

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
November 12, 2008 – 7:00pm**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Joe McDonough, and Don McConathy. Supervisor Thom Clapper was absent. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission & DMC) and Township Solicitor Jeff Sommer.

WORKSHOP

Applebrook Path

Marty said that attorney Lou Colagreco, who represents the Applebrook residents, and Applebrook resident Tim Bernard wish to meet with Marty and another Supervisor regarding the walking path. Don said he could attend with Marty.

Budget

The Board briefly discussed the 2009 budget.

Bills

Current invoices were reviewed.

Agenda Review

The agenda for the formal meeting was reviewed.

Minutes

The draft minutes of October 18 and 28 were reviewed and corrected.

Financing for RCSTP Upgrade

Lucien Calhoun of the Delaware Valley Regional Finance Authority was present to discuss financing options for the RCSTP upgrade. After some discussion, the Supervisors agreed to go with a fixed-rate, 25-year loan.

Letter on Sewer Rate Increase

Marty is working on the letter informing residents of the 2009 sewer rate increase. He will probably have it ready to mail out next week.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:06pm 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.

Approval of Minutes

Don moved to approve the minutes of October 21 and 28 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.

Chairman's Report

Marty announced the following:

- The Board met in Executive Session on October 28 to discuss pending litigation and on November 5 to discuss a personnel matter.
- The Board will consider a resolution to increase sewer rates at their meeting on December 16.
- The 2009 budget is available for review. The Board will consider adopting it on December 16.

PUBLIC HEARINGS

Bramley, 1203 Hadleigh Drive, Conditional Use Application

The Board held a public hearing to consider a conditional use application from John & Susan Bramley for a Home Occupation permit. The applicants were not present, and no one was present to represent them.

Don moved to deny the Bramley's Conditional Use application since there was no representative for the applicant at the meeting, and the applicants have not provided any additional information demonstrating that the use would be in conformance with the standards set forth in §240-32J of the Township Code. Carmen seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Lease Rental Debt

The Board held a public hearing to consider the adoption of a proposed ordinance to authorize the issuance of lease rental debt to secure sewer revenue notes in the amount of \$9,500,000.00.

Carmen moved to approve Ordinance 132 which authorizes the issuance of lease rental debt in the amount of \$9,500,000.00 at a fixed rate of approximately 3.91% for a term of 25 years. The total payout will be approximately \$14,664,678.00. Joe seconded the motion.

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

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

Treasurer's Report

The Treasurer's Report for November 12, 2008:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 72,903.51	
LST	\$ 37,693.34	Accounts Payable \$ 51,754.79
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 58,180.22	Payroll \$ 80,000.00
Total Receipts	\$ 168,777.07	Total Expenditures \$ 131,754.79
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 49,583.70
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 178,003.54	\$ 8,204.36
Refuse	\$ 145,875.57	\$ 12,580.17
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. Don seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the motion.

Final Escrow Release for 1384 E. Boot Road

Don moved to release the balance of the escrow account, \$3,142.00, for 1384 E. Boot Road per the recommendation of Public Works Director Mark Miller. Joe seconded the motion.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked the Board to identify the property. Marty said it is the flag lot across from the shopping center on E. Boot Road.

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

Bower, 953 Cornwallis Drive, Subdivision Application

Carmen moved to approve the final subdivision plans for Judith Bower's property at 953 Cornwallis Drive, dated July 22, 2008 and last revised October 3, 2008. A partial waiver from §195-404.A.1 of the Township Code shall be granted as recommended by the Township Engineer. Don seconded the motion. There was no discussion and no public comment. The Board voted 3:1 to pass the motion. Joe was opposed for safety reasons, due to their being only one access route to this neighborhood.

Wiggins, 1301 West Chester Pike, Sale of Christmas Trees

Carmen moved to grant Conditional Use approval to Wiggins to sell Christmas trees at 1301 West Chester Pike from November 22, 2008 through December 24, 2008, with the same conditions as in previous years. Joe seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Correspondence and Reports of Interest

Marty acknowledged receipt of the following:

- Notification letter from Comcast regarding a channel realignment effective December 3.
- NPDES Permit #PAI011508040 from DEP for stormwater construction activities related to the Ridley Creek Sewage Treatment Plant upgrade and expansion.

Meetings & Dates of Importance

Marty noted the list of upcoming meetings as listed in the agenda.

Public Comment

John Schorn, 1401 Larch Lane – Asked if PECO has cleaned up Reservoir Road yet. Rick said not yet, but he has contacted them.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked why the meeting with the attorney about the Applebrook path cannot be a public meeting. Marty said the meeting will be an exchange of information, and no decisions will be made. The topic will eventually be discussed in a public meeting when the Board considers what action to take. Mr. Egan said having a private meeting does not seem a proper way to conduct public business. Don said that since an attorney is involved it is appropriate to meet in public, especially since legal action may be forthcoming. Carmen said these “pre-meetings” are a relaxed way for parties to share information, and he agreed with Marty there is no problem in having the meeting. Joe suggested that Marty either not hold the meeting, or else invite Mr. Egan to attend. Resident John Schorn said he agreed with Mr. Egan that this meeting should not be held in private. Marty told Joe that these types of private meetings are not open to the public, and therefore members of the public cannot be invited. Joe said he is not prepared to change Township policy about having pre-meetings, but he advised not to hold this particular meeting since the residents objected to it. Don agreed with Joe, and suggested the Board get the Township Solicitor’s opinion. Joe told him that Jeff Sommer has previously informed the Board that such meetings are perfectly legal and appropriate. Carmen said that since Joe and Don feel strongly about the matter, he would be willing to cancel this meeting. Since three Board members agreed not to go forward with the pre-meeting, it will be cancelled. Rick will contact Lou Colagreco.

Adjournment

There being no further business, the meeting adjourned at 8:45pm.

WORKSHOP (Resumed)

Fuel Dispensing System

The Board discussed the November 7 memo from Mark Miller regarding the fuel dispensing system. Joe, Don and Carmen are in favor of replacing it now. Joe would like it to be paid from the 2008 budget. Carmen said the Fire Company has difficulty finding places to get fuel due to the weight of their vehicles. The Fire Company would like to get fuel cards and be able to use the Township’s fuel dispenser. They are not asking for any kind of special deal, just access to the fuel. The Township can bill them however often they wish. The other Supervisors said that

would be fine with them, and Township staff can work out the billing. This issue will be voted on at the November 18 meeting.

Public Comment: John Schorn, 1401 Larch Lane – Suggested the cards for the fuel dispenser be attached to the vehicle they are to be used for, and also that the drivers be given an access code that links the fueling activity back to them as well as to the vehicle. John said that in his business, his drivers have access codes that are based on part of their Social Security number.

Newsletter Advertising

Carmen said he is in favor of accepting advertising for the newsletter as a way to help defray the costs of printing and mailing it. Don said in order to have room for advertisements, the newsletter would have to be increased to 20 pages, at significant cost. Joe, Don, and Marty said they are not in favor of taking advertisements at this time.

Mailbox Replacements

The Board discussed Mark Miller's suggested changes to the resolution outlining the Township's policy on replacing mailboxes damaged during snow plowing. Carmen said he has found that very often, mailboxes reported as damaged already had rotted posts, and a snowpile just pushed them over. Marty agreed. Joe said he is in favor of a check for \$25 being sent to residents who report damage, but is opposed to the Public Works Department repairing the mailboxes. Don and Marty agreed with Joe. Carmen was not in favor of any reimbursement being given for damaged mailboxes.

John Schorn, 1401 Larch Lane – Said the Township should pay to repair the damaged mailboxes.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Agreed the Township should pay to repair damaged mailboxes.

Jim McRee of the DMC/Planning Commission agreed the Township should pay for the repairs.

Ordinance Amendment for Conditional Use Owner Transfer

The draft ordinance prepared by the Township Solicitor will be forwarded to the Planning Commission for their review and recommendation back to the Board.

Resolution on Salary Ranges

The Board reviewed the revised draft resolution, and everyone was fine with the changes. The Board will vote on this resolution at the November 18 meeting.

DMP Update

Jim McRee provided an update on the DMP. So far 28 deer have been harvested. On Friday, November 7 two individuals were caught illegally hunting in the Township. Jim said the Township has the option of having the hunters cited for violating the park ordinance and/or reporting the incident to the Game Commission, and letting them handle it. If the Township has the hunters cited, the individuals will have to appear before Judge Darlington and he will determine the amount of their fine. Don said he would like the hunters to be cited and also

reported to the Game Commission. Joe, Marty and Carmen agreed that this is necessary because the Township should have a “zero tolerance” rule for illegal hunting. Rick will see that the police report is forwarded to the Game Commission.

Public Comment: John Schorn, 1401 Larch Lane – Asked if signs were posted in the area warning against illegal hunting. Rick said yes.

Jim said there was another incident recently. An approved hunter was not following the program rules regarding hunting times and zones. He received a warning from his hunting club.

Don mentioned an email sent to the Board by an ABC member advising about people illegally parking on Line Road and trying to create a disturbance by flushing deer out onto Paoli Pike. Don said he would contact Police Chief John Dumond to have the area patrolled at dawn and dusk.

Leaf Collection Schedule

The Board agreed to move leaf collections to Wednesdays in 2009.

Liaison Reports

Carmen gave a brief report from the November 11 Municipal Authority meeting. He will provide a written summary of the meeting to the Supervisors this week. Carmen observed that new member Dana Pizarro is going to be a very strong asset to the MA.

Any Other Matter

Don recommended the Township consider hiring an electrician the next time there is an opening in Public Works. He thinks it would be more cost effective to have an electrician on staff than to outsource electrical jobs. The other Supervisors said the suggestion was worth looking into.

Adjournment

There being no further business, the workshop adjourned at 9:40pm.

EXECUTIVE SESSION

The Board met in Executive Session from 9:40pm to 10:45pm to discuss the police labor contract.

Respectfully submitted,

Anne Meddings
Recording Secretary