

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
September 11, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio and Marty Shane. Joe McDonough arrived at 7:53pm. Also present were Township Manager Rick Smith, Phyllis Marron (Park & Rec), Linda Gordon (Historical Commission), and Jim McRee (Planning Commission & DMC).

WORKSHOP

Cardboard Recycling

The Board reviewed Rick Smith's September 6 memo on this subject, and a September 11 email from resident Jack Yahraes requesting the Township keep the cardboard dumpsters for use by residents. Carmen would like the dumpsters kept open. He said the Township will always have liability issues whether we keep the dumpsters open or not. He said the dumpsters are a public service and do not involve much of an expense to the Township. The consensus of the Supervisors was to keep the dumpsters open as a service to the residents. The issue will be revisited if a new trash hauler doesn't take cardboard.

CCATO NOMINATIONS

Marty does not wish to be nominated for 1st Vice President. The Board agreed to nominate Greg Cary for 1st Vice President. Later in the evening, Joe suggested that Mark Blair, a West Bradford Supervisor, also be nominated.

Comcast, 1354 Boot Road - Validity Challenge to Zoning Ordinance

Lou Colagreco, Esq. was present for Comcast. He briefly summarized his client's position. Comcast is challenging the Township zoning ordinance which prohibits them from installing a fence within their 100-ft buffer yard on the basis that it is discriminatory and inconsistent with the rest of the ordinance, which allows other property owners to install fencing along property lines. Marty said that if a fence was so important, Comcast could have chosen to locate elsewhere when considering a property site.

Marty moved to oppose Comcast's validity challenge on the basis that §240-6B and §240-C(2)(e) of the Township zoning ordinance are not arbitrary or irrational in nature, as Comcast asserts, because the site yard provision relates to property in a uniform zoning district, whereas the buffer yard has a rational function to separate two different zoning districts and therefore they are not inconsistent because they serve two totally different functions. Marty recommended the Township Solicitor represent the Board before the Zoning Hearing Board. Carmen seconded the motion.

Carmen requested the Comcast neighbors who were present to meet with Comcast in order to arrive at an agreement about the fence, before this issue goes to court. Carmen told the residents that if this goes to court and the Township loses, Comcast will probably proceed with their plan to install a 8-ft chainlink cyclone fence. Thom agreed that the neighbors should meet with

Comcast and negotiate an agreement. Thom would like to avoid the expense of going to court, because he believes the ordinance is invalid and that the Township would lose the case.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Thanked the Board for their previous help with the issue of Comcast’s zoning variance request. He asked the Board to send attorney Kristin Camp to the ZHB to argue the Township’s position. Mr. Egan noted that Comcast could achieve demarcation of their property line with landscaping instead of a fence. He said he does not believe that East Goshen would lose if this issue goes to court. Finally, Mr. Egan said the neighbors have failed to come to a consensus regarding a position on the fence – the three households involved have three different positions on the matter. Don advised the neighbors to keep in mind that if this goes to court and the Township loses, there is nothing the Board will be able to do for them when Comcast installs its fence. Marty agreed. He said Carmen’s point is quite valid, and added that if this goes to court and the Township loses at any level, the Township may choose not to appeal the decision.

Public Comment: John Schorn, 1401 Larch Lane – Asked if the Township would have any liability toward the aggrieved homeowners if Comcast prevailed in court. Don said he didn’t believe so.

Public Comment: Laurie Delinde, 1106 Amalfi Drive – Said there is a difference between a neighbor putting up a fence, and Comcast putting up a fence. If Comcast puts up a fence it would affect the entire view from her property.

Jim McRee said that the Planning Commission discussed how the whole purpose of having a buffer yard is to protect the residents.

EXECUTIVE SESSION

The Board met in Executive Session from 7:38pm to 7:42pm to discuss the Comcast matter.

WORKSHOP (Resumed)

There was no further discussion or public comment on the motion. The Board voted, and the motion passed 3:1, with Thom opposed.

Generator Bids

The Board discussed Rick Smith’s September 6 memo and Linda Gordon’s July 18 email on the subject. Marty wants to establish a clear rationale of the need for a generator before purchasing one. Don agreed. Carmen said he met with Tony Przychodzien from the Chester County Department of Emergency Services to find out where East Goshen might fit into the picture. Tony told him that if there is a substantial incident in the county, the DES prefers to use the closest building powered by a generator as a temporary holding area for residents. Carmen said he appreciated Linda Gordon’s memo and thoughtfully considered the seven good points she made. However, based on his EMS background and the conversation with the DES rep, he prefers to err on the side of caution and purchase the generator because he feels it is warranted.

Don asked if there is a county-wide emergency preparedness plan in place. Carmen said there is. Don asked how the Township building would fit into that plan. Carmen said it depends on the location of the event.

Marty said it would be nice to have a generator, but the probability of a major event is low, both fire companies have generators in their buildings, and at some point in a major event the county would take over. Furthermore, the Connect CTY presentation next week will cover the issue of communicating with residents in the event of an emergency.

Don said it may make sense to have a small generator to use only for emergency phone and computer access for Township staff.

Joe wanted to get back to the primary purpose of the original suggestion that the Township purchase a generator – to keep the Township building running in the event of a power outage. Marty said in that case he will need to see data on the number of power outages within the last five years that have precluded Township staff from working, and the probability of such outages occurring in the future. He also wants to know the cost of the staff not being able to conduct business as usual. Rick will gather this information for Marty. Don polled the Board and Joe and Carmen are in favor of purchasing a generator, while he and Thom are opposed. Therefore, Marty will be the tie-breaker.

Public Comment: Jim McRee, Oneida Lane – Said the more important question than whether or not to purchase a generator is, does the Township need to develop a disaster preparedness plan.

Public Comment: John Schorn, 1401 Larch Lane – Agreed with Jim McRee, and said the Township could always rent a generator if need be. Carmen said in his experience it is not so easy to find a rental generator during emergency situations or extended power outages.

Roof for Public Works Building

Marty agreed with Don that the Board had not yet authorized the expenditure. However, the Board agreed with the decision to put the project out for bid. Carmen said that to avoid having the roof done twice, the specs for the portion of the roof over the District Court should be predetermined and incorporated into the project.

EMS Tax

Kristin Camp is working on this issue for the Township. The Board agreed there is no need to change the amount of the tax. It will remain at \$52/yr.

Tuition Reimbursement

Marty shared a recent article about Exelon's tuition reimbursement policy with the Board. Exelon pays for employees to earn degrees relevant to their current job or one which they may hold within three years. Marty said he doesn't agree with the Board's decision to only pay for core courses, and not the electives that are a part of any degree program. Joe said he has changed his mind on this point and now agrees with Marty. After some discussion the Board, with the exception of Thom, agreed to put the word "degrees" into line 1 of paragraph 1 of

§14-4. In addition, Rick will revise the policy to incorporate language based on Exelon's policy about paying for a degree for a position which an employee may hold within three years.

Joe is opposed to the insertion of the phrase "for any reason whatsoever" into line 3 of the third paragraph of §14-4. He believes a terminated employee should not be expected to repay their tuition.

Joe questioned the underlining of the phrase "for courses/seminars directly related to the employee's..." in the first paragraph of §14-4. Don said he would like the underlining removed.

Don asked Rick to mark up the original policy to show all the changes made by the Board during their discussions.

Public Comment: John Schorn, 1401 Larch Lane – Said the policy should cover Public Works employees who desire to earn a degree and be promoted to a white-collar position. Marty agreed. Carmen reminded the Board he made that same argument when these discussions first began. Joe agreed that Public Works employees should be covered.

Public Comment: Jim McRee, Oneida Lane – Said he was pleased to see the Township changing their tone on this issue and deciding to take a proactive approach to employee retention and development.

Township Code CDs

Rick said the code is accessible on the web, and it now works much faster than it used to. However, anyone wanting their own CD should let him know.

Liaison Reports

Thom distributed a written report of the September 5 Planning Commission meeting. The Board discussed Thom's question about whether the Township should keep records of seepage bed maintenance done under Act 167. Don, Joe, and Marty said the Township should inspect all the systems. Don will ask the Conservancy Board to provide guidance to Rick on developing an inspection schedule.

Thom distributed a written report of the September 6 Park & Rec meeting. Joe and Marty want Frank Vattalino to provide relevant details of Park & Rec events in his budget report such as number of attendees and financial viability. Phyllis Marron pointed out that the Park & Rec Board has not been receiving the necessary financial data from office staff to fulfill the Board's request for details.

Deer Management Committee Vacancies

Don announced that Linda Polishuk of Grand Oaks has expressed interest in filling one of the two vacancies on the DMC. After some discussion, Don said he wants the Township to determine how many people should be on the DMC before appointing her. Thom was disappointed Linda could not be immediately nominated to the position, and said it's a shame for Grand Oaks to lose representation on the DMC now that Ellen Carmody has resigned.

Public Comment: Steve DiAntonio (DMC member) – Said if the DMC has to “go backward” he will resign.

Joe suggested Linda could serve as a non-voting member until a 9th member is nominated, in order to maintain the odd-number balance of the Committee. Don said he did not think that would be fair to Linda.

Thom moved to appoint Linda Polishuk to fill one of the vacancies on the DMC. Carmen seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said the composition of the DMC is a joke, and the Township only nominates people it wants on the Committee. He questioned the accuracy of the aerial deer survey, etc. Mr. Rahbari said he would prefer a neutral individual be appointed, and not someone associated with the Township. Don said that Linda is an eligible member of the public and although her husband was a past member of the Planning Commission, Linda is not associated with the Township.

Jim McRee (DMC Chairman) said he would be happy to have Linda Polishuk serve. She is the only person that has volunteered in response to advertisements for new members. Jim noted that Mr. Rahbari’s opposition to her appointment contradicts an opinion he expressed earlier, that there should be no litmus test for service on the DMC. Don asked Jim if he has any problem with there being only 8 members on the DMC. Jim said he is fine with an even number.

There was no further discussion or public comment. The Board voted unanimously to appoint Linda Polishuk to the DMC.

Refuse Bids

Kenneth Anderson of BFI (Allied Waste) was present. He stated that the bid by McCusker & Ogborne (Republic Services) should be invalidated. Rick said that Jeff Sommer is looking into the matter. Mr. Anderson asked what the timeline is for making a decision about the refuse contract. Don said the Board will begin discussions on October 9.

Deer Tick Treatment Stations

Jim McRee distributed a summary sheet prepared by the DMC showing the costs involved in acquiring and maintaining deer tick treatment stations. Jim said he has learned that guinea hens are great at reducing deer tick populations.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: John Schorn, 1401 Larch Lane – Requested the Township not go with the trash option that would limit residents to 1 trashcan, as this would be a hardship.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said he is very pleased with the current trash company. They accidentally ran over his lawn but quickly and satisfactorily repaired the damage. He requested the Township not go with the trash option that would limit residents to 1 trashcan.

Mr. Rahbari said he has personally seen guinea hens successfully used for deer tick control in North Carolina. He then complimented Al Zuccarello for the good job he did researching the deer tick control stations.

Mr. Rahbari said his comments were misquoted in the July 24 minutes, that he actually said 3M LED's are the best.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Said he read an article in the *Daily Local* about a resident dealing with a deluge of stormwater and it made him think of the Harlan development and Jackie Weber.

Adjournment

There being no further business or public comment, the meeting adjourned at 10:05pm.

Respectfully submitted,

Anne Meddings
Recording Secretary