

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
February 19, 2008 – 7:00pm**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Don McConathy, Joe McDonough and Thom Clapper. Also present were Township Manager Rick Smith, Bob Huebner (Park & Rec and DMC), Kathryn Yahraes (Historical Commission), Phyllis Marron (Park & Rec), Jane Fava (Conservancy Board), Steve DiAntonio (DMC), and Senya Isayeff (Planning Commission). Linda Polishuk (DMC) was present for the formal meeting.

WORKSHOP

Deer Management

Bob Huebner was present on behalf of Jim McRee to present a new proposal from the DMC as follows:

- A hunt of the four open-space parcels during the month of January only.
- Hunting times would be dawn to 10am, Monday thru Saturday.
- No opt-outs allowed.

Carmen said he saw that the Board now had five choices before them:

1. A full hunting program (the DMC's original recommendation).
2. A partial hunting program.
3. No hunting.
4. The new proposal from the DMC.
5. A drop-back position whereby the Township does not proceed with a hunt at this time, but instead continues to pursue working with the County and reaching out to neighboring municipalities. This would keep a goal in front of the DMC and the program would not be scuttled.

Don said he didn't think the Township had a detailed enough program to vote on. Furthermore, he had problems with the DMC's new proposal – such as are the open spaces suitable for hunting or are there spots that are too narrow? Are there deer hunters available and willing to hunt for us in January? Don said he would prefer to have the DMC refine their program and return it to the BOS by April, at which point the Board could vote.

Carmen said he was concerned about wasting the DMC's time by asking them to do more work if the Board will still be split 2:2 on the issue in April.

Joe said that even if the Township pursues Carmen's # 5 option and the County recommends a hunting program for East Goshen, it would still have to have an opt-out option.

Carmen said he heard that Thornbury is becoming interested in exploring a deer hunt, and may be contacting East Goshen. He noted there are many large property owners in Thornbury with land that could potentially be successfully hunted.

Thom said the hunting groups the DMC spoke with told Jim McRee that if East Goshen waits until April to contact them about hunting next season, they will already be committed and it will be too late. He then reminded everyone that three of the neighborhoods in East Goshen will probably opt out of having a hunt, leaving just Grand Oak. Thom said he wasn't sure it would be effective to only hunt one small 10-acre area. Carmen said it would be a start. Thom pointed out that the Township already tried this approach two years ago during the pilot program.

Marty agreed with Don that the DMC must speak with the hunting clubs and check their availability and willingness to hunt, before the Board can vote on any program for January. Marty was also concerned that hunting just 24 days in January, and only in Grand Oak, would hardly be worthwhile. Marty said the charter of the DMC was to develop a program to reduce the deer herd. To do that a much more extensive program than just hunting 1 open space for 24 days will be required. The new plan the DMC proposes is not nearly enough. Marty said if the program in front of the Board doesn't match the charge of the DMC, he does feel it's appropriate to vote and indicated he would abstain from any vote tonight. Don told Marty he shouldn't do that. Marty also said he would still like to get input from residents.

Steve DiAntonio of the DMC said the Board's task tonight is simply to decide if they want a hunting program or not. After making that basic decision, then the DMC can work with the Board to define the program and work out the details.

The Board discussed voting tonight on whether to have a full hunting program, or an opt-out program. Carmen and Thom said if that's going to be the motion the Board will end up right where they are, at a 2:2 deadlock. (Carmen and Joe were still in favor of an opt-out program while Don and Thom were still in favor of a full hunt. Marty was threatening to abstain from voting).

Senya Isayeff of the Planning Commission agreed with Steve DiAntonio and said the only question is, will the Board support a deer hunt in the Township. The Supervisors all told Senya they support a hunt. Marty said the problem is that the hunting program has not been adequately defined.

Agenda Review

The Board reviewed the agenda for the formal meeting.

WCRPC Study on Affordable Housing

Senya Isayeff told the Board that the WCRPC resolution request merely provides for a study; it is not a plan to bring low-income housing to East Goshen.

Minutes

The draft minutes of January 30 and February 5 were reviewed and corrected.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:15pm and led everyone in the Pledge of Allegiance to the flag.

Moment of Silence

Carmen called for a moment of silence in memory of resident Nita Greet, who died in a house fire on February 12. Ms. Greet was a member of the Fire Company Auxiliary and always made donuts at the annual Goshen Fair. Carmen also asked for a moment of silence in honor of the men and women serving their country in the armed forces, and their families.

Recording of Meeting

No residents indicated they would be recording the meeting.

Public Comment on Non-Agenda Items

No one in the audience had a comment to make on a non-agenda item.

Approval of Minutes

Thom moved to approve the minutes of January 30 and February 5 as corrected in workshop. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Chairman's Report

Marty announced that the conditional use hearing for New Cingular will be continued until March 18.

Treasurer's Report

The Treasurer's Report for **February 12, 2008**:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 106,292.87	
Earned Income Tax	\$ 53,257.63	
EMS TAX	\$ 0.00	Accounts Payable \$ 137,243.85
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 18,368.61	Payroll \$ 40,000.00
Total Receipts	\$ 177,919.11	Total Expenditures \$ 177,243.85
Zoning Hearing Fund	\$ 130.98	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 33,322.47
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 46,968.60	\$ 7,156.18
Refuse	\$ 33,109.49	\$ 7,154.98
Capital Projects	\$ 0.00	\$ 0.00

The Treasurer's Report for **February 19, 2008:**

	RECEIPTS	EXPENDITURES	
GENERAL FUND			
Real Estate Tax	\$ 112,920.93		
Earned Income Tax	\$ 160,393.29		
EMS TAX	\$ 0.00	Accounts Payable	\$ 35,061.04
Transfer Tax	\$ 47,911.15	Debt Service	\$ 0.00
Codes, Park & Rec, Etc.	\$ 4,605.74	Payroll	\$ 98,000.00
Total Receipts	\$ 325,831.11	Total Expenditures	\$ 133,061.04
Zoning Hearing Fund	\$ 130.98		\$ 0.00
State Fund	\$ 0.00		\$ 0.00
Capital Reserve	\$ 0.00		\$ 64,834.27
Transportation Fund	\$ 0.00		\$ 0.00
Sewer Operating	\$ 11,071.78		\$ 14,496.42
Refuse	\$ 7,181.91		\$ 5,788.92
Capital Projects	\$ 0.00		\$ 0.00

Joe moved to accept the Treasurer's Reports as submitted, and the receipts, and to approve the expenditures to be reviewed in workshop following the formal meeting. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Police Report

Chief John Dumond reported there were 768 calls from East Goshen in January. The cause of the fatal house fire on Strasburg Road had still not been determined, but it was deemed not suspicious. Arrests were made in two cases of drug activity – one at Waterview Apartments and another at Goshen Valley Apartments. The new K-9 Lex contributed significantly to the arrest at Goshen Valley.

Carmen encouraged everyone using fossil fuel to heat their home to invest in a carbon monoxide detector. He reminded everyone to check the batteries on their smoke detectors, and also check those of any elderly relatives and neighbors. Kathryn Yahraes suggested putting that reminder on the Township website.

Don noted a significant upward trend in the PPU totals for Thornbury. Chief Dumond said he was having a staff meeting tomorrow where that issue will be discussed.

Deer Management

Don moved that the Board of Supervisors approve the framework of a Township deer hunting program along the lines of the DMC hunting recommendation submitted December 31, 2007 with refinements to be made based on Supervisor comments by April 4, 2008. This program will not include an opt-out program for open space areas. Thom seconded the motion.

Joe said he cannot support the motion. While he believes a hunt is in order, and he endorses the recommendations of the DMC, he feels strongly that residents should have the right to review a

program and opt their area out, if they wish. Carmen said he agreed with Joe, and feels strongly that an opt-out option is vital.

Don noted that the Township only has four open space areas suitable for hunting. If residents are allowed to opt out, a deer hunt will be meaningless. Thom agreed with Don and said he is concerned that if an opt-out is allowed, Grand Oak will be the only neighborhood wanting a hunt, and their area is only 10 acres.

Joe said that even if the Township hunts all four open spaces, the area covered would still be very small and may not yield a meaningful harvest. Thom said that hunting 150 acres would still be better than hunting just 10 acres.

Carmen said if the Board wanted to open up the matter for public discussion again, he would be willing to defend his position.

For the sake of the audience, Marty then summarized how the Board got to this point, and what will happen next after the vote is taken.

Carmen noted that regardless of the vote on the hunt, the Township plans to proceed with a program to combat deer ticks, which can lead to Lyme disease, and that program is not a part of the vote tonight. Marty noted that the Township also plans to work with owners of large properties to encourage them to have their land hunted.

Public Comment: Kevin Perrot, Grand Oak Lane – Mr. Perrot blamed the Township for creating the deer problem by allowing deer habitat to be developed. The Township didn't ask the residents' opinion about development, so they shouldn't need to ask their opinion about solving the problem. It's time for the Board to make a decision and have a deer hunt. Don noted that landowners have a constitutional right to build on their own property.

Public Comment: Mike Brook, Grand Oak Run – Said in his personal experience, having a deer hunt reduces the deer problem. He said the Township is delaying this issue and avoiding making a decision. The Board should follow the mandate of the residents on this issue, not their personal feelings.

Public Comment: Linda Polishuk, Grand Oak Lane (DMC Member) – Said she circulated a letter about this issue to 180 homes in her neighborhood, but only received 10 responses, all of which were in favor of a hunt. She said perhaps it would help move things along if residents starting suing municipalities who choose to do nothing about deer. Mrs. Polishuk then read some facts about deer she had obtained from the Willistown Conservancy.

Public Comment: Kevin Perrot, Grand Oak Lane – Said developers should be required to do an environmental impact study prior to the Township granting them a permit.

Marty said that some of the Supervisors would like to conduct a survey of residents on this matter, but it's too expensive an undertaking.

Carmen said he has been in contact with the County Commissioners to explore tackling this problem on a regional basis. He is waiting to hear back from the Board of Health.

Joe noted that East Goshen covers 10 square miles, and according to the experts can only support 100 deer. However, the best estimates are that we have 300+ deer. The Township only controls about 400 acres out of the 6,400 acres in the Township.

Public Comment: Senya Isayeff (Planning Commission) – Said this is a life and death issue and children are at risk. The Board must address this as an issue of public health and safety.

Marty noted that the vote tonight would be on whether to have a hunt on the four open spaces at the Township's disposal. That's all the Township has to work with, and the Board can't do any more than that.

Public Comment: Art Polishuk, Grand Oak Lane – Said if the Board approves a hunt, they must give specific feedback and comments to the DMC and the hunters. The Supervisors agreed.

Carmen told Senya Isayeff that he would be voting against this motion because is opposed to a mandatory program that would force hunting on a neighborhood that doesn't want it. Senya said it's unfair that the health and welfare of the entire Township is being put at risk because a few residents living near open space say "no" to a hunt. He said it's ironic that the open spaces in question were paid for by the tax dollars of all the residents.

Public Comment: Bill Egan, Mill Creek Drive – Said the open space near Mill Creek was purchased by the residents of Mill Creek and deeded to the Township. It was not purchased by the residents at large.

The Board then voted on the motion via a roll call. For: McConathy, Clapper, Shane.
Opposed: Battavio and McDonough. The motion passed 3:2.

Escrow Release #2, 1384 Boot Road

Marty moved to approve Escrow Release # 2 for 1384 Boot Road in the amount of \$11,800 per the February 12 recommendation of Public Works Director Mark Miller. This is the full amount that was requested. This will leave a balance of \$3,142 in escrow. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Resolution 08-43, Plan Revision for New Land Development (Wellington)

Don moved to adopt Resolution 08-43, Plan Revision for New Land Development (Wellington). Joe seconded the motion. Resident Art Polishuk asked what the resolution provides for. Marty said it provides for a 537 sewer plan. There was no further public comment and no discussion among the Board. The Board voted and the motion passed unanimously.

Escrow Release # 3, Sorrell Hill

Marty moved to approve Escrow Release # 3 for the Sorrell Hill development in the amount of \$86,927 per the February 14 recommendation of Public Works Director Mark Miller. The amount requested was \$87,577. The funds will be used for a silt fence, bridge removal, sanitary

sewer and storm sewer. This will leave a balance of \$629,845.72 in escrow. Don seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Request from Rossmore Homeowners' Association

Joe moved to approve the request from the Rossmore HOA to transfer \$1,306.45 from their escrow account to their operating fund. Joe noted that in future, the HOA does not need to get the Board's permission before transferring monies; the Board only needs to be notified in writing of any such transaction. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Request for Contribution for the East, Henderson & Rustin Senior Post-Prom Celebrations

Marty moved that the Board approve a \$500 contribution for the East High School Post-Prom Committee. Joe seconded the motion. The motion passed 3:1 with Thom opposed. (Carmen was out of the room and did not vote).

Resolution Supporting Involvement in the WCRPC Study on Affordable Housing

Marty announced that this matter would be tabled.

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- Letter from Pennoni Associates informing the Township that the East Goshen Municipal Authority has applied for an Individual NPDES Permit for Stormwater Discharges Associated with Construction Activity.
- Reports from the Fire Marshal and the Goshen Fire Company for January 2008.

Meetings & Dates of Importance

Marty noted the upcoming meetings as listed in the agenda.

Public Comment

Art Polishuk, Grand Oak Lane – Said he understood there is a lawsuit pending against members of the Planning Commission and Board of Supervisors, but not the Township directly (the “Freehand” suit). He would like the Board to give an accounting of the taxpayer funds that have been expended to date on the defense of this suit. Marty said the Board could provide that information. Don said he would like to see an accounting of expenses incurred to date for **all** the lawsuits initiated by certain residents of the Township. Marty said that could be done. He told Art that it will take at least 2 weeks for the information he requested to be compiled.

Mr. Polishuk then reported that the tire cleaner at the YMCA construction site is not working properly, and dirt is being tracked all over Airport Road. The developer needs to be cited. Rick will look into this.

Mr. Polishuk stated that one of the ENTRANCE signs to the Swiss Farms store need to be blanked out on one side, because it is readable for drivers going west on Paoli Pike. The change needs to be made to keep the site in conformance with the approved plan. Marty said Township staff will look into this matter.

Adjournment

There being no further business, the formal meeting adjourned at 9:21pm.

WORKSHOP (Resumed)

Swimming Pools for Sorrell Hill

Developer George Harlan was present to show his revised plans for Sorrell Hill incorporating the lot line revisions that will allow swimming pools in the development. Senya Isayeff said the Planning Commission is in full support of the changes, and he thanked Mr. Harlan for his cooperation and willingness to work with the Township.

Bills

Invoices for the past two weeks were reviewed. Some of the Supervisors would like Township staff to prepare a list showing how much money is being spent on signs, as this seems to be a significant recurring expense. The Board is still waiting for an accounting by the Charter School showing their support to the Township website in 2007.

The Board also discussed the Township's invoice processing procedure and recommended some changes to Rick Smith.

CCATO Meeting on March 13

Don, Joe, and Thom are planning to attend.

Request from CCSD & Liberty Towers to Build a Wireless Communications Tower

The Board agreed that more data is needed in order to have a meaningful discussion. Don will get more details and report back.

PLIGIT P-Card Matters

This item was tabled.

Homeowners and Bank Protection Act

The Board agreed that no action was necessary on this matter.

Zoning Amendments

This matter was tabled.

WCRPC Study on Affordable Housing

This matter will be discussed at the next meeting.

Mars Drinks North America, 1301 Wilson Drive, Noise Violations

The Supervisors requested that Rick provide them with a copy of the revised letter that was sent to Mars. Only the revised letter sent to residents was included in the packet.

Liaison Reports

Thom provided a written report from the February 7 Park & Rec meeting.

Vacation Schedule

Joe noted he will be absent from the March 25 and April 1 meetings.

Adjournment

There being no further business, the workshop adjourned at 10:48pm.

Respectfully submitted,

Anne Meddings
Recording Secretary