

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
August 21, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio, and Marty Shane. Supervisor Joe McDonough was absent. Also present were Township Manager Rick Smith, Linda Gordon (Historical Commission), and Jane Fava (Conservancy Board).

EXECUTIVE SESSION

The Supervisors met in Executive Session from 6:30pm until 6:50pm to discuss a pending legal matter.

WORKSHOP

Review of Minutes

The minutes of July 17 and August 7 were reviewed and corrected.

Bills

Current invoices were reviewed.

Agenda Review

The agenda for the formal meeting was reviewed.

Letter from Resident Robert Ranieri Regarding Open Space at Supplee Valley

Jane Fava asked if the Supervisors would like the Conservancy Board to address Mr. Ranieri's concerns. Carmen said he spoke with Linda Gordon about this. Don said Ginny Newlin should prepare the response. Marty said the response will have to be carefully crafted. The Supervisors agreed to have the Conservancy Board draft a response for the Supervisors' review. Marty suggested they also consider preparing a pamphlet on this issue for the public.

Letter from Resident Gerard Langton Requesting Removal of Two Street Trees

Rick will respond to Mr. Langton and let him know of the Township policy in such matters.

Storm Sewer Project at Anne Drive

The Board reviewed the revised bid from Chester Valley Engineers increasing the scope of their proposal to make it equivalent to the bids from Pennoni and Yerkes. The Board agreed to accept the proposal from Pennoni, the low bidder.

Ridley Creek Sewer Treatment Plant Upgrade

Rick said that on August 20 the Municipal Authority awarded the design contract to Pennoni, who will utilize SBR technology. The construction phase can go to bid by September 2008 and the plant can be built by September 2009. Marty is concerned that the project will be rushed to meet this kind of timeframe and as a result will not be done properly. He is concerned that compromises will be made on this project, which represents a very important long-term

investment for the Township. Don would like the Municipal Authority to provide the Board with a schedule and a list of key milestones. Rick said he already has that information from Pennoni.

East High School Outreach Program

Three students from East High School's Student Council came to speak with the Board about their ideas for an Outreach Program between the Township and the students. In attendance were Emily Isayeff (President), Stephanie Harris (Treasurer), and Elena Pecone (Secretary). The girls said that 35% of the East student body is from East Goshen. They would like to create Township T-shirts for the students to help foster community pride, and they are looking for Township help in funding the shirts. They are interested in having Township representatives speak at school assemblies, etc. Don asked the girls to have Dr. Dunlap (their principal) send a letter to the Township providing the details of the project. Marty suggested the Student Council consider putting together a steering committee of representatives from the various Townships to provide some guidance. Don invited the girls to stay for the formal meeting where they could introduce themselves and announce their project.

Boot Road and Greenhill Road Project

Rick is still waiting for a response from West Goshen.

Ellis Lane / Paoli Pike Traffic Signal

Rick is awaiting a response from PennDOT.

YMCA Pavilion in the Park

Rick said the pavilion will be installed this autumn. If the YMCA orders the kit, they can save \$600 over the cost the Township would get. Payment details are being worked out with the YMCA.

June PPU numbers

Carmen told Don he looked at the June numbers and said they appear skewed because of the robberies in Brookmont and a rape investigation.

FORMAL MEETING

Call to Order & Pledge of Allegiance

The Chairman called the meeting to order at 8:02pm and led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

Don asked if any resident plans to record the meeting. Mr. Abbas Rahbari of 1613 Manley Road said he reserved the right to record and/or "transmit" the proceedings of the meeting.

Approval of Minutes

Thom moved to approve the minutes of July 17 and August 7 as corrected in the Workshop. Marty seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Had a correction to a public comment he made on August 7.

Public Comment: Abbas Rahbari, 1613 Manley Road – Suggested the Board record their meetings on audiotape.

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

Chairman’s Report

Don announced that the Board met in Executive Session on August 14 to discuss the police labor contract, and again earlier this evening to discuss a pending legal matter.

East High School Outreach Program

Don announced that the Student Council from East High School is interested in starting an outreach program with local Townships. Emily Isayeff, Stephanie Harris and Elena Pecone gave a brief overview of the project to the audience.

Township Building Code Issues

Don read aloud an August 10, 2007 memo from Township Building Inspector Mike Merwin and an August 10, 2007 memo from Building Inspector Gary Althouse who have both concluded that the front windows on the second floor of the Township building are code-compliant. Don said the two memos should resolve the concerns about this issue, and any concerns from residents beyond this point should be provided to the Board in writing.

Public Comment: Abbas Rahbari, 1613 Manley Road – Recited a list of what he alleges are code violations within the Township building. Thom asked Mr. Rahbari to put his entire list in writing for the Board’s review. Mr. Rahbari would not consent to do this.

Generator Bids

Don announced that bids have been received for a generator for the Township building. The bids include installation costs. The bids are as follows:

	Diesel Generator Procurement	Natural Gas Generator Procurement	Diesel Generator Installation	Natural Gas Generator Installation
Lenni Electric	No Bid	No Bid	\$52,790.00	\$56,790.00
Penn Power Systems	\$54,899.00	No Bid	No Bid	No Bid
Philips Bros.	\$67,000.00	\$130,000.00	\$104,410.00	\$113,511.00
G.A. Vietri, Inc.	No Bid	No Bid	\$68,425.00	\$99,775.00

RFP to Bow Hunting Clubs

Don announced the Township has sent out an RFP letter to bow hunting clubs to assist private landowners in the Township who may wish to have a deer hunt on their land.

Connect Cty Presentation

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

Leaf Bags

Don announced that the Township will once again be able to provide leaf bags to residents this year, thanks to generous donations from Keystone Foods and Penn Liberty Bank. The bags will be available in early October.

Treasurer's Report

The Treasurer's Report for August 21, 2007:

	RECEIPTS	EXPENDITURES	
GENERAL FUND			
Real Estate Tax	\$ 0.00		
Earned Income Tax	\$ 188,884.65		
EMS TAX	\$ 0.00	Accounts Payable	\$ 44,976.38
Transfer Tax	\$ 0.00	Debt Service	\$ 0.00
Codes, Park & Rec, Etc.	\$ 2,873.41	Payroll	\$ 40,000.00
Total Receipts	\$ 191,758.06	Total Expenditures	\$ 84,976.38
Zoning Hearing Fund	\$ 0.00		\$ 0.00
State Fund	\$ 0.00		\$ 0.00
Capital Reserve	\$ 0.00		\$ 3,500.00
Transportation Fund	\$ 0.00		\$ 0.00
Sewer Operating	\$ 7,237.30		\$ 14,403.18
Refuse	\$ 11,589.49		\$ 5,623.23
Capital Projects	\$ 0.00		\$ 0.00

Marty moved to accept the Treasurer's Report and to approve the expenditures pending the Board's review. Carmen seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Objected to the motion on the basis that the public was not provided a copy of the complete Treasurer's Report.

Public Comment: John Schorn, 1401 Larch Lane – Agreed with Mr. Rahbari.

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

Police Report

Chief John Dumond announced that the police responded to 1,511 calls for service in July, 757 of which originated in East Goshen.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked the Chief how many of the department's 42 officers are out on Workman's Comp. Chief Dumond said 6. Mr. Rahbari asked the Chief if the police investigate these claims. Chief Dumond said that is handled by Workman's Comp. Mr. Rahbari then asked if the police department is currently party to any litigation. Chief Dumond said not to his knowledge.

Losasso Subdivision, 938 Cornwallis Drive

Carmen moved to approve the final subdivision plan for Paul A. and Agnes Losasso dated May 18, 2007 and last revised July 19, 2007 with the following conditions:

1. The Financial Security and Demolition Agreement shall be executed by the Losassos.
2. The Financial Security and Demolition Agreement shall be recorded contemporaneously with the subdivision plan.
3. The subdivision plan and Agreement shall not be recorded until the Township receives the planning module exemption from DEP.
4. The escrow for the storm water management structures shall be posted prior to the issuance of any building permits.

Marty seconded the motion. Heather Gill of Chester Valley Engineers said the Losassos are agreeable to the conditions.

Public Comment: Linda Gordon, Line Road – Said the agreement does not cover anything but the house. The other non-conforming structures and the swimming pool should be included. Don said that was a good point. Carmen revised his motion to include a new item:

5. The Financial Security and Demolition Agreement shall be revised to indicate that the swimming pool and several of the accessory buildings will need to be demolished in addition to the existing dwelling.

Marty seconded the amendment. Heather Gill said the Losassos agreed to the amendment.

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

Adoption of Resolution 07-39 Regarding the Release of Township Financial Information

Don announced that copies of the resolution were available at the back of the meeting room. He said the resolution is not intended to deny information to the public which is available under the Right-To-Know law. The resolution is merely intended to provide guidance for the dissemination of this information.

Marty moved to adopt Resolution 07-39. Thom seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Objected to the motion and said the resolution is designed to prevent public access to Township financial information. Don said the resolution was written with the guidance of the Township Solicitor and is in conformance with the Right-To-Know law.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Urged the Board to post the budget and “the actuals” on the Township website. Don said he would look into posting the budget online.

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

CTDI Zoning Variance and Appeal, 1305 Goshen Parkway

Don announced that the Zoning Board hearing on this matter has been postponed until October 1 at 7:30pm.

John Good, Esq. was present for the applicant. Also present were engineer Craig Hough and CTDI's Director of Operations Joe Lutza.

Mr. Good displayed plans for the site and distributed photographs to the Board. His client wants permission to expand into the buffer yard; otherwise they will have to relocate their business. Marty had Mr. Lutza confirm this. Mr. Good said the section of the East Goshen ordinance he finds unclear is §240-27(C)2.

Marty said he believes the hardship incurred by the applicant is caused by the change in the ordinance.

Mr. Good said that by expanding their current building out the back, it will be quieter than having a loading dock out there.

Marty asked Mr. Good about parking. Mr. Good said CTDI has excess parking now, and added that they meet the ordinance in this and all other matters.

Marty asked for a description of the truck traffic if the building is expanded. Mr. Lutza said they currently get six 25-ft box trucks coming in and going out each day. If they expand, they anticipate 6 trucks in and 7 trucks out each day. Instead of being all box trucks however, the traffic will consist of 50% box trucks and 50% tractor trailers. He said trucks currently come onto the site between 8 and 10am, and trucks leave the site between 6:15 and 7:15pm.

Mr. Good asked the Supervisors to conduct a site visit if they are not familiar with the property.

Don asked Mr. Good to attend the September 18 meeting as the full Board would be present to discuss this matter.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Said the plans show intrusion into the 50' setback at the south side, in the turnaround area. Mr. Good agreed and said that was a mistake. Marty asked Mr. Good to have the plans corrected and provided to the Township. Mr. Egan urged the Board to take the Planning Commission recommendation for denial into consideration when making their decision. Mr. Egan said that to his knowledge, no one from the nearby residential areas has complained about noise from this property, and he disputed Mr. Good's assertion that having a building in the setback is preferable to having a loading dock in the back. Mr. Egan asked about the height of the building. Mr. Hough said it is 29' now but will probably go up to 35'. Mr. Egan then gave the Supervisors a petition signed by 10 of his neighbors, all opposed to CTDI's zoning appeal and variance request. Mr. Egan said he is concerned that if CTDI is granted a variance, other nearby businesses such as Comcast may ask for the same consideration.

Commerce Bank Resolution

Marty moved to adopt a resolution designating Commerce Bank as the depository for escrow funds for professional services fees. Carmen seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

D. Falcone Company Subdivision, 1334 Park Avenue

Thom moved that the Board sign the preliminary and final subdivision plans for the D. Falcone Company subdivision at 1334 Park Avenue, dated 11/30/06 and last revised 6/15/07. Marty seconded the motion. Marty asked if all fees have been paid. Rick said yes.

Public Comment: John Schorn, 1401 Larch Lane – Asked if they were referring to the Kelly property. Rick said yes.

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

Storm Sewer Project at Anne Drive

Don announced that 3 bids were received for this project. Carmen moved to accept the proposal from Pennoni in the amount of \$14,200.00. Marty seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Asked if the work will include the retention pond near Misak Drive. Don said yes.

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

Correspondence & Reports of Interest

Don acknowledged receipt of the following:

- Letter from residents Bill & Maureen Egan, Lisa Embon and Belinda Madison concerning the Comcast variance application.
- Letter from resident Michael Traines concerning Mark Miller and the Public Works Department.
- Letter from resident Robert Ranieri regarding the open space at Supplee Valley. Don noted that the Conservancy Board will draft a response to this resident's concerns.
- Fire Marshal's report for July.

Meetings & Dates of Importance

Don noted that the August 28 Supervisors' meeting has been cancelled.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Abbas Rahbari, 1613 Manley Road – Repeated his previous comment that the Sunshine Law allows him to make objections during meetings. Mr. Rahbari then distributed a copy of the Sunshine Law to the Board. Mr. Rahbari repeated his previous comment that he will raise his hand to be recognized by the Chairman before making his objections in future. Don said the Sunshine Law does not give a member of the public a right to interrupt the proceedings of a meeting.

Mr. Rahbari then repeated his comments about alleged code violations within the Township building. He then alleged that Township employees take long lunches and use the Township vehicle to conduct personal banking business.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Encouraged the Township to work with the East High students on their outreach project, as it would be very beneficial to the students. He suggested the Township investigate the possibility of a grant to help fund this project. Mr. Egan then asked Chief Dumond if the police department has a return to work policy for police personnel on Workman’s Comp. Chief Dumond said yes, they can return to desk duty.

Public Comment: John Schorn, 1401 Larch Lane – Asked about the content of Mr. Ranieri’s letter to the Township. Don said Mr. Ranieri is concerned about what he perceives to be unkempt weeds along Reservoir Road.

Public Comment: Abbas Rahbari, 1613 Manley Road – Agreed with Mr. Egan that the outreach project with East High would be a good thing.

Adjournment

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

WORKSHOP (Resumed)

Bottle Bill

Marty would like a 1-page summary of the lengthy information that was provided in the packet. Rick will ask Charleston Township to provide a summary.

Thom wants to know how much recycling money the Township will lose if a bottle bill is passed.

Linda Gordon said the bottle bill will reduce litter in the Township. Jane Fava said the Township should encourage aluminum recycling as it’s good for the environment. Rick noted that the aluminum industry is actually opposed to such bills.

Training & Education Reimbursement Policy

The revised draft policy was reviewed.

In §14-4, Thom wants the phrase “directly related to the employee’s current position within the Township” underlined for emphasis. He also wants employees to have to pay back tuition to the Township if they are terminated in the five-year period following completion of their course of study.

Marty said he disagreed that a student should get a grade of B or better. He wants it changed back to C. However, the rest of the Board agreed with B. Marty said he believes the Township should pay for elective courses that are part of a degree program, and therefore will be opposing this policy if it goes to a vote as written. Marty said the policy wasn’t “broken” so he doesn’t know why we’re trying to change it. Don agreed.

Carmen thinks the payback period should be longer than five years.

The Board will hold this matter for further discussion until September 11 when Joe is back from vacation.

Recommended Zoning Ordinance Amendments

Marty said that to keep agenda items like this moving along, the Board should consider exchanging comments via email. Carmen disagreed. He prefers to discuss things openly in public meetings. Rick will send an email to everyone soliciting their comments on the recommended amendments. He will compile the comments into a document for later discussion by the Board.

November Meeting Schedule

The Board agreed to hold a workshop on Thursday, November 8 to make up for not meeting on Tuesday, November 6 (Election Day) but only if it does not conflict with the CCATO meeting. If so, another date will be chosen.

Adjournment

There being no further business, the workshop adjourned at 10:27pm.

Respectfully submitted,

Anne Meddings
Recording Secretary