

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
March 17, 2009 – 7:00pm**

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, Phyllis Marron (Park & Rec), Kathryn Yahraes (Historical Commission), and Township Solicitor Skip Brion.

WORKSHOP

Minutes

The draft minutes of March 10 were reviewed and corrected.

Bills

The Treasurer's Report and Expenditure Register Report were reviewed.

Letter from Applebrook Golf Club Regarding Line Road Path

The Board reviewed the March 2 letter from Applebrook attorney Timothy Barnard. Rick will let Tim know that East Goshen will formally respond to the letter once a response is received from the state about the request to amend the grant application.

Comcast Generators

Rich Werner has advised he will provide a marked-up a plot plan to show the proposed tree placement at the site.

Email Packets

The Board discussed whether copies of ABC packets should be sent to members of the public who request them. Joe said he is opposed to sending out packets to the public unless the solicitor says the Township is required to do so. The Board asked Skip Brion for his opinion. Skip said some packet items from Township staff are considered predecisional, and are not subject to the Right-To-Know Law. Letters from state and county agencies, etc. are okay to send out. Skip said draft resolutions and draft ordinance changes do not need to be provided to the public. Skip advised that if packets are going to be shared with the public, someone from staff will have to screen each agenda and redact predecisional items as appropriate. Information redacted for the public should also not be shared with liaisons.

Joe McDonough asked Skip if members of the public can verbally request information during meetings. Marty stopped Joe and informed him that Rick is preparing language to add to Resolution 09-28 on that very issue. The revised resolution will be ready by next week.

Contractor Issues

Carmen wants the Code Department to make a recommendation to the Board on how to beef up their enforcement authority over contractors who are not playing by the rules.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:07pm and led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

No residents indicated they would be recording 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.

Recognition of Mrs. Vicki Wooters for Donation of K-9 Ballistic Vest

Police Chief John Dumond introduced WEGO police K-9 Lex, his handler Tony Ruggieri, and Vicki Wooters. Lex was modeling his new custom-fitted ballistic vest provided courtesy of a \$650 donation from Vicki's organization, Search & Rescue Dogs of PA. Chief Dumond thanked Vicki and her organization on behalf of the Police Department, and presented her with a certificate. Vicki said her search dog organization recently received an overabundance of donations and wanted to put the excess funds to good use. She announced that other residents interested in making a tax-deductible donation for the police K-9 unit can do so through her organization. Marty thanked Vicki for her donation and noted that she is not only a Township resident but also a member of the Park & Rec Board.

Recognition of Police Officers

Chief John Dumond announced that Joe Armbruster was named the 2008 WEGO Police Officer of the Year, and Jon Stafford was named the 2008 Tactical Officer of the Year by the West Chester Regional Emergency Response Team.

Approval of Minutes

Don moved to approve the minutes of March 10, 2009 as corrected in Workshop. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Chairman's Report

Marty announced that the Board met in Executive Sessions on March 3 and March 10 to discuss a pending legal matter as well as the police labor contract. An Executive Session was held on March 12 with the Westtown Township Supervisors to discuss the police labor contract.

PUBLIC HEARING

Proposed Zoning Ordinance Amendment for Cyber Charter School Campus

The Board conducted a public hearing to consider adopting an amendment to zoning ordinance §240-6 and §240-17 and adding §240-33. Attorney Lou Colagreco was present on behalf of the Pennsylvania Leadership Charter School. The Board voted unanimously to adopt the ordinance

amendment (Motion: Battavio/Clapper). A court reporter was present and will provide a complete transcript of the proceedings.

FORMAL MEETING (Resumed)

Treasurer's Report

The Treasurer's Report for March 12, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 152,172.67	
Earned Income Tax	\$ 316,077.39	Accounts Payable \$ 47,262.10
LST	\$ 15,179.83	Electronic Payments \$ 1,000.00
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec (2009)	\$ 90,773.34	Payroll \$ 80,000.00
Total Receipts	\$ 574,203.23	Total Expenditures \$ 154,844.40
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 573.99
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 25,700.43	\$ 164,803.32
Refuse	\$ 12,242.29	\$ 70,930.11
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report and Expenditure Register Report as recommended by the Treasurer in her March 12, 2009 memo to the Board, and the receipts, and to approve the expenditures reviewed in workshop. Carmen seconded the motion. There was no discussion and no public comment. The Board voted unanimously to pass the motion.

Police Report

Chief John Dumond reported there were 563 calls for service from East Goshen in February. Marty asked the Chief how many officers are involved in the Emergency Response Team. Chief Dumond said there are 32 officers and 8 or 9 negotiators from the county. There are 7 WEGO officers and 3 WEGO negotiators on the team. Carmen recommended Chief Dumond write an article for an upcoming newsletter reminding residents to be alert, to watch out for their neighbors, and to report anything suspicious to the police. Marty asked Chief Dumond to provide him with a list of incidents that have occurred at the Malvern Institute during the past two years, the past three years if possible.

CTDI, 1305 Goshen Parkway, Escrow Release #1

Carmen moved to approve an escrow release for CTDI in the amount of \$337,193.15 per the March 12, 2009 recommendation of Yerkes Associates. A balance of \$37,238.80 will remain in escrow to be used for silt fence replacement, fine grading, landscaping, an as-built survey and plans, inspections, and 10% contingency. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

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

Don moved to adopt the changes to page 7 for Resolution 09-34C. Joe seconded the motion. Don asked if the fee increase will apply to both park pavilions, and Marty said yes. There was no further discussion and no public comment. The Board voted 4:1 to approve the motion. (Thom was opposed).

Correspondence and Reports of Interest

Marty acknowledged receipt of the following:

- Letter from Thornbury Township regarding the dedication and hard work of the East Goshen Board of Supervisors and staff on the Thornbury Township Police Services Agreement and requesting that discussions be held regarding the renewal of their Police Services contract.
- Fire Marshal's and Goshen Fire Company's Reports for February 2009.

Meetings & Dates of Importance

Marty noted the list of upcoming meetings as listed in the agenda. Don clarified that the April 21 Board meeting has been cancelled and should be noted as such on the calendar. Kathryn Yahraes noted that April 18 is Keep East Goshen Beautiful Day, and the Conservancy Board will host Earth Day activities then as well.

Any Other Matter

DMC Grant Application - Joe moved to approve the Deer Management Committee's March 16, 2009 request to apply for a grant to purchase a deer deterrent sensor system. The application deadline is March 20. Don seconded the motion. Carmen said the grant must cover 100% of the hard and soft costs involved in purchasing, installing, and maintaining the sensor devices. Thom asked who will be responsible for writing the grant application, since the Deer Management Committee's memo said they were unsure who would do it. Marty said the grant application will be prepared by Township staff if they have the time and resources to write the application by the March 20 deadline. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Hershey's Mill Dam – Marty announced that the Township has received information about a possible grant that is available to help pay the cost of breaching the dam. The Township plans to apply for the grant, but in the meantime the Historical Commission is exploring fundraising options to save the dam. Marty said the Township will not receive a decision about the grant until May. DEP will be back in June to do another inspection of the dam, and no doubt they will want to know East Goshen's plans for addressing the dam issues at that time.

Thom moved to approve an application for the grant. Carmen seconded the motion. Don said he is not sure the dam area meets the grant requirements in regard to flooding. Marty said the Township is going to apply for the grant anyway and in the application will explain the history of flooding that has occurred at the site.

Kathryn Yahraes asked if the Township's application for a breaching grant would preclude applying for another grant to save/restore the dam. Marty said this motion would not preclude

applying for a grant to save the dam, if such a grant can be found. There was no further discussion or comment. The Board voted unanimously to approve the motion.

Deer Hunt

Carmen said he planned to let the DMC know to make it a priority not to schedule the next deer hunt during days children are off from school. Marty told Carmen he already took care of it, and said the DMC is aware that the Board wants them to schedule the next hunt for as few days as possible.

Public Comment

Bill Egan, Mill Creek Drive – Had a question about the square footage of the District Court. Rick told him it is 4,860 sq.ft. Mr. Egan said in that case, he would like to retract the criticism he made at a previous meeting regarding the cost of the District Court exceeding the cost of the Justice Center on a square footage basis.

Mr. Egan requested that any changes to the approved Applebrook plans in regard to the Line Road path be put on the agenda and discussed during formal meetings. Marty noted that one definite change in the plan is that the surface will be macadam instead of wood chips, and said the Township is still hoping to receive grant money to help fund the project.

Mr. Egan advised that his company recently cut weekly uniform fees from \$800 down to \$300 by switching from Cintas to a company called G&K Services. He recommended the Township look into switching uniform companies to help cut costs.

John Schorn, Larch Lane – Thanked Joe Gill for providing him with a cost breakdown for the District Court. He asked if there was a general contractor for the project. Rick said the general contractor was Paoella Construction. The electrical contractor was Lenni Electric. The plumbing contractor was Richard Bondurant, and the mechanical contractor was N.B. Rogers.

Mr. Schorn asked if there is a provision in the District Court lease for overhauling the building in the future (new paint, ceiling tiles, etc.). Marty said he would have to check. Mr. Schorn asked who created the original \$300K budget for the building modifications. Marty said that figure was developed by Township staff in conjunction with the architect. In response to another question from Mr. Schorn, Don clarified that Chester County set the rent ahead of time based on the standard square footage required by the Court. Marty told Mr. Schorn that the District Court will provide a significant positive cash flow for the Township. The construction cost will be amortized over a ten-year period at a 4.1% interest rate, which is the rate of the Township's last bond financing. The District Court will also pay their fair share of the borrowing cost for the acquisition of the building over the remaining life of the loan.

Mr. Schorn asked if the \$48,000 shown on the cost breakdown is for architectural fees. Marty said \$48,000 was the total for the architectural fees plus the project management fees.

Mr. Schorn asked for an update on the agreement with Sunoco over the monitoring well. Rick said the Township is currently waiting for Sunoco to get back to us regarding some contract issues that need clarified. Carmen asked Rick if staff checked with DEP about having Sunoco

put in additional monitoring wells around the Township. Rick said that per DEP, the contamination has not left Sunoco's property. Therefore, additional wells are not necessary.

Adjournment

There being no further business, the meeting adjourned at 8:57pm.

WORKSHOP (Resumed)

RCSTP

The Board briefly discussed the budget for the project in regard to the amount of contingency fees that have already been spent.

Township Newsletter

Marty said he wants there to be one staff "point person" responsible for the newsletter. Joe Gill advised that Diane Degnan is currently that person.

Alarm Ordinance

The Board reviewed the revised draft ordinance. Don suggested a number of changes. Rick will revise the document and redistribute it. The Board should be able to vote on this document at the May 5 meeting.

Collection Resolution

The Board reviewed the revised draft resolution. Don had a number of changes. Joe Gill will revise the document and redistribute it.

Act 39

The Board reviewed the revised draft which incorporated some of Don's changes. Rick will revise the document again to include all of Don's suggestions, as well as a change suggested by Thom. Rick will send the revised draft to Don for review.

Email Packets

Joe said he wants to exempt the Supervisors from the policy of receiving packets with redacted information, so that the Supervisors will receive full packets as in the past. Thom suggested instead of having a staff member go through each agenda and redact information, the Township adopt a policy of only sending agendas to liaisons. Joe Gill suggested that because packets do not exist until produced they are not a record and therefore he felt they cannot be requested in advance.. The Board liked the suggestion and asked staff to run it by the Township Solicitor.

Liaison Report - DMC

Marty reported on the March 16 DMC meeting. The two new members attended. The committee has reviewed all aspects of the deer management program and is in the process of putting together recommendations for the Board. Their #1 goal is to reduce the number of hunting days this coming season while still achieving the harvest goal. They are looking at various ways to address the hunter scheduling issues.

Disclaimer on Written Liaison Reports

Don suggested that ABCs who email liaison reports add a disclaimer stating that the opinions expressed are those of the author alone. The other Supervisors were in agreement with this idea. Staff will suggest some appropriate verbiage for the Board's review. The Board will then send a memo to the ABCs.

Muddy Road Shoulder on Boot Road, Next to CVS

Thom brought up the issue of this unsightly road shoulder again, which is caused by trucks temporarily parking on the shoulder while the drivers run into the Sunoco mini-mart. Marty suggested that staff make a recommendation to the Board on how to handle this situation.

Genuardi's Intersection

Joe expressed concern over traffic violations occurring at the entrance to the Genuardi's shopping center on Boot Road, sometimes in full view of a police officer parked there. Marty asked Thom to take the issue to the Police Commission. Marty also asked Thom to convey to the Commission that all traffic warnings need to be put in writing. Rick said that would go against the officers' prosecutorial discretion.

Interest Ordinance

Don wants the interest ordinance put back on the agenda for discussion, as he found his copy containing his comments. He gave his suggested changes to Joe Gill so he can revise the document.

District Court

Don suggested the Board review the whole District Court cost issue to learn where things went awry, and hopefully prevent a similar occurrence in future. The other Supervisors thought this would be a good idea.

Adjournment

There being no further business, the meeting adjourned at 10:08pm. Due to the late hour, the Executive Session was postponed to another time.

Respectfully submitted,

Anne Meddings
Recording Secretary