

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
October 16, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio, Joe McDonough and Marty Shane. Also present were Township Manager Rick Smith, Jane Fava (Conservancy Board), Jim McRee (Planning Commission & DMC), Susan Carty (Planning Commission), Phyllis Marron (Park & Rec), Kathryn Yahraes (Historical Commission), Elaine Blair (Hershey's Mill Rep), and Township Solicitor Kristin Camp.

WORKSHOP

Review of Minutes

The minutes of October 2 were reviewed and corrected.

Bills

Current invoices were reviewed.

Agenda Review

The agenda for the formal meeting was reviewed.

Applebrook Golf Outings

Don and Joe gave a report on their October 15 meeting with Hank Belber. At that meeting they discussed decreasing the number of golf outings to 2 per year, one in May or June and the other the 1st week of October. With the date changes, Mr. Belber is willing to allow East Goshen residents to bring up to 3 guests, will go back to the original lunch plan, and will freeze the golf fee to \$90 per year for 3 years. He indicated he could not lock in the caddie price, however. Marty would like the caddie fees clarified, because he recalls that Mr. Belber originally agreed to include one-half the caddie fee in the \$90 golf fee. Joe noted that Mr. Belber would be willing to allow the Township to continue to have an outing on the third Tuesday in September.

Carmen said he does not want to decrease the number of days to 2. He would rather keep the program as-is in order to keep 4 days. He said he would be willing to completely forgo the lunch, if necessary. Marty agreed that it's important to keep the 4 days. In addition, he would like the Township to hold out for the 3 guests, and a rate freeze for 3-5 years (or a \$5 increase every other year). He is willing to eliminate lunch as part of the program as long as the other criteria are met. He would like the caddie fee situation clarified, however.

The Board agreed to table this matter until Marty and Rick have researched the original agreement made when the program was first negotiated.

Swimming Pool Amendment

Rick will circulate the proposed changes to the ABCs for comment.

Garage Door Openers

The Board discussed this matter with Kristin Camp, and agreed to write the requirement for garage door safety sensors into the Property Maintenance Code but will indicate the requirement is not enforceable until a property is sold. Rick will draft the change for the Township Solicitor's review.

Contributions to Neighborhood Health Agencies, Inc.

The Board reviewed the July 30, 2007 letter from this organization requesting a donation for 2008. Thom is opposed to using taxpayer dollars for charitable causes, however worthy they may be. Joe said that each Supervisor will have to decide for themselves if this type of contribution is warranted. Marty noted that the NHA is affiliated with Chester County Hospital, and wants to know if they provide services to residents who have been treated at Paoli Hospital. Rick will check on this. Carmen would like more details on the NHA's financials. The Board did not make a decision on whether or not to have an NHA representative come to a future meeting.

FORMAL MEETING

Special Ceremony & Reception for WEGO K-9s

Police Chief John Dumond spoke briefly about Rikko, WEGO's first K-9, who joined the force in 1999. The Chief congratulated Rikko on his retirement, and thanked handler Corporal Guy Rosato for teaming with Rikko to provide 8 years of valuable K-9 service to WEGO. The Chief presented a commemorative plaque to Rikko and Corporal Rosato. Chairman Don McConathy then presented a gift bag of treats to Rikko on behalf of the Township, and the Ruggieri family presented Rikko with a gift basket of toys and treats to mark the occasion.

Supervisor Carmen Battavio, the Police Commissioner for East Goshen, presided over the swearing-in ceremony for new K-9 Lex, and presented Lex with a police badge. Lex's handler, Officer Tony Ruggieri, spoke briefly and thanked Corporal Rosato for his guidance and assistance during this time of transition. Chairman Don McConathy presented Lex with a gift bag from the Township.

Carmen Battavio and the officers thanked Dr. Terry McGrath of the Rocky Hill Veterinary Clinic for his veterinary service to both K-9s.

The ceremony was followed by a short reception with refreshments.

Call to Order & Pledge of Allegiance

The Chairman called the meeting to order at 8:36pm and led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

Don asked if any resident planned to record the meeting. Resident Abbas Rahbari of 1613 Manley Road said he reserved the right to record and transmit the meeting proceedings.

Approval of Minutes

Joe moved to approve the minutes of October 2 as corrected in the Workshop. Thom seconded the motion. Kathryn Yahraes of the Historical Commission made a verbal correction to the Chairman's Report portion of the minutes in regard to Chester County Day. There was no other comment and no discussion. The Board voted and the motion passed unanimously.

Introduction

Carmen introduced audience member Kevin Conway, a Boy Scout working on his Communications Merit badge.

Bid Award for Rossmore Curb Replacement

Don announced the bids received for replacement of 2,000 ft of vertical curb at Rossmore:

Giovannone Construction	\$89,740
Cassidy & Son Construction.....	\$104,000
Road-Con	\$122,000
Ramos & Associates	\$156,000
Doug Lamb Construction.....	\$164,000

Joe moved to accept the bid from Giovannone Construction in the amount of \$89,740. Carmen seconded the motion. Carmen asked Rick if the Township will take core samples of the concrete. Rick said the Township Engineer will take samples of each load of concrete.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the Township plans to pursue legal action against the firm responsible for the faulty concrete, or if the statute of limitations has run out. Rick said the statute of limitations has run out.

Public Comment: John Schorn, 1401 Larch Lane – Asked if the Township followed up on his recommendation for how to find out the contractor or firm responsible for the faulty concrete. Rick repeated that the statute of limitations has already passed.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if this project is the same one discussed at the last PSATS meeting, which was estimated at \$60K. Don said it is the same project, and at the time of the PSATS meeting the Board underestimated the cost.

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

Chairman's Report

Don announced that the Board will take action on the Byers variance application at the October 23 meeting.

Don announced that leaf bags will be available at the Township building beginning October 26. Kathryn Yahraes of the Historical Commission said the hauler is not picking up bags of leaves yet. Don told her that was correct; the hauler will only pick up leaves on designated leaf collection days. Information about leaf bags and pickup dates has been posted to the Township website.

Bid Award for Public Works Roof Annex

Don announced the bids received for the roof of the Public Works Annex building:

Garvey Roark LLC	\$246,323
Banes Roofing.....	\$269,414
P&C Roofing	\$323,595
Mike Kobithen Roofing	\$327,100
D.A. Nolt.....	\$347,782
Noble Roofing & Sheet Metal	\$357,745

Don said the work will be done in conjunction with work being done for the District Court in the Annex.

Joe moved to accept the bid from Garvey Roark in the amount of \$246,323. Carmen seconded the motion. Joe asked Rick how long the roof will be guaranteed for. Rick said for 15 years. Joe advised Rick to have the roof inspected to make certain the work is done to the Township’s complete satisfaction. Carmen agreed. Rick said the roof would be inspected. Joe asked if the Township received references for Garvey Roark. Rick said yes, and the references were positive.

Public Comment: Abbas Rahbari, 1613 Manley Road – Gave recommendations for inspection of the roof.

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

Bid Award for Sale of 1994 Crown Victoria

Don announced that the Township utilized electronic bidding for this vehicle, and received 4 bids, the highest of which was \$597 from the Police Car Store, LLC. Joe moved to accept the bid from the Police Car Store in the amount of \$597. Carmen seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked how many miles are on the car. Rick said approximately 164,000 miles.

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

Bid Award for Sale of 1998 Construction Trailer

Don announced that electronic bidding was utilized for this trailer, and the Township received 11 bids, the highest of which was \$860 from Robert Horwath. Joe moved to accept the bid from Robert Horwath in the amount of \$860. Carmen seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Bids for 1998 For Taurus

Don announced that electronic bidding was utilized for this vehicle, and 20 bids were received. The highest bid was \$2,405. The reserve price of \$3,500 was not met. Don announced that Township staff will lower the reserve price appropriately and will re-bid this vehicle.

PUBLIC HEARINGS

Hearing on Adoption of Amendment to Ordinance Chapter 188, “Sewers”

The Board held a public hearing on the adoption of an amendment to ordinance Chapter 188.28(L)(2) titled “Rules and Regulations Governing Building Sewers and Connections to Sewer Systems.” The Board voted unanimously to adopt the amendment (Motion: McDonough/Battavio).

Hearing on Adoption of Amendment to Ordinance Chapter 211, “Taxation”

The Board held a public hearing on the adoption of an amendment to ordinance Chapter 211, Article IV, titled “Emergency and Municipal Services Tax.” The Board voted unanimously to adopt the amendment (Motion: McDonough/Battavio).

A court reporter was present for the hearings and will provide a complete transcript.

Treasurer's Report

The Treasurer's Report for October 16, 2007:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 9,213.66	
EMS TAX	\$ 0.00	Accounts Payable \$ 242,144.23
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 41,128.63	Payroll \$ 40,000.00
Total Receipts	\$ 50,342.29	Total Expenditures \$ 282,144.23
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 44,324.55	\$ 5,650.70
Refuse	\$ 35,050.24	\$ 31,533.99
Capital Projects	\$ 0.00	\$ 0.00

Marty moved to accept the Treasurer's Report and to approve the expenditures reviewed during the workshop. Joe seconded the motion.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Said he has compiled every Treasurer’s Report from January 9 to October 2, which in the aggregate shows a surplus of over \$1M. He asked if the surplus will still show on the books at the end of the year. Joe explained that some of that money will be transferred to the Sinking Fund and the Capital Reserve Fund. Marty invited Mr. Egan to attend the special meeting the Supervisors will have on October 30, where the 2008 budget will be discussed.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said he objected to the motion, and stated that the 1-page Treasurer’s Report summary is inadequate, and he wanted to see the list of every individual expenditure that the Supervisors reviewed. Don pointed Mr. Rahbari to Resolution 07-39, and requested him to cease from taking up everyone’s time with the same complaint at every meeting.

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

Police Report

Chief John Dumond reported there were 739 calls for service from East Goshen in September. In the early morning hours of October 15 there was a traffic fatality on West Chester Pike in front of the Summit House condominiums.

Jim McRee of the DMC thanked Chief Dumond for having the police provide the DMC with reports of deer-related traffic incidents in the Township. Jim asked how incidents of deer poaching are classified in the police report. Chief Dumond said they are listed as “Animal Complaints.”

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if there has been any update on the incidents of 911 hang-up calls originating from the Comcast property on Boot Road. The Chief said there have been no developments. Mr. Egan then asked if there was any update on the June 4 diesel fuel spill at Boot & Wilson Roads. Chief Dumond said the investigation was concluded. Mr. Egan asked if any charges were filed against the driver. The Chief said he didn’t believe so. Mr. Egan expressed concern about the fuel-soaked sand that is still sitting in front of the Sts. Peter & Paul Church on Boot Road. He noted there is also a mangled road sign from the incident that is still on the ground in front of Wellington. Don said that Boot Road is maintained by PennDOT, and they are the ones responsible for replacing the road sign.

Escrow Release #3 for Goshen Parkway Lot 12 (Lexington)

Carmen moved to approve escrow release #3 for Goshen Parkway Lot 12 (Lexington) in the amount of \$106,898.72 per the October 5, 2007 recommendation of Public Works Director Mark Miller, made in conjunction with the Township Engineer. Joe seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Adoption of Resolution 07-40 Establishing a Policy for Determining Salary Ranges

Marty moved to adopt Resolution 07-40, incorporating the changes discussed during the workshop. Joe seconded the motion. Don explained that in adopting this resolution, the Township is formalizing a policy currently in practice by putting it into writing.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked for a summary of what this resolution entails. Marty explained how the salary ranges for Township personnel are determined.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if there are maximum and minimum salary figures for exempt and non-exempt personnel. Rick explained the ranking and

point values that are assigned to benchmark positions and said there are maximum and minimum salaries assigned to each position.

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

Oxford Properties – Relocation of Reserve Parking Spaces

Carmen moved to approve the developer's requested change and to instruct the developer to show the approved change on the as-built drawings for the project. He noted that the addition to the historic structure will require a building permit and plan review by the Township. Joe seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked what the historic building will be used for. Don said the developer is turning it into two apartment units. Mr. Rahbari then asked if the developer will have to comply with building code standards regarding means of egress from the apartments. Rick directed Mr. Rahbari to speak to an employee in the Code Department if he has specific questions of this nature.

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

Training and Education Reimbursement Policy

Marty moved to adopt the changes to the Township's Training and Education Reimbursement policy as discussed in workshop. Joe seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Asked if the revised policy includes all employees without restriction. Don said yes. Mr. Schorn stated the policy is "restrictive" because it requires a manager's approval.

Public Comment: Abbas Rahbari, 1613 Manley Road – Stated the policy is "discriminatory" and "restrictive." Marty said there is nothing discriminatory about the policy and that every regular full-time Township employee can take advantage of the program.

Jim McRee of the Planning Commission suggested the Board consider tweaking the policy to allow the reimbursement schedule to be up to a manager's discretion.

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

Public Comment: Bob Phiel, 1386 Boot Road – Mr. Phiel asked to be recognized after the vote was taken, and was recognized by the Chairman. Mr. Phiel asked if there is a grievance procedure if employees are dissatisfied with a manager's decision regarding this policy. Don said there is.

Correspondence & Reports of Interest

Don acknowledged receipt of the following:

- Letter from the Township Zoning Officer regarding the Minor Subdivision Sketch Plan for 907 and 909 Gates Drive.
- Fire Marshal's Report for September 2007.
- Notification from Comcast of their 2007 FCC Form 1240 and Form 1205 filings.

Meetings & Dates of Importance

Don noted the upcoming meetings as listed in the agenda.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Abbas Rahbari, 1613 Manley Road – Said he has a right to express his opinions.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if the Township could start advertising meetings, public hearings, etc. on the website in addition to the *Daily Local*. Don said the Township is planning to do that.

Public Comment: John Schorn, 1401 Larch Lane – Asked a question about the trash bids received. He asked if residents will see an increase in trash rates. Rick said there would be no change. Mr. Schorn asked a question about the swimming pool ordinance change. Don said the change was being drafted.

Public Comment: Elaine Blair, Hershey's Mill – Said she has been very pleased with McCusker & Ogborne, who serve as her trash hauler in Hershey's Mill.

Public Comment: John Mummert, 1417 Center Street – Reported an opening/hole in the ground on the vacant 1419 Center Street property. Rick said he would have it investigated. Mr. Mummert then asked the status of the Sheriff's sale for 1419 Center Street. Rick said he will get an update and report back.

Adjournment

There being no further business or public comment, the formal meeting adjourned at 10:02pm.

WORKSHOP (Resumed)

Contributions to Neighborhood Health Agencies, Inc.

Don opened this matter for discussion again, but there were no further comments from the Board.

Generator for Township Building

Rick is still gathering the data Marty requested.

Boot Road Widening

Rick is still waiting to hear back from West Goshen. Marty said he would like to schedule a meeting with them.

Brookmont Meetings

Carmen said it is up to Lisa O'Neal whether to have another meeting with the Brookmont residents. Marty will contact Ms. O'Neal.

Expense for Police Service at July 4 Fireworks Event

Marty and Joe would like to know the particulars of how Special Details are determined, and why the Township paid the police to work the entire evening when the event was cancelled early in the evening. Carmen will provide this information.

Liaison Reports

Conservancy Board – Don reported that the Conservancy Board said he would be amenable to allowing an additional 15 ft to be mowed along each side of Reservoir Road in response to resident complaints about the appearance of the restoration project area.

Adjournment

There being no further business, the workshop adjourned at 10:50pm.

EXECUTIVE SESSION

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

Respectfully submitted,

Anne Meddings
Recording Secretary

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