

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS  
RE-ORGANIZATIONAL & REGULAR MEETING  
January 7, 2008 - 6:30pm**

**Present:** Don McConathy, Thom Clapper, Carmen Battavio, Marty Shane and Joe McDonough. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission & DMC), and Linda Gordon (Historical Commission).

**EXECUTIVE SESSION**

The Board met with the Township Solicitor from 6:30 to 7:00pm to discuss a legal matter.

**WORKSHOP**

**Agenda Review**

The Board reviewed the agenda for the meeting.

**Review of Minutes**

The Board reviewed and made corrections to the minutes of December 11 and December 18.

**Bills**

The Board started but did not complete its review of the invoices.

**FORMAL MEETING**

**Swearing in of Carmen Battavio**

District Justice Chester Darlington swore in Supervisor Carmen Battavio as he began a new term. Carmen thanked his wife Karen and their children, his friends & neighbors, constituents, fellow Supervisors, ABC board members, and Township staff for their support, assistance and guidance in the past. Carmen said he has tried to represent all residents fairly, to keep an open mind, and to apply common sense when a situation deserves consideration. Carmen said he will continue to represent East Goshen in all matters pertaining to local, county and state government with dignity and honesty, and he will strive to do his part to keep East Goshen a premier community in Chester County.

**Call to Order & Pledge of Allegiance**

Don McConathy led those present in the pledge of allegiance.

**Recording of Meeting**

Don asked if anyone would be recording the meeting, and there was no response.

**Remarks by Outgoing Chairman Don McConathy**

Don expressed his gratitude to the Board for their support during his two years as Chairman. Don said he believed that on the whole the Board has done what is right for East Goshen and its residents during his tenure. He noted that some of the Board's actions have been controversial, but most have been accepted. During the past two years East Goshen has received awards for the

Township park and the newsletter, a grant for the new park restroom, a new pavilion in the park from the YMCA, and has embarked on a major upgrade to the Ridley Creek Sewer Plant. Don noted the fine work done by the various ABCs in their various capacities, and the excellent work done by the Township staff on a daily basis. Don made special mention of Kathy Glass, Frank Vattilano, and Mark Miller. Special appreciation was expressed to Township Manager Rick Smith. Don said Rick serves as the hub that keeps everything moving forward and keeps the Board honest and on track. Finally, Don wished the incoming Chairman the best of luck.

**Elect Chairman (Resolution 08-1)**

Joe thanked Don for his past work as Chairman and nominated Marty Shane for the position of Chairman. Thom seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Marty then took over as Chairman.

Marty introduced State Representative Barbara McIlvaine-Smith and thanked her for her efforts on behalf of East Goshen residents.

**Elect Vice-Chairman (Resolution 08-2)**

Joe nominated Carmen Battavio as Vice-Chairman. Thom seconded the motion. There was no discussion or public comment. The motion passed unanimously.

**Appoint Police Commissioner (Resolution 08-3)**

Marty nominated Thom Clapper as Police Commissioner. Joe seconded the motion. There was no discussion or public comment. The motion passed unanimously.

**Appoint Township Officials (Resolution 08-4)**

- o Manager/Secretary – Louis F. (Rick) Smith, Jr.
- o Director of Finance/Treasurer - Kathleen Glass
- o Director of Public Works – Mark Miller
- o Zoning Officer – Mark Gordon
- o Assistant Zoning Officer – Louis F. (Rick) Smith, Jr.
- o Building Inspectors – Taylor H (Mike) Merwin & Gary Althouse
- o Fire Marshal – Ralph Brown
- o Assistant Fire Marshals – Diane Degnan & Mark Miller
- o Solicitor – Buckley, Brion, McGuire, Morris & Sommer
- o Engineer – Yerkes Associates
- o Back-Up Engineer - Chester Valley Engineers
- o Emergency Management Coordinator – William Keslick
- o Assistant Emergency Management Coordinator – Ralph Brown

**Re-Appoint Township Employees (Resolution 08-5)**

**Appoint Township Depositories for Township Funds (Resolution 08-6)**

- Sovereign Bank
- First National Bank of West Chester
- National Penn Bank
- PLAIT-PA Local Government Trust and Plus
- Commerce Bank
- Wachovia Bank
- Citizens Bank
- Penn Liberty Bank

Authorize Director of Finance/Treasurer to make investments at banks paying the best rate of interest and with the best terms.

Marty moved to adopt Resolutions 08-4 thru 08-6. The motion was seconded by Don. In response to a question from Jim McRee, Marty stated that Rick Smith would take over the duties of Zoning Officer in Mark Gordon's absence. There was no discussion and no further public comment. The motion passed unanimously.

**Certify Delegates to the State Convention (Resolution 08-7)**

Five Supervisors, Manager and Director of Finance/Treasurer will be affirmed as delegates.

Voting Delegate: Rick Smith

Alternate Voting Delegate: Kathleen Glass

Marty moved to adopt Resolution 08-7. The motion was seconded by Carmen. There was no discussion or public comment. The motion passed unanimously.

**Confirm 2008 Holiday Schedule (Resolution 08-8)**

**Confirm 2008 Meeting Schedule (Resolution 08-9)**

**Appoint Berkheimer Associates as Act 511 – Earned Income Tax Collector for Township (Resolution 08-10)**

**Appoint Berkheimer Associates as Local Services Tax Collector for Township (Resolution 08-11)**

**Establish 2007 Public Safety Boundaries (Resolution 08-12)**

**Authorize Participation in VALIC 457 Plan (Resolution 08-13)**

**Authorize Participation in Pension Plan Invested with Key Financial Inc. & RTD Financial Advisors, Inc. and Authorize Director of Finance/Treasure as Pension Plan Administrator (Resolution 08-14)**

Marty moved to adopt Resolutions 08-8 thru 08-14. The motion was seconded by Don. There was no discussion or public comment. The motion passed unanimously.

**Establish Treasurer's Bond for 2008, in the Amount of \$5,000,000 (Resolution 08-15)**

**Establish Manager's Bond for 2008, in the Amount of \$1,000,000 (Resolution 08-16)**

**Establish Tax Collector's Bond for 2008, in the Amount of \$500,000 (Resolution 08-17)**

**Establish 2008 Invoice Authorization Process (Resolution 08-18)**

**Authorize Director of Finance/Treasurer to Pay Bills at End of the Year (Resolution 08-19)**

**Appoint Check Signers (Resolution 08-20)**

Louis F. (Rick) Smith, Jr. & Kathleen Glass, with Diane Degnan as the alternate.

Marty moved to adopt Resolutions 08-15 thru 08-19. The motion was seconded by Joe. There was no discussion or public comment. The motion passed unanimously.

**Authorize Payment of Certain Operating Disbursements That May Become Due & Payable Prior to Board of Supervisors' Review and Approval (Resolution 08-21)**

**Establish that the 2007 Mileage Rate Shall Be the Rate as Set by the IRS (\$0.505) (Resolution 08-22)**

**Appoint Township Manager and His Designee as Bid Opener (Resolution 08-23)**

**Appoint Maillie Falconiero as Independent Auditors for the Township (Resolution 08-24)**

**Authorize Participation in the Section 125 Premium-Only Plan for Health, Dental and Life Insurance (Resolution 08-25)**

**Confirm the Appointment of Senya Isayeff as the Representative and Megann Hedgecock as the Alternate Representative to the West Chester Regional Planning Commission (Resolution 08-26)**

Marty moved to adopt Resolutions 08-21 thru 08-26. The motion was seconded by Thom. There was no discussion and no public comment. The motion passed unanimously.

**Establish Rules for video or audio recording of a meeting. (Resolution 08-27)**

**Establish policy regarding requests for Public Records. (Resolution 08-28)**

**Establish Meeting Procedure (Resolution 08-29)**

**Establish Procedure for Notification of Township Residents of Applications for Development, Conditional Uses, Variances, and Zoning Map Amendments (Resolution 08-30)**

**Confirm that the Township Will Accept the Post Mark as the Date Paid for Real Estate Taxes (Resolution 08-31)**

**Establish Minimum Restoration Requirements for Openings in Township Roads and Road Rights-of-Way (Resolution 08-32)**

**Consider the Appointment of the Supervisor Selected by the Thornbury Township Board of Supervisors as the “Citizen at Large Member” to the Police Commission (Resolution 08-33)**

**Establish the 2008 Fee Schedule (Resolution 08-34)**

**Establish the West Chester Area Council of Government Board of Appeals As the Body to Hear Appeal to the Building Codes (Resolution 08-35)**

**Establish Mailbox Replacement Policy (Resolution 08-36)**

**Establish Discount and Penalties for the Real Estate Tax (Resolution 08-37)**

**Confirming Mutual Aid Agreements (Resolution 08-38)**

**Establish Policy for the Release of Financial Information (Resolution 08-39)**

**Establish a Policy Concerning the Use of E-Mail (Resolution 08-40)**

Marty moved to adopt Resolutions 08-27 thru 08-40. Joe seconded the motion. Jim McRee asked if Resolution 08-29 would preclude staff members and the solicitor from sitting at the dais or conference table. Marty replied that it would not. Jim also asked if there was a conflict between resolution 08-29 and 08-39 with respect to payment of the invoices. Don advised that there was not a conflict. There was no discussion and no further public comment. The motion passed unanimously.

### **Approval of Minutes**

Joe moved to approve the minutes of December 11 and 18 as corrected. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

### **Chairman’s Report**

Marty announced the following:

- The Board met in Executive Session on December 18, 2007 to discuss a personnel matter. The Board met in executive session before tonight’s meeting to discuss a legal matter.
- During his tenure as Chairman, workshops will start at 7:00pm and end at 10:30pm. In rare cases they could go until 11:00pm. For formal meetings the workshop will start at 7:00pm, the meeting will begin at 8:00pm and end at 10:00pm. This will give the Board

30 minutes to finish up any workshop items. The public comment period may be held at the beginning of the meeting or deferred until a special meeting.

- The annual Planning Session will be held on Saturday, January 12.
- East Goshen has been awarded first place in the PSATS Electronic Newsletter category. Marty thanked Diane Degnan for her efforts with the Township Newsletter.

**2008 Group Bid Awards**

Marty announced receipt of the following bids:

**GROUP I – BITUMINOUS CONCRETE**

	Total	Delivered Total	
Allen Myers – Independence .....	\$390,900.00	\$437,345.00	..... Did not meet specs
Glasgow Inc.....	\$429,500.00	\$487,950.00	
Highway Materials .....	\$412,250.00	\$470,000.00	..... <i>Winning bid</i>
Pyramid Materials.....	\$20,775.00	\$32,229.00	..... Did not meet specs
Pottstown Trap Rock Quarries.....	\$6,800.00	\$7,514.00	..... Did not meet specs

**GROUP II – STONE**

	Total	Delivered Total	
Glasgow Inc.....	\$23,100.00	\$32,240.00	..... Incomplete bid. Will be re-bid.
Allen Myers – Independence .....	\$24,775.00	\$36,057.00	..... Incomplete bid. Will be re-bid.
Martin Limestone .....	\$17,520.00	\$34,780.00	..... Incomplete bid. Will be re-bid.
Pottstown Trap Rock Quarries.....	\$5,750.00	\$9,320.00	..... Did not meet specs. Incomplete bid. Will be re-bid.

**GROUP III – FUEL**

Reilly & Sons Inc.	\$28,750.00 Total	<i>Winning bid</i>
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**GROUP IV – SODA ASH**

Univar USA Inc.	\$6,096.00 Total	<i>Winning bid</i>
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**GROUP V – RENTAL EQUIPMENT WITH OPERATORS**

Charlestown Paving & Excavating	\$67,456.00 Total	Incomplete bid
S.A. Macanga Inc.	\$71,930.00 Total	<i>Winning bid</i>

**GROUP VI – RENTAL EQUIPMENT WITHOUT OPERATORS**

Knox Rental	\$32,820.00 Total	Incomplete bid
Giles & Ransome Inc.	\$38,205.00 Total	<i>Winning bid</i>

**GROUP VII – PRINTING**

GraphiColor	\$8,860.00 Total	Bid non-responsive
Reino’s Design Print	\$9,779.80 Total	<i>Winning bid</i>

**GROUP VIII – POSTS & SIGNS**

Vulcan Signs	\$6,348.95 Total	<i>Winning bid</i>
Newman Traffic Signs	No bid at this time	

**GROUP IX – ROAD PLANNER AND TRI-AXLE DUMP**

Shainline Excavating	\$14,400.00 Total	<i>Winning bid</i>
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Joe moved to award the bids to the lowest responsible bidder in each category. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

**Treasurer's Report**

The Treasurer's Report for January 7, 2008:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 172,064.54	
<b>EMS TAX</b>	\$ 5,070.48	Accounts Payable \$ 614,935.29
Transfer Tax	\$ 0.00	Debt Service \$ 28,470.43
Codes, Park & Rec, Etc.	\$ 487,361.78	Payroll \$ 175,000.00
<b>Total Receipts</b>	<b>\$ 664,496.80</b>	<b>Total Expenditures \$ 818,405.72</b>
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 343,439.34
Capital Reserve	\$ 0.00	\$ 123,581.05
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 17,662.04	\$ 102,545.36
Refuse	\$ 1,584.22	\$ 19,766.41
Capital Projects	\$ 0.00	\$ 0.00

Marty moved to accept the receipts and approve the bills pending review. Joe seconded the motion with a change to graciously accept the receipts. Marty agreed with the change. There was no discussion and no public comment. The motion passed unanimously.

**Consider Request from Cephalon to Confirm They Do Not Need to Go Through the Conditional Use Process Again for the Phased Conversion of Their Facility at 905 Airport Road to a Data Center**

Susan Boswell was present on behalf of Liberty Property, the owner of the building who had obtained the conditional use approval for Cephalon. Rick advised the Board that he had discussed the matter with the Township Solicitor who did not see a problem with the request. Some of the Board members expressed concern with the length of time Cephalon would have to complete the project. Rick noted that they had discussed the timing during the conditional use hearing and that condition #2 of the approval required the use to be in conformance with the plans and testimony presented. Susan noted that a 15-year time frame was presented at the hearing.

Joe moved to have the Township Manager check the transcript of the hearing, and assuming the 15-year period is correct, to send a letter confirming that Cephalon had 15 years to complete the project. Don seconded the motion. There was no public comment. The motion passed unanimously.

**Approval of Escrow Releases**

- o Sorrell Hill Escrow Release #1 in the amount of \$38,140.00 per the recommendation of Mark Miller, Public Works Director.

- YMCA Family Center Escrow Release #2 in the amount of \$936,661.10 per the recommendation of Mark Miller, Public Works Director.
- Park Avenue Escrow Release #3 in the amount of \$17,060.00 per the recommendation of Mark Miller, Public Works Director.

Marty moved to approve the escrow releases for Sorrell Hill (\$38,140.00), YMCA (\$936,661.10) and the Park Avenue Subdivision (\$17,060.00) based on the recommendation of Mark Miller, Director of Public Works. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

### **Correspondence Reports of Interest:**

Marty acknowledged receipt of a Pennoni Associates, Inc. letter of intent to submit an application to the Pennsylvania Department of Environmental Protection (DEP) for the Green Hill Sewer Association.

### **Meetings & Dates of Importance:**

Marty noted the list of upcoming meetings in the agenda. The Conservancy Board meeting has been moved from January 16 to January 9.

### **Public Comment**

Linda Gordon asked about the status of the Line Road path and whether or not Sally Dixon (Thorncroft Riding) had asked to be notified when the path was on the agenda. Rick advised her that he had spoken to Ms. Dixon, who would prefer that the path be installed, and said that he told her that she, along with all other stakeholders, would be notified when the Board was going to take action on Applebrook Golf Club's request to forego the path.

John Schorn asked about the status of the Anne Drive storm sewer project. Rick advised him that the matter would be on the agenda for January 15.

Abbas Rahbari opined that there is new equipment that uses infra-red technology that is very good for finding mold and he asked if the residents in Yardley Village were aware of it. Marty replied that they were looking at consultants that had the equipment.

### **Adjournment**

The Board adjourned to the workshop at 8:25pm.

### **WORKSHOP (Resumed)**

### **Bills**

The Board completed their review of the invoices.

### **Signing of Resolutions**

The Board signed the resolutions adopted during the formal meeting.



### **Liaisons**

The Board selected 2008 ABC liaisons as follows:

- Planning Commission - Don
- Historical Commission - Joe
- Conservancy Board - Don
- Municipal Authority - Carmen
- Deer Management Committee - Marty
- West Chester Area Council of Governments – Thom
- Park & Rec - Thom

### **Line Road Path**

No action was taken.

### **Sewer Billing**

Marty and Don will meet with Rick to investigate the possibility of using a metered billing system for all residential sewer users and to determine if the current GPD assumptions for the various types of dwelling units are still valid.

### **Liaison Reports**

None.

### **Subdivision, Land Development, CU & ZHB Applications**

Rick advised that the Township received an application to upgrade the AT&T facility at North Chester Road and Strasburg Road.

Rick advised that Board that he intends to send AT&T an enforcement notice in light of their non-action with respect to relocating the AT&T antenna on West Chester Pike.

### **Adjournment**

There being no further business, the Board adjourned at 8:54pm.

Respectfully submitted,

Louis F. (Rick) Smith, Jr.  
Township Manager