

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
January 13, 2009 – 7:00pm**

Present: Chairman Marty Shane, Don McConathy, Joe McDonough and Thom Clapper. Vice-Chairman Carmen Battavio arrived at 8:40pm. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Kathryn Yahraes & Dolores Higgins (Historical Commission), Jack Yahraes (Municipal Authority), and Phyllis Marron (Park & Rec).

WORKSHOP

Call to Order & Pledge of Allegiance

Chairman Marty Shane called the meeting to order at 7:03pm and led those present in the Pledge of Allegiance to the Flag.

Line Road Path

Attorney Tim Barnard was present on behalf of the Applebrook Golf Club, and Mr. Skip Carroll was present on behalf of the Applebrook carriage home residents. Mr. Barnard said the golf course wants the path to end at the utility boxes just short of the first driveway of the carriage houses. If the Township would be willing to stop it there, they would be willing to concede to having the path paved. Marty told Mr. Barnard there is an obligation for the golf course to fund a portion of the lower portion of the path, and that Rick Smith could discuss the details with him at a later time.

Mr. Carroll said the homeowners want the path to stop at the PECO utility boxes and not at the first driveway. If the path stops at the PECO boxes, the residents plan to put in steps down to the trail from Applebrook. He said the homeowners are also willing to concede to having the path paved if it stops at the PECO boxes.

Thom asked Mr. Carroll if it wouldn't be safer for the pedestrians who use Line Road if a path is put in that extends the length of the road. Mr. Carroll would not agree with Thom's statement, but he did say that Line Road is very unsafe for pedestrians.

Mr. Barnard said he did not think a path going all the way down Line Road would be utilized much, and that it would not be worth the trouble and expense. Mr. Carroll agreed with him.

Don asked Mr. Carroll to provide a letter to Rick with the homeowners' recommendations for the path, and how they plan to respond if a path is installed (such as putting in the steps). Mr. Carroll said he would do that. Mr. Carroll then left the meeting.

Rick then went through the contents of his January 12 memo to the Board regarding the pedestrian bridge, the path, and the related expenses. Per Rick, if the cost of the pedestrian bridge exceeds \$100K, he believes Pulte will still be responsible for covering the cost. Don and Joe would like that point clarified. Marty suggested sending a Memorandum of Agreement to

Pulte Don asked if the estimated \$30,492 cost to install Section D includes excavation expenses, and Rick said yes.

Thom said that at Park & Rec meetings he hears that Line Road is very unsafe for walkers and a path is urgently needed, but tonight he is hearing that no one would use a path on Line Road, so he is confused which is correct. He then asked why the Township would want to spend money on a path just to get grant money if a trail is not actually necessary. While grant money is good, it does not make sense to spend Township money to get it for something not needed. Marty said spending money on the path is worthwhile because for very little out-of-pocket expense the Township can add to the park trail system, which is very popular and is very heavily used. He said it makes a lot of sense for the Township to put in a path, at least up to the carriage homes. Thom asked why not go all the way down Line Road with the path. Marty said he did not think that beyond the carriage houses it would get much use.

The consensus of the Board was to put in the following elements:

Section A

The pedestrian bridge

Section B

The paved loop in the field at the corner of Paoli Pike & Line Road with a stub to the intersection of Paoli Pike & Line Road and another stub to the Applebrook Golf Club property line to connect with the Line Road path.

Section C

The paved path along Line Road up to the utility boxes.

They agreed to keep the option of **Section D** open for future expansion. Section D is a woodchip path along Line Road going out to East Boot Road.

Mr. Barnard said he was speaking for the golf club and the residents of the carriage homes in saying that both parties want Section D taken completely off the table. Don and Marty said that Section D is in the approved plan so it cannot just be taken off the table without the plan being revised. Marty pointed out that whether the path is in the approved plan or not, it falls within the public ROW so the Township has the right to put it in regardless of what the plan says. Marty asked Mr. Barnard if Applebrook plans to legally challenge the path. Mr. Barnard said he is only authorized by the golf club to say that they agreed to having the path paved as long as it stops at the utility boxes. Marty told him the Township would have no incentive or reason to continue the path up Line Road unless the Thorncroft path is put in, and that looks unlikely. Rick told Mr. Barnard that even if this current Board takes the path off the plan, a future Board could decide to put it back in. Mr. Barnard said he would still like to see it taken out of the plan. Marty told him the Board would discuss the situation and let him know of their decision.

Township Building as a Voting Polling Place

Jack Yahraes and Dolores Higgins, speaking as polling place representatives for Voting Precincts 1 and 3, reported that they have had numerous complaints that the Township Building is inadequate to handle two precincts.

Furthermore, having voting take place on the second floor of the building has caused many problems. Many of the voters are seniors who have difficulty navigating the steps, and the elevator cannot handle them all in a timely manner. The large crowds filling up the stairwell and elevator creates a safety & welfare issue.

Gwenne Alexander, representing the Republican Committee, said it is her understanding that the complaints came from the Wellington voters. She said she personally did her best during the last election to assist people and to make the voting process go as smoothly as possible. She said the Republic Committee recommends the polling place not be changed again. By changing the polling place, voters get upset and it causes some to give up and go home. The Republican Committee wants to do everything possible to encourage residents to vote. She then commended Jack and Dolores for doing a great job during the last election by giving great customer service to the voters.

Dolores pointed out that it is not safe to have 2,000 people going up and down a single flight of stairs. She would like the Board to tell Voter Services that the Township Building can no longer accommodate two precincts. If the Board does that, Voter Services will move one of the precincts somewhere else. Jack then asked if the Board would consider having the Township building closed for business on Election Days, as the voting activities must make it very difficult for the township employees to concentrate and do their jobs.

Marty said it is the Township's right to say the building can no longer logistically handle being a polling place, especially for two precincts. Thom said he would like to see one of the precincts moved. Don recommended getting both precincts moved to East Goshen Elementary.

Gwenne Alexander said she is opposed to moving the polling place for one or both precincts because it will upset the voters and may affect turnout. However, she advised that if the polling place is going to be moved, the Township put their request for the change in this year so things are in place for the 2010 election. Marty said the Board would discuss this issue again at a future meeting when Carmen Battavio is present. Ms. Alexander left the meeting at this point.

Marty took another poll of the Supervisors and all four present agreed that the Township cannot accommodate two precincts. Marty added that it is not appropriate to have voting take place on the second floor. Don suggested moving both precincts to East Goshen Elementary, and asked Jack Yahraes to check if the school has enough space. Joe and Marty agreed with Don that both precincts ought to be moved. Thom said he is fine with moving one precinct or two.

Bills

Current invoices were reviewed.

The Board discussed the format of future Treasurer's Reports. They agreed that the report distributed on the fourth Tuesday of each month would show the financial data for the preceding month.

The Board agreed to hold approval on the following invoices:

21142 for \$29.96 for rain suits. Per Rick this invoice was pulled.

21119 for \$1,334.64 for tuition and school books. Staff will check to see if reimbursement for books is appropriate.

21135 for \$547 for PA Rural Water membership. This invoice will be held pending a justification memo from Mark Miller.

(Supervisor Carmen Battavio arrived at this point).

Treasurer's Report

The Treasurer's Report for January 13, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 43,111.61	
LST	\$ 0.00	
Transfer Tax	\$ 0.00	Accounts Payable \$ 27,324.96
Codes, Park & Rec (2009)	\$ 23,208.56	Debt Service \$ 0.00
Codes, Park & Rec (2008)	\$ 302,888.52	Payroll \$ 40,000.00
Total Receipts	\$ 369,208.69	Total Expenditures \$ 67,324.96
YTD Receipts (Actual)	\$ 66,320.17	
YTD Receipts budgeted as of 1/31/09	\$ 277,779.00	
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 2,290.32
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 27,440.08	\$ 4,393.32
Refuse	\$ 2,725.68	\$ 0.00
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report as submitted, and the receipts, and to approve the expenditures just reviewed with the exception of invoices #21142, #21119 and #21135 pending further review. Don seconded the motion. There was no discussion.

Public Comment: Abbas Rahbari , 1613 Manley Road – Said he objected to the Township’s “methodology for approving the budget” as it discourages the public from making comments. Joe told Mr. Rahbari that the Board asked for comments on the motion, not on the invoices. Mr. Rahbari said the Board should post a 1-page summary of the invoices for the public to review prior to the meeting. Joe said the Board would get an opinion from the Township Solicitor.

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

Review & Approval of Minutes

The Board made corrections to the draft minutes of January 5. Don moved to approve the minutes as corrected. Joe seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the minutes, with one abstention (Thom).

Resolutions on Web Page

Don announced that the resolutions that were voted on at the January 5 meeting have been posted to the Township website.

Tennis Courts

Joe said that maintaining the tennis courts is a large expense for the benefit of a few residents, and if other groups (school district, YMCA, ACAC) are planning to use the courts, they should share the cost of maintenance. Thom said he wants to see what kind of deals Frank Vattilano works out with the school district, YMCA and ACAC before making a decision. However, he said he is okay with the Township putting aside \$5K per year in a tennis court maintenance reserve fund.

Don said he is fine with deferring a decision on this matter for the present, but he would like the Township to keep the tennis courts. Because a lot of money has already been invested in creating and maintaining the courts, it would be a shame to lose them.

Carmen said that like Thom, he wants to see what kind of arrangements Frank Vattilano works out with the school district, YMCA and ACAC. Carmen suggested the Township check with Henderson High School about a tennis court sharing program.

Thom suggested looking into raising the cost of tennis court keys. Marty said this can be discussed at the planning meeting in the spring.

Marty asked Joe Gill to remind Frank that he owes the Board a memo on the status of his negotiations with the YMCA regarding special activities for East Goshen residents.

Greenhill O&M Agreement

The Board discussed the draft Greenhill Sewer Association O&M agreement. Marty said the agreement should spell out what happens if East Goshen has to absorb Greenhill if they go bankrupt. Carmen said the agreement as-is satisfies the DEP requirements. Don questioned the agreement making provision for a lien, when Greenhill won't be worth anything if they go bankrupt. He also made a number of changes to the document, which he gave to Rick. Rick will make the suggested changes. The Board will have Jeff Sommer review the revised draft and advise them about the matters in question.

Alarm Ordinance

The Board reviewed the draft Alarm Ordinance. Carmen said he had a couple of small issues but his notes are on the copy he loaned to the Fire Company. He should have his copy back by this weekend. Joe said he had no comments, but wanted to make sure the document follows the Chester County guidelines. Rick said he will send the County another copy for review, just to make sure. Carmen noted that the Township already received input from the police and various

agencies. The Board discussed several changes suggested by Don. Don provided Rick with his copy of the ordinance, containing his editorial changes. Rick will make the changes and redistribute the document.

PSATS

Marty, Joe, Don and Thom are planning to attend PSATS. Carmen hopes to go but has to check his schedule.

YMCA Parking

Don said he is concerned the YMCA is in violation of the Township ordinance regarding their parking. Rick said he gave them permission to restripe their driveway. Don said the YMCA is apparently having employees park offsite and get shuttled in. He would like to have them come in and discuss this with the Board before their parking problems gets out of hand. Marty said he does not think the YMCA is violating anything in the ordinance. Rick said he has already sent an email to Gary Green, and he is waiting for him to respond.

Comcast Generators

Marty asked Rick to follow up with Rich Werner of Comcast regarding the generator renderings he promised to get to the Township in early 2009.

School Bus Transfer Location Status

Don asked for a status of the school bus transfers. Rick said Chet Darlington has given his consent to using the District Court parking lot for the transfers. Rick is working out the details.

Communication Letters to Residents

Don pointed out that although the letter to residents regarding the sewer rate increase was dated December 18, he did not receive his until January 10. Don requested that staff take processing and transit time into account when dating future letters to residents. In this case it might have been appropriate to date it simply December 2008 with no day specified.

Joe Sestak Grant Meeting

Marty and Joe Gill will plan to attend the upcoming workshop Congressman Joe Sestak is holding on grants.

Sewer Plant Upgrade

Don asked who from the Township or Municipal Authority is responsible for the sewer plant contract. Carmen said Mark Miller is responsible for day-to-day activities. The Pennoni inspector and Bob Adams are also involved. Don asked who is tracking the overall progress of the project. Carmen said it's being taken care of. Joe asked who is watching out for cost overruns, and said he will hold Rick personally responsible for any cost overruns. Carmen said that is not fair because the Board knew from the beginning that costs associated with the tanks are an unknown. Joe said he is trying to avoid a recurring problem in the Township, where the Board finds out after the fact that a project is generating cost overruns – such as has happened again and again with the District Court project.

Marty asked Joe Gill to follow up with Evan Andrews of Pennoni and Deb Beury to make sure they met and worked out an arrangement to track the project expenses. He said it is imperative that Deb and Evan have a payment process in place to track expenditures made for this project.

Don expressed concern that Mark Miller does not have the engineering knowledge or experience to be in charge of managing a \$9.5M project. He is also concerned that there is no one person in charge of the entire project. In theory, it should be someone from the Municipal Authority, but that is not practical. Don suggested the Board get input from Dana Pizarro of the Municipal Authority on whether the Board needs to consider hiring a project manager.

Public Comment

Kathryn Yahraes – Said the number of false alarms allowed without penalty under the alarm ordinance sounds excessive to her. She wanted to know how the East Goshen policy compares with other municipalities.

Dolores Higgins – Said that in Delaware County the municipalities are allowed to kick out an alarm company that allows too many false alarms.

John Schorn, 1401 Larch Lane – Asked the status of the IBM building. Marty said the PA Charter School is looking into using it for a gifted student program. This would require the C-5 district to be rezoned to include this use. Mr. Schorn then asked the status of Officer McBride's replacement. Thom said the Police Commission is looking into the cost of various options.

Abbas Rahbari, 1613 Manley Road – Said the Township building is unsafe to be used as a polling place, as the building has numerous code violations. He then asked Mr. Gill to tell him about his background. Mr. Rahbari then asked for a status on the pending litigation against the Township. Marty said there are 3 cases involving deer, two in Chester County and 1 federal case. Rick added there is also an appeal in Commonwealth Court. Mr. Rahbari asked what costs the Township has incurred from the deer litigation. Don said it is between \$15-20K, and the Township's insurance only covers the federal case.

Leo Andrew Sinclair, 207 Lochwood Lane – Asked if the 2009 budget has been audited yet. Marty said the 2008 audit will be completed by next spring; the 2009 audit will not be until next year. Rick said the 2008 auditing process will be completed by April. Mr. Sinclair then asked why deer expenses were increased in the budget between November and December. Don said they were increased due to legal fees and for maintenance of the 4-post feeders. He said he expects to have a total breakdown of the deer expenses by late February, and Mr. Sinclair will be able to get a copy. Mr. Sinclair then said that some of his statements were recorded inaccurately or omitted in Township meeting minutes that have already been approved, and he has videotape to prove it. He asked if it is possible to have minutes amended after approval. Marty asked him to send a letter and highlight what he wishes to change and the Board will review it and vote on whether or not to make the changes. Joe suggested Mr. Sinclair send copies of his videotapes too.

John Schorn, 1401 Larch Lane – Said Don has a valid point about the need for one person to oversee the entire sewer plant project to make sure there are not overruns. Mark Miller is

qualified for the job but he has other duties to attend to. Carmen noted that any cost overruns will have to get approval by several parties before being paid: they will first go to Mark Miller, then to Pennoni, and then the Municipal Authority. Carmen said he is mostly concerned about keeping the project on time and on schedule because the contractor agreed to the schedule when they bid on the job. Rick pointed out that the \$9.5M cost of the project includes a contingency for overruns. Marty told Mr. Schorn that the Supervisors have no say in the approval process for the overruns, but they will see the expenses that are incurred. This is an Municipal Authority project, and the Municipal Authority will be the owners of the plant which the Township will lease from them.

Adjournment

There being no further public comment, the meeting adjourned at 10:45pm.

Respectfully submitted,

Anne Meddings
Recording Secretary