

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
December 18, 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, Jim McRee (Planning Commission & DMC), Linda Gordon (Historical Commission), Phyllis Marron (Park & Rec) and Jack Yahraes (Municipal Authority).

EXECUTIVE SESSION

The Supervisors met in Executive Session until 7:15pm to discuss a personnel matter.

WORKSHOP

Minutes

The draft minutes of November 27 and December 4 were reviewed and corrected.

Agenda Review

The agenda for the formal meeting was reviewed.

Sewer Rates

Marty said that per Jeff Sommer, the Township can legally bill metered customers at one rate and bill non-metered customers on an average-flow basis.

Marty and Rick reviewed the data again after the December 11 meeting, and now recommend the following course of action:

Raise only the commercial rates for 2008. The Township can work on obtaining the data to determine how much to change residential rates in 2009. Cider Knoll and Summit House will be included in the residential rate base. The capital reserve will be funded.

The Board reviewed the spreadsheets prepared by Rick on the various options Marty & Rick considered.

Joe is opposed to funding the capital reserve if the Township may sell the sewer system.

Thom does not want Cider Knoll and Summit House included in the rate base with other residents because he says it's unfair for other residents to "underwrite" these communities who currently pay a higher Westtown rate. Carmen said that folks living in Cider Knoll and Summit House are East Goshen residents and it's only fair to charge them the same rate as everyone else. He disagreed with Thom's claim that anyone would be "underwriting" these communities.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don called the meeting to order at 8:07pm and led everyone in the Pledge of Allegiance to the flag. Don then welcomed the audience and wished everyone Happy Holidays.

Recording of Meeting

Don asked if any resident planned to record the meeting. There was no response.

Approval of Minutes

Joe moved to approve the minutes of November 27 and December 4 as corrected in workshop. Thom seconded the motion. There was no discussion and no public comment. The motion passed unanimously. Carmen abstained from voting on the November 27 minutes, as he was absent from that meeting.

Chairman's Report

Don announced that in 2008 the workshops will start at 7:00pm instead of 6:30pm. The regular formal meeting will still begin at 8:00pm. Don also announced that the annual reorganization meeting of the Supervisors will be held on Monday, January 7 at 7:30pm.

Treasurer's Report

The Treasurer's Report for December 18, 2007:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 14,506.25	
EMS TAX	\$ 0.00	Accounts Payable \$ 64,095.98
Transfer Tax	\$ 39,025.07	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 15,694.19	Payroll \$ 45,000.00
Total Receipts	\$ 69,225.51	Total Expenditures \$ 109,095.98
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 49.50
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 7,209.74	\$ 23,681.58
Refuse	\$ 2,271.70	\$ 33,560.48
Capital Projects	\$ 0.00	\$ 0.00

Marty moved to accept the Treasurer's Report and the receipts and "in the spirit of Christmas" to approve payment of the bills pending the Board's review in the workshop following this meeting. Joe seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Police Report

Sgt. Rick Gorman reported there were 698 calls for service from East Goshen in November. This represented 48% of the total calls taken in November.

Joe asked Carmen to explain why the PPU's have been going down but the budget appears unaffected. Carmen said the best he could tell Joe right now is that when WEGO is short-staffed, they have to obtain coverage however they can, even if it means paying a premium for overtime. Don pointed out to Joe that by looking at the budget one can see the increase in sick pay and a corresponding increase in overtime, which would match what Carmen said.

Public Comment: John Schorn, 1401 Larch Lane – Had a question for Sgt. Gorman about some recent burglaries in the area.

Cass, 915 Vista Drive – Variance Application

Mr. and Mrs. Cass were present, along with their attorney Ms. Jane Shields.

Ms. Shields asked the Board to support the Cass's variance application before the Zoning Hearing Board. She said the proposed addition to the Cass home would not detract from any of the goals of the ordinance. She added that the property is heavily screened with trees and the addition would add value to the property.

Mr. Cass gave a detailed presentation outlining the improvements he wishes to make to his home. He said his neighbors are all in favor of the addition and support his variance request. Thom made a suggestion to Mr. Cass that he move the proposed addition so it's not in the setback, but Mr. Cass said he already considered that option and ruled it out for practical reasons.

Ms. Shields said the proposed addition would present no adverse impact to the neighborhood or community, and that this is a classic case for a *de minimis* variance.

Marty complimented Mr. Cass for giving such an effective, well-prepared presentation. He told Ms. Shields that while this is a dimensional variance request, he's not sure it's *de minimis*. He asked Ms. Shields if there is case law that leads her to believe this is *de minimis* based on the square footage, versus looking at the linear 14 feet of relief the applicant is seeking from a 45-ft setback. Ms. Shields said she is not sure there is actual case law to cite, but other cases have considered dimensional variances *de minimis* when there was no impact to public safety or welfare. Marty said he likes the Cass's plan and is not against it, but to maintain the integrity of the ordinance he needs to know the standard the Board is being asked to judge a case like this, and he's trying to find the rationale for approval. Ms. Shields said the rationale for approval is that the request makes sense, and these applications must be considered on a case-by-case basis.

Mr. Cass said he had read through the minutes of the Board going back several years, and he noted that in a similar case the Township solicitor recommended approval of a variance, noting that the ordinance should be flexible.

Marty asked Ms. Shields to explain how she would address condition #2 in the ordinance concerning the use of the property. Ms. Shields said what her clients wish to build is a natural

expansion of an existing home. Marty noted that Mr. and Mrs. Cass are not presently prevented from using their home within the confines of the ordinance. Ms. Shields said that her clients were not here on the use issue, but for a dimensional variance. Marty said he believes the 4 conditions in the ordinance have to be addressed, and the only one that would get relaxed is the one about proving a hardship.

Mr. Cass said the application is about a lifestyle issue, no different than other cases that have come before the Board recently. Don noted that the Zoning Hearing Board turned down a similar application for a resident on Jefferson Drive.

Don said he is concerned about standard #5 in the ordinance, and whether the Cass's request represents the minimum variance required. Mr. Cass said he needs a basement at least 15 ft to make it useable.

Carmen moved to support the variance request of Mr. and Mrs. Cass at 915 Vista Drive for 14 feet of relief in the side street yard setback area, based on the December 12, 2007 recommendation from the Planning Commission. Joe seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Said he supports the variance request.

Marty said that because there are some issues that need to be explored before the Zoning Hearing Board, he would personally feel more comfortable if the Board took no position; however he hoped Mr. and Mrs. Cass would be able to move forward with this project.

Carmen said he considers the request to be *de minimis*, and the application makes sense and is realistic. Furthermore there is no public opposition. He said the request has merit and he feels the Board should support it. He also stated in a case such as Cass, the property location also gives the appeal some merit. Marty said if Carmen feels it is *de minimis* the motion should reflect that. Carmen said he preferred to simply support the Planning Commission's recommendation and leave it at that.

There was no further discussion or public comment. The Board voted unanimously to pass the motion.

Resolution for 2008 Sewer Rates

Marty moved to adopt 2008 sewer rates of \$80/qtr for single family dwellings, \$68/qtr for multi-family dwellings, and \$4.57 per 1,000 gallons of usage for commercial accounts. These rates incorporate the communities of Summit House and Cider Knoll into the rate structure. Joe seconded the motion.

Don noted that since the Township is not raising residential rates in 2008, there will be a 40%+ residential rate increase in 2009. Marty said there are various considerations the Board must examine that may impact future rates, so there is really no way to know at this point what the rates will be in 2009. Don said they will go up a minimum of 43% next year based on the RCSTP upgrade alone. Marty agreed there will be an increase from the debt service charge incurred to fund that project, but said he doesn't know how other factors will impact the total.

Joe said he is opposed to raising rates in 2008 when the Board is not sure if the sewer system will be sold or kept. Carmen agreed.

Marty said he personally prefers a 2-step rate increase – a partial increase in 2008 and another increase in 2009, instead of one large increase in 2009, but he cannot justify raising the rates in 2008 when there are still several factors under consideration.

Marty noted for the audience that the reason the commercial rates are going up is because there has been an inequity in the rate structure. The 2008 commercial rate increase will correct that. The increase represents a 60%+ increase for commercial users.

Public Comment: John Schorn, 1401 Larch Lane – Agreed with Joe and Carmen that 2008 rates should not be increased if no decision has been made about whether to sell the sewer system.

There was no further discussion or public comment. The Board voted 4:1 to pass the resolution. Thom was opposed.

2008 Budget

Rick noted that the final budget will reflect the increase in commercial sewer rates, which the draft copy as of tonight does not reflect.

Marty moved to adopt the 2008 budget as discussed in workshop, recognizing that the final version will show commercial sewer rates of \$4.57 per 1,000 gallons of usage. Joe seconded the motion.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Said he understood there is a refuse account surplus so he doesn't understand the need to keep rates the same. Don said it will serve as a cushion -- in case the Township's rates jump again, there will be less of an impact on the residents' rates. Mr. Egan said the fact that there is a surplus in the fund invites haulers to overbid next time. Marty said there is a rationale, as the Township has no control over tipping fees and needs a cushion if those rates are raised in the future as predicted. The surplus also serves as a reserve to fund any unanticipated increases.

Mr. Egan then asked if there is a line item in the budget for specific event sponsorships, such as the July 4 fireworks. Rick said there is a "revenue" line under Park & Rec in the budget that serves this purpose. Mr. Egan asked the amount of that line in the 2008 budget. Rick said it includes \$12K for the fireworks and \$10K for miscellaneous events. Mr. Egan commented that having a sponsorship program could give the appearance of impropriety, if sponsors plan to do any business with the Township or bring applications before them. He said the recent windfall to the Township should be applied toward events where the Township now seeks sponsors. Carmen disagreed that there was an appearance of impropriety and said having sponsors gives local businesses a sense of ownership and participation in the Township. It also saves taxpayers money. Don said the windfall was a one-time event that has been put into the General Fund. He said the Board likes Park & Rec to be self-supporting. He agreed with Carmen that there is no appearance of impropriety in having sponsors.

There was no further public comment or Board discussion. The Board voted unanimously to pass the 2008 budget.

Resolution 07-45, Green Hill Sewer Association

Don noted that the Board needed to pass this resolution to move forward with a litigation issue. Linda Gordon of the Historical Commission asked if he could be more specific. Rick said it pertains to a Wellington issue.

Don moved to pass Resolution 07-45, entering into a consent order and agreement with the Pennsylvania DEP for the Green Hill Sewer Association, pending final review and approval of the Township solicitor. Thom seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Asked what the resolution accomplishes. Rick said it allows the Township to issue Certificates of Occupancy for Wellington.

There was no further discussion or public comment. The Board voted unanimously to pass the resolution.

East High School Post-Prom Party Donation

Carmen reported that there are a handful of East Goshen residents who attend Rustin High School and a few who attend Henderson High School. He learned that checks sent to the attention of the “East Committee” are used exclusively for the East post-prom party. Checks sent to the WCASD, not designated for East, are split three ways.

Correspondence & Reports of Interest

Don acknowledged receipt of an email from resident Terry Fine expressing disappointment with the Board’s decision not to install public sewers in Charter Chase. Marty said that the Board was told at the time of the decision that any bolster to property values resulting from sewerage the neighborhood would not be enough to offset the huge cost of installing the sewer line. Furthermore, the Township had no engineering justification for putting in sewers. Marty noted that things may have changed somewhat now that the real estate market has taken a downturn.

Carmen said in his opinion it’s irresponsible and negligent for someone to accuse the Board in such a manner without knowing all the supporting information they painstakingly reviewed, and the amount of work that went into making such a difficult decision. Don noted that the Board did take a vote of the residents affected, which impacted the final decision.

Carmen recommended that in future, all such emails not covered by the Sunshine Law be put on the agenda. He also proposed doing away with the practice of having “mini meetings” to discuss projects with applicants before a formal application is made. Carmen said that he was making these two suggestions to help the Township avoid any appearance of impropriety. Joe agreed that emails like Ms. Fine’s should be shared with the public.

Marty said the “mini meetings” are permitted under the Sunshine Law, and such meetings have been a very effective at smoothing the way for good working relationships between applicants

and the Township. Carmen agreed the meetings have proved useful but said those not privy to the initial discussions are left out of the loop and can have a hard time catching up. Don said this matter could be discussed at a future meeting.

Meetings & Dates of Importance

Don noted the upcoming meetings as listed in the agenda.

Public Hour – Hearing of Residents – Receipt of Petitions

Linda Gordon of the Historical Commission said she agreed with Carmen's comments. Even if the Township is acting properly it's important to avoid the *appearance* of impropriety.

Public Comment: John Schorn, 1401 Larch Lane – Asked what a reorganization meeting is. Don explained it's the first meeting of the year when the Board appoints a Chairman and Vice-Chairman, and passes many administrative resolutions required by law.

Mr. Schorn said the Board should have the courage to write a letter to commercial sewer users explaining the increase in their rates in 2008, as it would be easier than writing a letter to all the residential users to tell them they have been subsidizing commercial users all this time.

Adjournment

There being no further business or public comment, the formal meeting adjourned at 10:04pm.

WORKSHOP (Resumed)

Applebrook Golf Days – Letter to Hank Belber

The Board reviewed the handwritten changes Mr. Belber made to the November 28 letter sent him. Rick will send a revised letter to Mr. Belber.

Bills

Current invoices were reviewed.

Cingular Update

Per Rick, Cingular's attorney said his client's equipment will be removed from the West Chester Pike location by the end of the year. Rick will work with Mark Gordon to monitor the situation and take action if necessary.

Web Site Services from the Cyber Charter School

Don asked Rick to get something in writing from the Charter School listing what web site services they have provided to the Township as part of their 120-hour agreement.

DMC

Don noted that the DMC will be on the Board's agenda for January 22.

Cardboard Recycling

The Board discussed a spreadsheet Rick prepared on the cost to the Township of recycling cardboard. Rick noted that McCusker & Osborne charge more to recycle cardboard than did

BFI/Allied. Don, Joe and Thom are opposed to keeping the cardboard dumpster because the Township will lose money on it. Carmen is okay with keeping the cardboard dumpster even though it would be at a financial loss to the Township. Marty said he had no strong opinion and would agree to the majority decision.

Joe suggested that the Township should develop an environmental initiative that would include how to increase recycling by Township residents and reducing the amount of energy used by the Township.

Public Comment: John Schorn, 1401 Larch Lane – Told the Board there are firms that collect cardboard and paper that may be willing to put out a dumpster at no charge to the Township.

Linda Gordon of the Historical Commission said the decision about the cardboard should have been made with a formal motion and public input.

Any Other Matter

Carmen thanked the Township for providing flowers in memory of his recently deceased mother.

Adjournment

There being no further business, the workshop adjourned at 10:40pm.

Respectfully submitted,

Anne Meddings
Recording Secretary

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