Joe said they would like the Township Manager to send a letter to K. Hovnanian respectfully asking what is their timeline for transferring the property.

Public Comment: Al Zuccarello, 1661 Yardley – Said he supported the Ulster HOA in their predicament and would also appreciate any help the Board can provide.

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

Losasso Subdivision, 938 Cornwallis Drive

Don announced that a meeting is going to be set up among the Losassos, the Township, and the Township solicitor to have the draft Financial Security and Demolition Agreement revised.

Heather Gill of Chester Valley Engineers (representing the Losassos) asked the Board if they could provide a contingent approval of the subdivision. Don said the parties will need to meet and revise the agreement before the Township can take any action.

Goshen Friends Escrow Release

Carmen moved to authorize the release of \$11,000 of escrow funds per the August 3, 2007 recommendation of Public Works Director Mark Miller. Joe seconded the motion. Carmen said this release would leave \$3,240 in escrow. There was no discussion or public comment. The motion passed unanimously.

Memorandum of Understanding Between East Goshen and Westtown

Joe distributed a draft MOU to the Board and explained that this document will prevent disagreement about the police vehicle replacement policy from being a trigger that forces the Police Department into default budget mode. Thom was upset the MOU was not part of the Board's packet and that they were given no time to review the matter ahead of time. Marty and Joe said the MOU was supposed to have been in the packet, but for some reason did not make it. Marty explained that this is a time-sensitive issue requiring the Board's immediate action.

Marty moved to authorize the Chairman to execute the Memorandum of Understanding between East Goshen and Westtown, establishing standards for management of the fleet of vehicles used by the Police Department. Carmen seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Had a suggestion for Carmen about warranty coverage for the Police Department vehicles. Carmen said he would look into it.

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

Correspondence & Reports of Interest

None.

Meetings & Dates of Importance

Don noted the list of upcoming meetings as published in the agenda. Linda Gordon noted that the Historical Commission meeting has been changed from August 9 to August 16.

Swiss Farms

Liz Craig (Store Manager) and Robert Coldwell, Jr. (Director of Operations) of Swiss Farms introduced themselves and thanked the Township for their support and assistance in helping Swiss Farms locate to East Goshen. The store on Paoli Pike opened on Saturday August 4, and Ms. Craig said they have been getting traffic of 300 cars per day. Mr. Coldwell said they are still hiring, and their target is to have 12 employees, 4 of which will be full-time. The Swiss Farms representatives invited everyone to try some sample beverages they brought with them.

BFI/Allied Waste

Kenneth Anderson of BFI/Allied Waste introduced himself to the Board and said he would be happy to answer any questions they may have about BFI's services.

Deer Management Committee (DMC)

Jim McRee, Chairman of the DMC said he would be away the new few weeks and would like to appoint Al Zuccarello as Vice Chairman of the DMC in case any issues arise during his absence. The Board accepted the appointment.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Abbas Rahbari, 1613 Manley Road – Cited §7-10.1(c) of the Sunshine Law which says anyone has a right to raise an objection to the proceedings of a meeting. Don said he doesn't believe the Sunshine Law gives a member of the public a right to interrupt a meeting without being recognized first. Mr. Rahbari said he will raise his hand in future when he has an objection so that he can be recognized by the Chairman.

Mr. Rahbari then asked for an update on the mold situation at the Township building. Mark Miller said the discolored ceiling tiles were replaced, and the mold report is forthcoming. The air ducts have been cleaned. Mr. Rahbari asked if an air scrubber was used, and an antimicrobial agent. Mr. Miller said he is not sure, because Rick Smith took care of this issue, and he is out on vacation.

Mr. Rahbari asked if it's true the Township recently purchased a Ford Explorer. Don said yes, as a replacement for another Township vehicle that had some mechanical issues.

Mr. Rahbari then asked numerous questions of Mark Gordon about alleged code and zoning violations within the Township Building, and also questioned Mr. Gordon about his professional credentials.

Public Comment: Joan Hayes, 220 Baldwin Drive – Said she appreciated the new path near Reservoir Road and asked if the Township would consider extending it. Jane Fava of the Conservancy Board said she was planning to walk the area with Mark Miller in the morning and invited Ms. Hayes to join them to point out exactly what she would like done. Ms. Hayes provided her phone number to Mark Miller, who said he would call her in the morning. Don suggested Ms. Hayes attend the Conservancy Board meeting on Wednesday evening to discuss her suggestions.

Public Comment: John Schorn, 1401 Larch Lane – Recognized resident Harold Renner for his 53 years of service to the Fire Company and 51 years of service to the Goshen Fair. Mr. Schorn then thanked Swiss Farms for turning an eyesore property into a successful business. Mr. Schorn asked for a status update on the Route 352 & Anne Drive drainage improvement project. Don said the Township is still waiting for a construction estimate. He then asked a question about the refuse bids. Carmen said the Township staff has to add in the cost of East Goshen's tipping fees to the bids to come up with total costs, and that hasn't been done yet. Mr. Schorn then asked for a copy of the Treasurer's Report. Joe gave Mr. Schorn his personal copy. Mr. Schorn said that although a copy of the full report was not posted on the door, Mark Miller did distribute copies of the summary before the meeting to as many people as he could. Mr. Schorn said he would like a copy of the full report made available in the conference room before meetings, before it is approved by the Board. He asked if residents wishing to view a copy in the Township office will be charged for a copy. Don said the Board plans to discuss this entire issue with the Township

Solicitor. Mr. Schorn complimented BFI/Allied Waste for doing a nice job in his neighborhood. He then complimented Mark Miller and the Public Works crew for doing a great job.

Public Comment: Abbas Rahbari, 1613 Manley Road – Agreed with Mr. Schorn that the full Treasurer’s Report should be made available to residents, as they may have legitimate questions about the spending of Township funds. Joe said the Sunshine Law does not require a Township to provide all the backup materials to the public on a matter before taking a vote. Marty said a Township has the right to defer availability of documents until they have been approved by the Board, at which point they become public documents.

Public Comment: John Schorn, 1401 Larch Lane – Asked if residents will have to complete paperwork when they want to see a copy of the Treasurer’s Report. Carmen said the Board plans to discuss all that in the near future.

Adjournment

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

WORKSHOP (Resumed)

Bills

Current invoices were reviewed. Carmen said he would like Frank Vattilano to provide quarterly reports for expensive items showing the profit/loss. Joe agreed, and said that Frank should be providing that information to the Park & Rec on a regular basis. Don asked Thom, as Park & Rec liaison, to convey that request. Joe requested that going-away party expenses incurred by Township employees be listed a budget line item in future for review by the Finance Committee. Thom requested that Mark Miller look into the \$26K bill for the consultant for District Court, to find out if that expense was for the incomplete plans the Board reviewed, or if it includes something else.

Leaf Bags

Thom said a decision is due to the printer by August 20. Penn Liberty Bank has agreed to pay \$11K to have their logo printed on one side of the bags, for a three-year supply. Thom said he will try to get another sponsor for the other side before the deadline, but if not he recommends the Township print its logo on the other side.

Public Comment: Bryan Pariseault, Monte Vista Drive – Asked if a vacuum truck is an option. The Board explained that the Township researched this in the past and the cost is prohibitive.

Public Comment: Jane Fava, Conservancy Board – Said that leaf bags are not environmentally friendly. Mulching the leaves is a better way to get rid of them.

The Board agreed to table this matter until Thom sees if he can get a second sponsor.

CCATO Resolutions & Nominations

The Board agreed that no action was necessary.

Draft DMC Letter

Don said he thought the letter had already been sent, and advised Mark Gordon to mail it as soon as possible. Don announced that Hershey's Mill is interested in 3 of the bait stations to help control ticks. Mark Gordon distributed a map showing parcels of 4+ acres in the Township, and said there were 300 such parcels.

East High School

Don said some students from East High School approached the Township about an outreach program they are interested in starting to expose students to local government. Details will be forthcoming once the school develops a plan.

June PPU Report

Don said he is concerned about the skewed numbers in the June PPU report. Carmen will research the matter.

Liaison Reports

Park & Rec – Thom provided a written report for the August 2 meeting.

Planning Commission – Marty was unable to attend the August Planning Commission meeting. Jim McRee reported that the Rossmore Curb issue was discussed.

Adjournment

There being no further business, the workshop adjourned at 10:45pm.

EXECUTIVE SESSION

The Board met in Executive Session from 10:45pm until 11pm to discuss a personnel matter.

Respectfully submitted,
Anne Meddings
Recording Secretary