

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
January 20, 2009 – 7:00pm**

Present: Chairman Marty Shane, Joe McDonough, Don McConathy and Thom Clapper. Vice-Chairman Carmen Battavio was absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Director of Public Works Mark Miller, and Phyllis Marron (Park & Rec). Kathryn Yahraes (Historical Commission) was present for a portion of the meeting. Township Solicitor Skip Brion was present for the public hearing.

WORKSHOP

Minutes

The draft minutes of January 13 were reviewed and corrected.

Bills

Current invoices were reviewed.

Agenda Review

The agenda for the formal meeting was reviewed.

Resolutions

The Board reviewed and discussed Don's proposed changes to Resolution 09-27, 09-28, 09-34, 09-39, and 09-40.

For Resolution 09-36 on Mailbox Replacement, Don wants the Township to repair any mailboxes they inadvertently damage. Thom wants the Township to pay the actual cost of replacing the mailboxes, and not have a reimbursement cap of \$25.

The Board agreed to table the following resolutions for additional discussion at a later time: Resolution 09-28, 09-36, 09-39, and 09-40.

Request for Walking Path in Goshen Corporate Park

The Supervisors discussed Rick's January 15 memo on this topic, and agreed with Rick's suggestion to install Pedestrian signs in the Corporate Park at this time instead of putting in a pedestrian lane.

Replacement of Trucks for Public Works Dept.

The Board discussed Rick's January 15 memo on this topic, and agreed to spend the necessary allocated funds in the Capital Reserve fund, in addition to the expected insurance monies, to replace the totaled Ford F-750 dump truck and the totaled Ford Ranger truck.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:03pm 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

Marty called for a moment of silence to honor the men and women serving their country in the armed forces, and their families.

Chairman's Report

Marty announced there were no items to report.

Approval of Minutes

Thom moved to approve the minutes of January 13, 2009 as corrected in Workshop. Don seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

PUBLIC HEARING

Metro PCS of Pennsylvania LLC – Conditional Use Application

The Board conducted a public hearing to consider the Metro PCS of Pennsylvania LLC conditional use application requesting approval to install a wireless communication facility on the AQUA PA water tank on Edgewood Road.

The applicant was represented by Nailah Rogers, Esq.

Don moved to approve the conditional use application of Metro PCS to utilize the AQUA water tank at 25 Edgewood Road for a wireless communications facility as depicted on the plans dated 5/21/08, last revised 11/20/08, pursuant to Section 240-31.C(3)(h)[e] of the Zoning Ordinance with the following conditions:

1. The applicant shall maintain the landscaping depicted on the aforementioned plan for as long as the wireless communications facility is in operation.
2. The applicant shall submit building and stormwater permit applications, to be reviewed and approved by the Township.
3. The applicant must conform to all applicable Federal, State, County and Township rules and regulations.
4. The new wireless communication facility shall be installed and operated in conformance with the representations made at the public hearings and meetings at which this application was discussed.
5. The applicant shall provide the Township with copies of the field reports prepared by the applicant's noise consultant.

6. The Conservancy Board shall approve the species of the five evergreen trees that are to be planted to screen the equipment.
7. The applicant will comply with the Yerkes letter of 11/26/08.

Joe seconded the motion.

Ms. Rogers said the applicant agreed to the conditions, and agreed to waive the requirement that the Board render a written decision within 24 hours.

The Board voted unanimously to approve the motion.

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

Police Report

Chief John Dumond reported there were 574 calls for service from East Goshen during December. A person involved in multiple burglaries in East Goshen and other townships has been arrested; however the Chief said the police were still in the early stages of the investigation.

Don asked if 911 hang-up calls on the police report are the same as false alarm calls. The Chief said no.

Kathryn Yahraes asked if the monthly police report is posted on the WEGO website. Chief Dumond said he believed so, but will double-check.

Treasurer's Report

The Treasurer's Report for January 20, 2008:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 62,492.94	
LST	\$ 00.00	Accounts Payable \$ 53,553.31
Transfer Tax	\$ 26,201.35	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 5,640.59	Payroll \$ 40,000.00
Total Receipts	\$ 94,334.88	Total Expenditures \$ 93,553.31
Jan Budgeted Revenue	\$ 277,779.00	
Jan Month-to-Date Revenue	\$ 160,665.05	
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 46,849.58	\$ 91,576.61
Refuse	\$ 30,411.15	\$ 80,334.73
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. Thom seconded the motion.

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

OLD BUSINESS

Resolution 09-27, Establishing Rules for Video or Audio Recording of a Public Meeting.

Don moved to approve Resolution 09-27 as amended in Workshop. Joe seconded the motion.

Public Comment: Leo Andrew Sinclair, 217 Lochwood Lane – Asked if there are copies of the resolutions on the internet. Don said they will be posted once they are approved.

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

Resolution 09-29, Establishing a Code of Conduct for Township Authorities, Boards and Commissions

Don moved to approve Resolution 09-29 as amended in Workshop. Joe seconded the motion.

Public Comment: Kathryn Yahraes - Asked why the Municipal Authority is not included in the Resolution. Rick said because they are not an advisory board.

Public Comment: Leo Andrew Sinclair, 217 Lochwood Lane – Asked if the resolution lists the ABCs. Don said yes.

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

Resolution 09-30, Establishing the Policy for Notification of Residents of Subdivision, Land Development and Other Zoning Applications

Marty moved to approve Resolution 09-30. Joe seconded the motion.

John Schorn, 1401 Larch Lane – Asked if this resolution doesn't already exist. Marty said yes, and explained the Board has to re-approve the same resolutions every year.

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

Resolution 09-31, Concerning the Timeliness of Real Estate Tax Payments Received by Mail

Marty moved to approve Resolution 09-31. Thom seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the resolution.

Resolution 09-32, Establishing Road Restoration Requirements for Road Openings

Don moved to approve Resolution 09-32 as amended in Workshop. Joe seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the resolution.

Resolution 09-33, Concerning Appointment of the Citizen-At-Large Member to the Police Commission

Marty moved to approve Resolution 09-33. Joe seconded the motion.

Public Comment: Leo Andrew Sinclair, 217 Lochwood Lane – Asked who is the Citizen-At-Large. Marty said the individual is someone appointed by Thornbury Township.

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

Resolution 09-34, Establishing and Consolidating the Various Fees and Charges Imposed Pursuant to the Code of the Township

Don moved to approve Resolution 09-34 as amended in Workshop. Joe seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the resolution.

Resolution 09-35, Establishing ICC Board of Appeals

Marty moved to approve Resolution 09-35. Joe seconded the motion.

Public Comment: Leo Andrew Sinclair, 217 Lochwood Lane – Asked what ICC stands for. Rick said stands for the International Code Council, and pertains to construction.

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

Resolution 09-37, Establishing the Discount and Penalties for the Real Estate Tax

Marty moved to approve Resolution 09-37. Don seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Resolution 09-38, Regarding Mutual Aid Among Municipalities Within Chester County

Don moved to approve Resolution 09-38 as amended in Workshop. Joe seconded the motion. There was no discussion and no public comment. The Board voted and the motion passed unanimously.

Resolutions to be Held Pending Further Review & Discussion

Marty announced that the following resolutions would be held pending further discussion among the Board : Resolution 09-28, 09-36, 09-39, and 09-40.

Chalfant, 1352 Paoli Pike, Variance Request for Sign

Don moved to recommend the Zoning Hearing Board deny the variance request of Skip Chalfant for his business sign at 1352 Paoli Pike for the following reasons:

1. The applicant has not prosecuted his application before the Planning Commission or the Board of Supervisors.
2. The applicant has not presented any evidence or testimony to the Planning Commission or the Board of Supervisors to support his request for a variance.
3. The applicant unilaterally replaced the existing sign with the current sign.
4. The current sign is 36 square feet in area and 8 feet high.
5. The current sign exceeds the area limit of 32 square feet and the height limit of 6 feet as set forth in Sections 240-220(1)(d)[2] and 240-22N, respectively, of the Zoning Ordinance.
6. Furthermore, Section 240-22B(1) states that when a nonconforming sign is removed, it shall be replaced with a conforming sign, which the applicant failed to do.

Joe seconded the motion.

Public Comment: Leo Andrew Sinclair, 217 Lochwood Lane – Said there is an “Available” (real estate) sign outside the corporate park that is larger than this sign. Rick explained there are separate rules for real estate signs. Mr. Sinclair said that if the Township is going to scrutinize one sign, it should scrutinize all signs.

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

Hershey’s Mill Village As-Built Plans

Joe moved that the Supervisors sign the as-built plans for Hershey’s Mill Village dated 1/22/08 last revised 10/14/08. Don seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Asked what the plans pertain to. Rick said they are for a village, and also for the entire development.

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

Request for Walking Path in Goshen Corporate Park

Joe moved to approve the January 15, 2009 recommendation of Rick Smith to install six Pedestrian signs in the Corporate Park. Thom seconded the motion. There was no discussion and no public comment. The Board voted unanimously to pass the motion.

Replacement of Trucks for Public Works Dept.

Joe moved to replace two Township trucks that were totaled per the January 15, 2009 recommendation of Rick Smith. The money will come from allocated funds in the Capital Reserve fund, and expected insurance monies. Don 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 2008 Annual Fire Report from the Goshen Fire Company, and the December 2008 Fire Marshal's Report.

Meetings & Dates of Importance

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

Board Member Concerns

Don noted that per the Fire Company report for 2008, 32% of the fire calls were for false alarms. He also had a question about the numbers in one of the tables showing *Incident Responses by Station*. Some of the numbers do not seem to add up. Rick will investigate.

Public Comment on Non-Agenda Items

John Schorn, 1401 Larch Lane – Asked if there has been a resolution to the rebar issue at the new sewer plant. Marty said the rebar problem is going to be fixed. Mr. Schorn then asked if there is any update on getting a project manager for the sewer plant. Rick said the Township met with the contractor and Pennoni earlier today to work out the oversight issues. Don said that Pennoni has an engineer and an assistant who are working on this project. Mr. Schorn asked if the Greenhill Sewer Authority has a Board that East Goshen communicates with. Rick said East Goshen gets copies of their reports. Mr. Schorn asked if East Goshen gets information about the state of their plant. Rick said no. Mr. Schorn said he is concerned that East Goshen will get stuck taking over the Greenhill Sewer Authority plant within the next five years. Marty said if that happens, the financial burden would be put on the Greenhill ratepayers, not the other East Goshen residents. Mr. Schorn asked if the Board could guarantee that he (Mr. Schorn) as a taxpayer would not have to pay anything for the Greenhill Sewer plant. Marty said he could not guarantee what a future East Goshen Board might or might not do.

Adjournment

There being no further business, the meeting adjourned at 9:25pm.

WORKSHOP (Resumed)

Action List

The Board reviewed and updated the Action List.

The Workshop adjourned at 10:00pm.

EXECUTIVE SESSION

The Board met in Executive Session from 10:00pm to 10:30pm to discuss a personnel matter and a pending legal matter.

Respectfully submitted,

Anne Meddings
Recording Secretary