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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
February 3, 2009 – 6:45pm**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Joe McDonough, Don McConathy and Thom Clapper. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, and Kathryn Yahraes (Historical Commission). Township Solicitor Skip Brion was present for the Executive Session.

EXECUTIVE SESSION

The Board met in Executive Session with the Township Solicitor from 6:45pm to 7:25 pm to discuss legal matters.

WORKSHOP (7:30pm)

Minutes

The draft minutes of January 27 (corrected to January 29) were reviewed and corrected.

Bills

Current invoices were reviewed. Don would like Deb Beury to list electronic payments in future Treasurer's Reports. Joe Gill will convey this information to Deb. Marty advised Rick to bid out the property insurance to see if a better rate can be obtained. Marty would like the District Court to be backcharged for the television wires that were recently installed. Rick will check to see if WEGO should be backcharged for the same thing.

Agenda Review

The agenda for the formal meeting was reviewed.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:04pm and led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

Resident Abbas Rahbari of 1613 Manley Road said he reserved the right to record and transmit the meeting, but would not state if he was indeed recording or not.

Recognition of Residents

Marty recognized residents John Schorn, Abbas Rahbari, Bill Egan and Kathryn Yahraes who braved the cold and snow to attend the meeting and represent the citizens of the Township.

Moment of Silence

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

1 **Public Comment on Non-Agenda Items**

2 *Abbas Rahbari , 1613 Manley Road* – Suggested the minutes be printed out using right-justified
3 text to save paper. Stated that the Pledge of Allegiance began as an “advertising gimmick” and
4 that the Township is not mandated to conduct the Pledge at meetings.

5
6 *John Schorn, 1401 Larch Lane* – Had a question about where the Township’s hauler takes
7 recyclables. Thom told him the hauler takes East Goshen recyclables to the recycling plant in
8 King of Prussia. Mr. Schorn then asked what can be commingled, and was told that everything
9 can. He then asked if the Board could tell the audience what legal case they were discussing
10 during the Executive Session. Marty told him the Board discussed a pending legal matter and it
11 would have to be left at that. Mr. Schorn said he is upset about the \$300K increase in Worker’s
12 Comp for the police in the budget, and asked what the Township plans to do about it. Thom
13 suggested Mr. Schorn come to the next Police Commission meeting to ask his question. Mr.
14 Schorn said the matter does not only pertain to the Police Commission. Thom told him the
15 Township is working on the issue. Marty told Mr. Schorn the Township is fully aware of the
16 situation. Joe assured Mr. Schorn that the Police Commission has a mandate to manage, control
17 and where possible to reduce the number of Worker’s Comp cases.

18
19 **Approval of Minutes**

20 Thom moved to approve the minutes of January 29, 2009 as corrected in Workshop. Carmen
21 seconded the motion. There was no discussion.

22
23 *Public Comment: Bill Egan, Mill Creek Drive* – Said it would be helpful to put in the minutes
24 that the meeting was rescheduled due to snow. He then had a question about the PALCS tax
25 situation, i.e. the fee in lieu of taxes. Don explained that the Township likes to make such
26 arrangements with non-profits in the Township, and in this case the school offered to pay a fee in
27 lieu of taxes. This fee makes the Township whole in regard to taxes. Mr. Egan asked if this is
28 some sort of “sweetheart” deal. Marty said no; there is no quid pro quo.

29
30 *Public Comment: Abbas Rahbari , 1613 Manley Road* – Reacting to the Board’s answer to Mr.
31 Schorn’s concerns about the Worker’s Comp situation, Mr. Rahbari stated that the Township is
32 trying to sweep corruption under the rug. He then asked that something (what)? be included in
33 the January 29 minutes on page 3, line 18 before ABC Goals. He then made more comments
34 about police and Township corruption. Marty advised Mr. Rahbari to raise his concerns at the
35 Police Commission meeting.

36
37 *Public Comment: John Schorn, 1401 Larch Lane* – Had a question about the fee in lieu of taxes
38 paid by PALCS, and asked if that agreement could be made a condition of approval of their
39 application. Marty said no, absolutely not, as that would be totally inappropriate. Don noted
40 however that it was put on the record during the PALCS testimony during their prior hearing.

41
42 Joe asked Rick to check into what legal requirements the Township has in regard to the fees in
43 lieu of taxes being paid by the YMCA and the PALCS, and to find out how these agreements can
44 be enforced, if necessary.

45
46 There were no further public comments. The Board voted and the motion passed unanimously.

1 **Treasurer's Report**

2 The Treasurer's Report for January 28, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 51,906.02	
LST	\$ 4,000.00	Accounts Payable \$ 191,950.30
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec (2009)	<u>\$ 42,398.84</u>	Payroll <u>\$ 40,000.00</u>
Total Receipts	<u>\$ 98,304.86</u>	Total Expenditures \$ 231,950.30
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 705.39
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 133,719.96	\$ 48,250.10
Refuse	\$ 51,846.31	\$ 12,102.43
Capital Projects	\$ 0.00	\$ 0.00

4
5 Joe moved to accept the Treasurer's Report as submitted, and the receipts, and to approve the
6 expenditures reviewed in workshop. Thom seconded the motion. There was no discussion.

7
8 *Public Comment: Abbas Rahbari , 1613 Manley Road – Wants the Supervisors to post a full*
9 *version of the Expenditure Register on the conference room door before meetings, because the*
10 *Treasurer’s Report that is given to the public is inadequate. Marty told Mr. Rahbari his request*
11 *is being reviewed by the Township solicitor.*

12
13 There was no further public comment. The Board voted unanimously to pass the motion.

14
15 **Chairman’s Report**

16 Marty announced the following:

- 17 ○ Deer Management Committee members Steve DiAntonio and Al Zuccarello have both
- 18 resigned.
- 19 ○ T-Mobile Northeast LLC has withdrawn their zoning application to place equipment on a
- 20 PECO pole on the west side of N. Chester Road, south of Bancroft Drive and is looking
- 21 for another site instead.

22
23 **Appointment of New Members to the Deer Management Committee**

24 Joe moved to appoint Jim Ryland and Tina Mussari to fill the vacancies on the Deer
25 Management Committee. Carmen seconded the motion. There was no discussion among the
26 Board.

27
28 *Public Comment: Abbas Rahbari , 1613 Manley Road – Said he does not approve of the*
29 *Township’s methodology for appointing DMC members. In the past, all the members were*
30 *hand-picked by the Board and were pro-hunting. Marty told Mr. Rahbari that the Township*
31 *advertised the vacancies in the newsletter, on the website and in the Daily Local. The Board*

1 interviewed the individuals that applied for the vacancies and selected candidates from that pool.
2 The positions have been open to anyone who wished to apply.

3
4 There was no further public comment. The Board voted unanimously to approve the motion.

5
6 **ABC Orientation Manual**

7 Marty advised Rick he would like the ABC Orientation Manual to be updated and redistributed,
8 and that Joe Gill should get a copy.

9
10 **Resolution 09-34A, Establishing and Consolidating the Various Fees and Charges Imposed**
11 **Pursuant to the Code of the Township**

12 The Board discussed this resolution and made some
13 changes. Carmen moved to approve the resolution as amended. Thom seconded the motion.
14 There was no discussion and no public comment. The motion passed unanimously.

15 **Resolution 09-40, Regarding Mail and Subpoenas**

16 The Board discussed this resolution and Don made some editorial changes. Thom moved to
17 approve the resolution as revised. Don seconded the motion.

18
19 *Public Comment: Abbas Rahbari , 1613 Manley Road* – Had a question about the content of the
20 resolution.

21
22 The Board discussed how best to number the resolutions – whether to keep them in sequence or
23 not. The decided to leave the numbers in sequence (consecutive). Thom amended his motion to
24 this effect. Don okayed the amendment.

25
26 There was no further discussion and no public comment. The Board voted and the motion
27 passed unanimously.

28
29 **Resolution 09-41, Regarding Grant Applications by Authorities, Boards and Commissions**

30 Thom moved to approve this resolution. Joe seconded the motion.

31
32 *Public Comment: Abbas Rahbari , 1613 Manley Road* – Asked if the Township employs a
33 professional grant writer. Marty said that Joe Gill will be studying this topic and taking over that
34 responsibility. Don added that some of the Township’s grant applications are written by outside
35 people, such as grants for the Conservancy Board and the Historical Commission.

36
37 *Public Comment: John Schorn, 1401 Larch Lane* – Asked if there is an expensive involved in
38 hiring outsiders to write grant applications, and Marty said yes.

39
40 There was no further public comment. The Board voted and the motion passed unanimously.

41
42 **Resolution 09-42, Authorizing Issuance of Individual Procurement Cards**

43 Joe moved to approve this resolution. Don seconded the motion. Thom suggested a change to
44 the resolution which Joe and Don accepted.

1 *Public Comment: Abbas Rahbari , 1613 Manley Road* – Asked if the resolution refers to credit
2 cards, and Marty said yes. Mr. Rahbari asked what safeguards the Township has in place to
3 prevent abuse by employees. Don told him there is a whole process book that regulates the use
4 of the cards. Marty said this topic was discussed extensively in prior meetings.

5
6 Don then asked Rick if the Supervisors get accounting information on the Procurement Cards,
7 and Rick said the charges are included in the regular expenditure register, only they are not
8 flagged as such.

9
10 There was no further discussion or public comment. The Board voted unanimously to approve
11 the motion.

12
13 **Resolution 09-45, Establishing a Sexual Harassment Policy for Authorities, Boards and**
14 **Commissions** The Board decided to table this resolution pending review of changes suggested
15 by Don.

16
17 **Resolution 09-47, Establishing the Order of Business for Meetings**

18 Joe moved to approve this resolution. Thom seconded the motion.

19
20 *Public Comment: Abbas Rahbari , 1613 Manley Road* – Asked if all ABCs have the right to
21 rearrange their agendas, and Marty said yes.

22
23 There was no discussion and no further public comment. The Board voted unanimously to
24 approve the motion.

25
26 **Resolutions Being Tabled**

27 Marty announced that Resolutions 09-28 an 09-43, which were on the agenda for this evening,
28 were being held pending review by the Township Solicitor.

29
30 **YMCA Escrow Release #4**

31 Carmen moved to approve YMCA Escrow Release #4 in the amount of \$990,046.17 per the
32 January 22, 2009 recommendation of Public Works Director Mark Miller. The YMCA
33 requested a release of \$1,027,650.94, but \$37,604.77 will be held until completion of the project.
34 The balance in escrow after this release will be \$216,104.77. Joe seconded the motion.

35
36 *Public Comment: John Schorn, 1401 Larch Lane* – Asked what the \$990K will be used for.
37 Carmen told Mr. Schorn that the funds from this escrow release will be used for:
38 Layout, earthwork, S.E. controls, road construction, sanitary sewer, utilities, signage,
39 landscaping, and lighting. Mr. Schorn had a question about what the balance of the escrow
40 account will be used for.

41
42 *Abbas Rahbari , 1613 Manley Road* – Asked if the Township has inspected the YMCA building
43 and if it has passed inspection. Rick said yes. Mr. Rahbari indicated he had concerns about code
44 violations within the building, and asked if he shares these with the Township will they be
45 addressed. Marty said yes, and requested Mr. Rahbari to put his complaints in writing.

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

3
4 **Sorrell Hill Escrow Release #7**

5 Thom moved to approve the Sorrell Hill Escrow Release #7 in the amount of \$29,715.00 per the
6 January 29, 2009 recommendation of Public Works Director Mark Miller. The requested release
7 amount was \$29,715.00 but only \$29,565.00 is recommended for release. The balance in escrow
8 after this release will be \$174,505.52. Don seconded the motion.

9
10 There was no discussion and no public comment. The Board voted unanimously to approve the
11 motion.

12
13 **Sunoco Monitoring Well on Twp Property**

14 The Board reviewed Rick's January 30, 2009 memo on this topic. Carmen wants to check into
15 the feasibility of executing a rental agreement with Sunoco for this use of Township property.
16 Don noted the Township did not charge Sunoco anything for the first well. Joe said if this could
17 be a valid revenue source, it should be looked into. The Board agreed to table this for a week
18 while Carmen does some research.

19
20 *Public Comment: John Schorn, 1401 Larch Lane* – Said Carmen is correct; the Township should
21 charge Sunoco for this well. He then expressed concern that his well water might not be safe as
22 a result of Sunoco's issue. Joe suggested Mr. Schorn have his well water tested as a normal
23 precaution, Sunoco problem or not. Rick will send a RTK request to DEP to see their records on
24 the extent of the problem, and how far it might spread away from the Sunoco station.

25
26 *Public Comment: Abbas Rahbari, 1613 Manley Road* – Advised the Board of the Township's
27 obligations in this type of situation, and how they should handle this matter.

28
29 **Any Other Matter - Wind Turbines in R-2 District**

30 Joe asked if wind turbines are allowed in the R-2 district. Rick said yes, according to Township
31 Code section 240-32(T), but noted there is a setback requirement.

32
33 **Correspondence and Reports of Interest**

34 None.

35
36 **Meetings & Dates of Importance**

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

38
39 **Adjournment**

40 There being no further business, the meeting adjourned at 9:15pm.

1 **WORKSHOP (Resumed)**

2
3 **H₂O PA Grant**

4 The Board reviewed Rick’s February 2, 2009 memo on this topic. Everyone agreed the
5 Municipal Authority should proceed with pursuing this grant.

6
7 *Public Comment: John Schorn, 1401 Larch Lane* – Asked if the Municipal Authority gets the
8 grant, will there be a reduction in sewer rates. The Board told him absolutely.

9
10 **Zoning Ordinance Amendment for Cyber Charter School Campus**

11 The Board reviewed the revised draft ordinance. The parking issue was discussed. Carmen
12 suggested limiting the school to the number of spaces they will have at the building (putting a
13 cap on their parking). Everyone agreed to word the ordinance to state that there should be one
14 parking space per student of driving age, in addition to the spaces required by faculty and staff.
15 During the conditional use process the Township can then cap the parking at 189 spaces, which
16 will be more than adequate.

17
18 *Public Comment: Bill Egan, Mill Creek Drive* – Asked if 1,000 ft letters were sent out. Rick
19 said they were sent out to notify residents of the February 4 Planning Commission meeting,
20 during which the school will be making a presentation. Rick said the Township was not required
21 to send out 1,000 ft letters on this issue before now.

22
23 **Paper-Saving Initiatives**

24 The Board discussed ways the Township can save copier paper. They agreed to have the staff
25 create two-sided copies when feasible, and to email packets to ABC liaisons. Rick will write up
26 a formal recommendation to the Board for next Tuesday.

27
28 **Tennis Courts**

29 This matter will be discussed at a future meeting.

30
31 **Metered Billing Update**

32 Don said the Metered Billing Committee (Don, Thom, Rick, Joe Gill, Deb Beury and Tia
33 Piccolo) has met twice so far. They are creating a database to work with for this project, and
34 they have merged it with the sewer database. Joe Gill and Tia Piccolo are doing clean-up work
35 on the records in the database. The Committee hopes to upload their data into the AMS database
36 for eventual billing purposes. They will be conducting a test upload on Monday to see if it will
37 work. The Committee has a meeting with Aqua in early March to see if Aqua could do the
38 billing if the AMS system will not work. Don said they are looking into developing a base rate
39 with “x” number of gallons included in the fixed cost. He said the Committee plans to
40 communicate the status of the project to residents in April, with a newsletter article in October.

41
42 Marty suggested that staff review the gallon usage numbers received from Aqua to determine
43 where there might be infiltration (I&I).

1 **Adjournment**

2 There being no further business, the meeting adjourned at 9:58pm.

3

4 Respectfully submitted,

5

6

7 Anne Meddings

8 Recording Secretary