

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

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Joe McDonough, Don McConathy and Thom Clapper. Also present were Township Manager Rick Smith, Kathryn Yahraes (Historical Commission), Jim McRee (Planning Commission & DMC), Jane Fava (Conservancy Board), Phyllis Marron (Park & Rec), and Township Solicitor Jeff Sommer.

EXECUTIVE SESSION

The Board met in Executive Session from 6:00pm to 7:00pm with Jeff Sommer to discuss a legal matter.

WORKSHOP

Minutes

The draft minutes of September 9, 16 and 23 were reviewed and corrected.

Agenda Review

The agenda for the formal meeting was reviewed.

Bids for HVAC Services

Rick will contact each of the bidders for additional information regarding tower maintenance as follows:

- Who will perform the maintenance work (a subcontractor?)
- Are they (subcontractor) certified?
- What is included in the maintenance?
- How often will maintenance be performed?
- When will maintenance be performed?

Carmen said he will recuse himself from discussion on this topic going forward, since his firm was a bidder.

Bills

Current invoices were reviewed.

YMCA Pavilions

Tom expressed concern that the YMCA protect the sensitive environment of their site, particularly the areas around the pavilions. The Supervisors were in agreement that the Township has no authority to enforce anything in this regard, other than to let the YMCA know the recommendations of the Conservancy Board and to emphasize to them that it is in their best interest to keep the environment stable.

Judith Bower, 953 Cornwallis Drive - Subdivision Application

Ms. Bower was present and let the Board know that all outstanding items have been completed. Marty told her she would need to go back before the Planning Commission on November 5, and then come back before the Board on November 12.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:07pm and led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

No resident indicated they planned to record the meeting.

Moment of Silence

Carmen called for a moment of silence to honor of the men and women serving their country in the armed forces, and their families. He announced that his son, a Marine, is being promoted to Gunnery Sergeant tomorrow.

Approval of Minutes

Don moved to approve the minutes of September 9, 16 and 23 as corrected in Workshop. Joe seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the minutes as corrected. Carmen abstained from voting on the September 23 minutes due to his absence from that meeting.

Chairman's Report

Marty announced the following:

- The Board met in Executive Session twice on September 30 to discuss a personnel issue, and earlier this evening to discuss pending litigation.
- The Bramley Conditional Use Application will be continued until November 12, 2008, per the applicant's request for additional time to prepare.

Bids for HVAC Services

Marty announced that this bid award will be tabled while the Township obtains additional information from the bidders.

Appointment to the Municipal Authority

Carmen moved to appoint Mr. Dana Pizarro to the Municipal Authority to replace Kevin Cummings. Joe seconded the motion. Marty said Mr. Pizarro is very qualified for this role and will be an excellent fit for this position. There was no discussion and no public comment. The motion passed unanimously.

PUBLIC HEARINGS

John & Susan Bramley, 1203 Hadleigh Drive, Conditional Use Application

Township Solicitor Jeff Sommer announced that this public hearing will be continued to November 12 at 8:00pm.

Lucy Swierczek, 1319 Greenhill Road, Conditional Use Application

The Board conducted a public hearing to consider Ms. Swierczek's conditional use application for a home occupation.

Carmen moved to approve the Conditional Use Application of Lucy Swierczek to conduct Spanish immersion classes as a home occupation at her property at 1319 Greenhill Road, West Chester, PA (TPN 53-1-6) pursuant to §240-9E(1) and §240-31 of the East Goshen Township Code with the following conditions:

1. The area devoted to the home occupation shall not exceed 214 square feet in area as depicted on the floor plan provided with the application.
2. The home occupation use shall comply with the standards set forth in §240-32J.
3. There will not be a sign for the home occupation.
4. The home occupation shall be operated in accordance with the presentation made at the public hearing at which this application was discussed.

Don seconded the motion. Ms. Swierczek said she agreed to the conditions and that she would waive the time requirements for sending out the decision. The Board voted unanimously to approve the motion.

FORMAL MEETING (Resumed)

YMCA Pavilions

Stacey Fuller, Esq. and engineer Chuck Olivo were present on behalf of the YMCA.

Marty remarked that the Conservancy Board has reviewed the pavilion locations and made some recommendations to help protect the environment of the location. Thom asked Ms. Fuller if the YMCA would be able to comply with the recommendations. Ms. Fuller said the YMCA is open to consulting with the Conservancy Board and will consider their suggestions on a non-binding basis, as the YMCA does not want to have to come back before the Township for more approvals. Thom said it is in the YMCA's best interest to protect the environment and to follow the Conservancy Board's suggestions. Tom asked Mr. Olivo if in his opinion the Conservancy Board's suggestions are valid. Mr. Olivo said the YMCA accepted the Township's input regarding the placement of the pavilions and agreed that 4 of the 5 shall not be put on concrete slabs. He said the YMCA wants to preserve the area and does not want to jeopardize the environment.

Don told Ms. Fuller that he had Rick Smith check on the stormwater ordinance, and Rick confirmed the YMCA is in complete compliance. He told Ms. Fuller that the Conservancy

Board, especially Jane Fava, would be happy to provide advice to the YMCA on environmental issues and concerns related to the health of the creek. Marty said the Board believes the YMCA will be good stewards of the site and will remain aware of the environmental sensitivity of the location.

Public Comment: Kathryn Yahraes, Historical Commission - Asked if the base of the pavilion near the pool will have a concrete slab, and Ms. Fuller said yes. Kathryn then asked what will happen to the stormwater runoff from the pavilion roofs. Mr. Olivo said the roofs will be A-frames and the water will simply run off them. If the YMCA notices erosion, they will put down gravel.

Carmen moved to approve the pavilion locations for the YMCA as shown on the plan dated August 7, 2003, last revised September 19, 2008, with the following conditions:

1. The four pavilions that are located outside of the pool area shall not utilize concrete slabs for flooring material.
2. The Conservancy Board shall be permitted an opportunity to provide non-binding recommendations to the YMCA with respect to the location of the pathways that will provide access to these pavilions.
3. The Township shall provide a copy of the Conservancy Board's email of September 30, 2008 to the YMCA for their consideration.

Thom seconded the motion. There was no discussion and no further public comment. The Board voted unanimously to approve the motion.

Judith Bower, 953 Cornwallis Drive - Subdivision Application

Ms. Bower was present.

Joe referenced the August 25, 2008 letter from Chester County to the Township regarding this application, specifically comment #2 on page 1 about the shared access agreement. Ms. Bower said the requested changes to the deeds of both parcels have been made and forwarded to Rick Smith.

Joe then asked about comment #3 on page 2. He said he is concerned there is only one access route to this neighborhood, and it's been a complaint of his for at least 15 years. Joe said he has not supported other subdivision requests on Cornwallis Drive for this very reason, and he would not be supporting this request either. He assured Ms. Bower he had nothing personal against her. Ms. Bower said she has lived there for 30 years, and when she first moved in there was actually an access to Route 352 from the back of her property; however, in the 1980s the Township decided to truncate Wineberry Lane and make it a cul-de-sac.

Carmen suggested that in future the Board consider meeting with the Fire Company and the police to discuss how to get emergency vehicles into that neighborhood. Perhaps unobtrusive stone pavers can be put in.

Don asked Ms. Bower what happened to the partial waiver request that was on the original application from July. Ms. Bower said that per the advice of Yerkes the request was withdrawn, due to the topography of the property. Don said that Yerkes was okay with the waiver request per their letter. Rick said that Yerkes did not reference it in the subsequent letter. Don said the waiver request needs to be referenced in the motion for final approval.

Don asked Ms. Bower what kind of sewer she has. She said public sewer. He asked if she had a letter from the Municipal Authority stating that the sewer system is okay for the second house, and she said yes.

At this point there was some discussion on whether or not Ms. Bower needed to go back before the Planning Commission. The final consensus was that yes, she did need to in order to get final approval.

Public Comment: John Schorn, Larch Lane – Told Joe that he was flip-flopping on the issue of property rights by advocating the right of the YMCA to do what they want on their property, while simultaneously not supporting this applicant's request to subdivide her property. Joe thanked Mr. Schorn for his comments.

Don moved to approve the preliminary subdivision plans for the Judith Bower subdivision at 953 Cornwallis Drive, plans dated July 22, 2008, last revised September 9, 2008, with the condition that the applicant shall satisfactorily address the comments listed in the Township Engineer's letter of September 23, 2008 and the Township Solicitor's letter of September 4, 2008. The Board will address the partial waiver request during the final subdivision approval process. Carmen seconded the motion. There was no additional discussion or public comment. The Board voted 4:1 to approve the motion, with Joe opposed.

Dedication of Parry Circle

Thom moved to approve Resolution 08-52, accepting the deed of dedication for Parry Circle. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Adoption of Sexual Harassment Policy for ABCs

Don moved to approve Resolution 08-53, adopting the Sexual Harassment Policy for ABCs. Carmen seconded the motion.

Public Comment: Kathryn Yahraes, Historical Commission – Asked how this information will be conveyed to the ABCs. Carmen said the ABC liaisons will present the information.

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

Treasurer's Report

The Treasurer's Report for October 7, 2008:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 58,626.23	
LST	\$ 3,000.00	Accounts Payable \$ 267,708.54
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 118,024.21	Payroll \$ 40,000.00
Total Receipts	\$ 179,650.44	Total Expenditures \$ 307,708.54
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 23,076.15
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 741.82	\$ 123,290.50
Refuse	\$ 7,734.08	\$ 8,677.13
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report as submitted, and the receipts, and to approve the expenditures reviewed in Workshop. Carmen seconded the motion. There was no discussion and no public comment. The Board voted and the motion passed unanimously.

Correspondence and Reports of Interest

Marty acknowledged receipt of the following:

- Memo from Public Works Director Mark Miller with regard to the Reservoir Road bridge repair cost. Don recommended the Board send a letter of recognition to the Public Works crew for their outstanding job.
- Letter from resident Anne Quinn regarding safety concerns with regard to the deer hunt.
- Receipt of the Westtown-East Goshen Police Department 2009 Preliminary Proposed Budget.
- Goshen Volunteer Firefighters' Relief Association Compliance Report.
- Letter from resident Paul Stimmler regard the deer hunt.
- Letter from Senator Dinniman regarding PSATS resolutions.
- Letter from resident Shirley Pinckney thanking Mark Miller for his quick response on a matter.

Public Comment Period

Kathryn Yahraes of the Historical Commission requested the Board send the ABCs a memo regarding the selected date for the January reorganization meeting. Marty said he would take care of it. Kathryn reported there were 150 attendees at the Living History day. She asked that the Board consider altering the publication dates of the newsletter to better coincide with major Township events. Kathryn advised that since Linda Gordon is now spending several months of the year in Florida, she is willing to resign her position with the Historical Commission if a suitable replacement can be found. Don told Kathryn the Board would need to receive Linda's

resignation before anyone else can be interviewed. Kathryn then suggested that the Board's Outreach Program (mentioned at a prior meeting) include the other ABCs.

Adjournment

There being no further business, the meeting adjourned at 9:07pm.

WORKSHOP (Resumed)

Recognition for Public Works Employees

The Board agreed to send a letter to all Public Works Department employees thanking them for the excellent job on the Reservoir bridge. The letter will list the names of all the department employees.

Deer Management Program

Jim McRee gave the Supervisors an update on the deer hunt. So far 10 deer have been harvested. There have been no incidents other than a case of a resident harassing a hunter in Bow Tree. A resident has reported that some of the treestand ladders in Supplee Valley are not high enough. Chas Linder checked and confirmed this.

Marty said that a resident has applied for a position on the DMC.

Marty told the Board that Jim plans to resign from the Planning Commission at the end of the year to concentrate on the DMC.

The Board then discussed with Jim some issues related to DMC items in the 2009 budget.

Hershey's Mill Dam

Don suggested the Township get another opinion about sediment removal. Joe, Marty and Carmen concurred. Thom said he is fine with the Rettew Associates estimate. Marty, Joe, Carmen and Don agreed the sediment should be tested. Thom was opposed.

Skid Steer Loader

The Board discussed Mark Miller's October 1 request for approval to replace the 12-year-old skid steer loader. Carmen, Don and Marty were in favor of the request while Thom was reluctant. Joe said he would be in favor if the non-budgeted amount of \$23,500 was taken from elsewhere in the Public Works Department's budget. The other Supervisors agreed.

Replacement Mower

The Board discussed Mark Miller's request to approve a purchase order for a new mower to replace the one that was stolen. (An approved purchase order is necessary to receive the remaining \$2,330.00 from the insurance company). The Board agreed to sign the purchase order.

Assistant Manager

Marty said that of the five candidates he would like to interview, two live out of state. He asked the other Supervisors how they felt about paying their expenses to fly to Pennsylvania for

interviews, and also, how they felt about offering a relocation package to one of these two candidates should they be the best fit for the job. Marty noted that he plans to conduct phone interviews for the two candidates before deciding whether they need to come to Pennsylvania for an in-person interview. Marty, Joe and Don agreed the Township should pay to bring these candidates in for an interview (if appropriate), and also to pay the relocation expenses of one of these two individuals should they be an outstanding candidate and the best selection for the opening.

Letter from Willistown Conservation Trust

Marty said the Willistown Conservation Trust would like East Goshen to sign a letter of support for Thorncroft's proposed acquisition of a 32-acre tract along the west side of Line Road. The Board members agreed to have the Chairman sign the letter.

Municipal Authority Issues

Carmen distributed a written liaison report for the October 6 MA meeting. The Board briefly discussed funding for the Marydel Pump Station situation. Joe said he would like a legal opinion from Bob Adams before proceeding.

Marty said the Capital Reserve fund in regard to the sewer system is underfunded and there is nothing available to bring over to help offset the cost of the new sewer plant. The Board discussed whether to borrow all the necessary money now, or to only borrow what is immediately needed. Joe prefers the Township only borrow \$9.5M now for the new plant, and to borrow the rest of the money for the other projects in the future as needed. Thom agreed. Don said he would be okay with that. Carmen agreed too, saying that approach would be responsible to the taxpayers. Marty said he still prefers to borrow all the money now while the interest rate is known. Since it's known that all the projects will have to be completed soon, it's better to borrow the money now since costs will only increase the longer the wait. Marty added that it costs money to borrow money, and it will be easier and less expensive to borrow everything in one shot. Marty said if the interest rates go below 4.1%, the Township can always refinance.

Joe expressed concern the Township only has estimates for the costs of the other four projects, and therefore can't be sure of how much to borrow.

Marty took a poll of the Board. Joe and Thom are in favor of only borrowing \$9.5M now. Don and Carmen need time to consider the facts. The Board will make a decision at the October 14 meeting.

Adjournment

There being no further business, the workshop adjourned at 11:00pm.

Respectfully submitted,

Anne Meddings
Recording Secretary