

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
March 10, 2009 – 7:00pm**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Don McConathy, Joe McDonough and Thom Clapper. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Public Works Director Mark Miller, Jack Yahraes and Dana Pizarro (Municipal Authority), Jane Fava (Conservancy Board), and Phyllis Marron (Park & Rec). Joe McCawley (Municipal Authority) was present for a portion of the meeting.

WORKSHOP

Call to Order & Pledge of Allegiance

Chairman Marty Shane called the meeting to order at 7:02pm and led those present 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 the men and women serving their country in the armed forces, and their families.

Announcement

Marty announced that all public comment would be taken at the end of the meeting to allow the Board to work through the heavy agenda.

Comcast Generators

Rich Werner of Comcast was present to show renderings of the generators at Boot Road & Wilson Drive in various paint colors. He apologized that he was unable to provide a rendering of the digital camo pattern, which Carmen had requested. Mr. Werner said digital camo would cost \$8.00/sq.ft. making it prohibitively expensive. (Regular paint would only cost \$0.65/sq.ft.) Mr. Werner said Comcast had selected three paint colors they felt were best suited for the project: bronze, ivory, and ivy green. He showed views of the generators painted in all three colors from the vantage point of a) Wilson Drive, b) from the residents' perspective, and c) from Boot Road. Mr. Werner said Comcast plans to add a White Pine to fill in a gap visible from Wilson Drive. In addition, they plan to add more 8-10 ft. Serbian Spruce trees to block the residents' view of the generators, and 11 White Pine trees to make the generators less visible from Boot Road. Don asked what happened to the idea of putting a wall around the generators. Mr. Werner said a noise level test indicated that a wall is not necessary, as the noise level from the generators falls within the ordinance range. In regard to the proposed White Pine trees, Don asked Comcast to put in another species, since White Pines get leggy and lose their lower branches over time. Mr. Werner was amendable to this suggestion. Joe asked Mr. Werner to provide the Board with a detailed plot plan. Carmen asked Mr. Werner what timeframe Comcast is proposing. Mr. Werner said the work would take place in the second quarter. Carmen then

suggested that Mr. Werner discuss the trees with the Conservancy Board. Jane Fava, who was present, said the Conservancy Board could discuss this project at their meeting on March 11. Mr. Werner left the renderings with the Board for the Township's review.

RCSTP – Update

Carmen gave a verbal report from the March 9 Municipal Authority (MA) meeting. His report was also provided to the other Supervisors in written form.

- The Public Works Department found 300 lineal feet of rotted pipe in Grand Oaks. The MA approved \$19.5K for repair work on the pipe. Don noted that the approved amount does not include the estimated \$18K needed for laser cutting of the laterals.
- The MA was happy to receive some financial reports from Deb Beury that they have been waiting for.
- Things appear to be moving along as far as the construction & electrical work.
- A resident's sewer problem revealed a problem on the Township's side. The MA approved a payment of approximately \$2,500 to reimburse the resident for plumbing work.
- The MA discussed how the RCSTP upgrade should be managed. Joe McCawley and Dana Pizarro both believe a project manager is needed but have a difference of opinion on the type of role this individual should play.

Joe McCawley was present and shared his views on the project management issue. Joe said he believes it necessary from a business perspective to employ an "owner's representative" to oversee the project – someone who will look out for the Township's fiscal interests. Joe said that although he has great faith in Pennoni, and has been happy with their work on other projects, he believes the owner's rep in this case should be an independent third party, not someone from Pennoni. He said it will cost significantly less to retain an owner's rep than a project manager. Don asked Joe what level of authority this person should have. Joe said the person should have control of the entire budget and contingency funds, and should work on the project on a daily/weekly/monthly/quarterly basis. Joe McCawley said he is concerned that if the Township asks Pennoni to manage the project, Pennoni will respond by putting a PE in charge, not a business person.

Dana Pizarro said he is in favor of hiring someone to perform resident engineering services. These services can be performed by the existing design engineer or by an independent third party. A resident engineer is not typically paid on a percentage basis but by an hourly rate, or is paid based on the number of days they work on the project. Dana said there is a difference in contracting flow when hiring a resident engineer versus hiring an owner's rep. He said the Board can look at hiring a resident engineer as a way of putting all responsibility for the project in one place (such as with Pennoni).

Rick advised that he was tasked with putting together specs for a project manager/owner's rep position for the MA's review. Ultimately the specs will go out to bid.

Joe McDonough expressed concern about the timing issue of hiring a new person and getting them up to speed on the project. He thinks it imperative to hire someone as quickly as possible,

ideally so they can start on Monday, March 16. Carmen guesstimated it would take 4-6 weeks to bring someone in if the job is put out to bid.

Joe McDonough asked Joe McCawley what role Evan Andrews would play in the project if the Township awards the management aspect of the job to Pennoni. Joe McDonough noted that he is not in favor of expanding Evan's current engineering role. Joe McCawley said he felt that Evan would remain the head of the project as engineer and as manager. Evan would be the superior to the owners rep, which would create a larger conflict.

Dana said he believed that Pennoni would assign someone from a different area (not Evan) to perform management responsibilities. Marty reported that Evan said Pennoni would appoint someone else besides him for the position, and Evan actually has another individual in mind for the job. Dana suggested that if the Board decides to go with Pennoni, they should make the selection of the individual subject to the Board's review, and not just accept the person Pennoni recommends.

Marty said the Board needed to come to a consensus in order to direct the MA how to proceed. Joe McDonough said he trusts the judgment of Joe McCawley, Dana Pizarro and Jack Yahraes and would therefore be okay with either scenario but the person must start on Monday.

Marty then asked Mark Miller for his input on the need for a project manager. Mark said he has enjoyed working on the project but the many hours involved, added to his regular Township responsibilities, has really started to take a toll on him. Marty agreed with Joe McDonough that the faster someone is brought on board, the better.

Thom said he understands the urgency of hiring someone but is uncomfortable having Pennoni in the management role. He would prefer an independent party.

Don said he too preferred an independent third party, but because the Township needs someone right away, he is perplexed at how to proceed.

Carmen agreed there is a potential conflict in having the engineering firm in control of managing the project, but said speed in hiring someone is his major concern at this point. Carmen said he would ideally like to find a way to get some quick cost comparison data. However, he is okay with using Pennoni in the interest of saving time. Carmen reported that Bob Adams stated that the Township has ample legal protection built into the contract with Pennoni in case there is a problem down the road requiring legal action.

Jack Yahraes reported that Pennoni said they would have a estimated price for the project management work to the Township by March 13.

Don suggested that if the Township goes with Pennoni, they should go above Evan's level and discuss the situation with Pennoni's management.

Marty and Carmen said they trust the judgment of the MA and will be very comfortable with whatever they recommend.

Minutes

The minutes of March 3 were reviewed and corrected. Don advised that, in light of the Right-To-Know Act, the Board should not accept verbal requests for written information at meetings. Instead, requests for information must be put in writing. Marty agreed and said the Board should advise residents to follow normal Township Right-To-Know procedures in future.

Don moved to approve the March 3 minutes as corrected. Marty seconded the motion. There was no discussion.

Public Comment: John Schorn, Larch Lane - Noted for the record that he did not ask for written information during the March 3 meeting; instead, information was offered to him without him even requesting it. In addition, Mr. Schorn said that he heard Marty say during the March 3 meeting that emails between Board members concerning Township business are not public record. Marty disagreed and said on March 3 he indicated that such emails are public record. Mr. Schorn said that was not what he heard.

There was no further public comment. The Board voted unanimously to approve the minutes.

PALCS Campus Conditional Use Application

The Board reviewed the draft motion for the conditional use application. Don noted that the Planning Commission made some changes which were not reflected in the version the Board received in their packet. Joe McDonough said he would like to see the CCPC letter on the proposed zoning change. Rick will locate the letter and forward a copy to the Supervisors. The Board then discussed how to handle the fee in lieu of taxes situation. Rick will get a legal opinion. Rick will also find out if the current free-standing sign on the property is conforming.

Don and Joe Gill will discuss the school's proposal to provide additional web services to the Township with school representatives to get clarification. Marty indicated that there should be a letter from the school indicating precisely what services they plan to offer to the Township.

Ordinance to Authorize Collection of Interest

The Board reviewed the revised draft of this ordinance prepared by Kristin Camp, and everyone was fine with the changes. There were no comments or revisions. The public hearing will be advertised for April 7.

Revised Act 39 Amendment to MPC

Don noted that his suggested change was not incorporated into the revised draft. However, he said if three other members of the Board were fine with the revised draft, he would not object. Since none of the other Supervisors had issues with the revised draft, the Board will proceed with the document as-is.

Mill Creek Ballfield

The Board acknowledged receipt of a recommendation from Park & Rec to maintain the access road to the Mill Creek ballfield by adding millings to the roadway.

Park & Rec Fee Increases

The Board discussed a March 6 email from Ann Marie Fletcher-Moore stating Park & Rec recommends raising fees for pavilion usage. Thom was not in favor of increasing rates. Joe was okay with the suggested increase. Don was okay with the increase, but wants Park & Rec to research this issue and provide a data-backed rationale for increases in the future. Carmen said he was okay with the Park & Rec recommendation for now but would like the Township consider charging less for East Goshen residents and more for non-residents and for corporations. Marty was in agreement with having a tiered rate system, and in addition he would like there to be a price break for groups of 50 or less. However, he said he was okay with the Park & Rec recommendation for now. Rick will modify Resolution 09-34.

Recycling Tonnage Totals for 2004-2008

The Board briefly reviewed this report. Don noted that co-mingling is increasing but tonnage totals have not gone up.

Metered Billing Update

Don reported that the metered billing team is in the process of creating a master database, and Joe Gill is doing most of the work on this. A test run was attempted in AMS but it did not work out as the team hoped. Joe Gill and Tia Piccolo will contact AMS to get the issue resolved. Joe Gill will also set up a model for sewage use data. The team will meet with Aqua on March 19. The team is looking to possibly divide commercial users into classes, perhaps based on water meter size, and they want to put some checks into the system. Don is ready to draft a letter to the sewer users whenever the Chairman thinks it appropriate. Marty asked Don if there is any reason metered billing cannot be implemented by 2010, and Don said no.

Use of Township Building as Polling Place

Rick will contact Skip Brion about this issue.

Chalfant – Zoning Hearing Board

Carmen moved to authorize Township Solicitor Kristin Camp to advocate the position of the Board of Supervisors on the Chalfant variance issue at the next session of the Zoning Hearing Board. Joe seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Public Comment

Murray Gordon, 1629 Eldridge Drive – Said he supports the effort to switch over to metered billing and had a suggestion for pro-rating the usage figures to account for seasonal variations. He suggested the Township get quarterly or semi-annual bids on water treatment materials. He also suggested the Township make an exception to the rule that cardboard must be cut up for recycling around Christmas time. Mr. Gordon said the web site should be updated with trash pickup information when there is a schedule change. He reported there are still lots of deer in Bow Tree. Don reminded Mr. Gordon that the deer management program is a 10-year plan and the issue won't be solved after one season.

John Schorn, 1401 Larch Lane – Asked if the Township sent a letter to East High School about the prom donation yet. Rick said the letter has not been sent out yet.

Art Polishuk, 1424 Grand Oak Lane – Said Comcast should not have been brought in to make a presentation on the generator issue during a workshop session, especially since the nature of Comcast's presentation was not on the agenda, nor was it advertised. This matter should have been conducted during a regular public meeting so interested residents would have the opportunity to ask questions. Marty said the Township can have Mr. Werner come back during a public meeting. Art then asked what AMS stands for, and Don said it is Applied Micro Systems, the Township's financial software package. Art then asked why is the Township looking to bill permit fees instead of collecting cash. Marty explained the Township does collect cash but wanted to implement a process to bill for recharges when the Township is not paid on time. Art then asked what mechanism the Township has in place to record emails by Supervisors that are not sent from Township email accounts. Marty said there is no mechanism for this at present, but it is something that needs to be considered. Joe McDonough said one way to handle this is to have the Supervisors copy Rick on all emails. Rick told Art the Township has looked into purchasing special software to archive, sort, and search emails but it is prohibitively expensive. Art suggested Mimosa software for this purpose, and said it costs only \$15-\$20K. Marty said this issue is in Joe Gill's court.

Adjournment

There being no further business, the public meeting adjourned at 9:20pm.

EXECUTIVE SESSION

The Board met in Executive Session with from 9:20pm until 10:45pm to discuss a pending legal matter and the police labor contract.

Respectfully submitted,

Anne Meddings
Recording Secretary