

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
April 14, 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), and Township Solicitor Skip Brion.

WORKSHOP

Bills

The Treasurer's Report and Expenditure Register Report were reviewed. Township staff will research the Township's policy on providing custom safety glasses with prescription lenses for Township employees, and report back to the Board.

Public Comment: Art Polishuk, Grand Oak Lane – Asked why the Township is spending taxpayer money on King George Court, which is a street that does not belong to the Township. Marty said the road was built to Township specs, but was not finished by the builder. The East Goshen residents on King George Court want the Township to take over the road, so the Township is trying to resolve the situation on their behalf.

Minutes

The draft minutes of April 7 were reviewed and corrected.

Addendum to Agreement Between East Goshen and Westtown Township

The Board reviewed this document, and had no comments or changes.

Agenda Review

The Board reviewed the agenda for the formal meeting.

Emailing Agenda Packets

The Board reviewed Rick's April 2 memo on this topic. Marty asked Rick who will have the ultimate responsibility of redacting predecisional information from the packets. Rick said that would be himself or Joe Gill. Marty noted that either Rick or Joe will have to review the packets each week before they go out. Rick said he prefers letting predecisional information go out with the packets via email rather than having to make multiple paper copies of the items for distribution at the meetings (when the information becomes public). Most of the paper copies made for meetings end up in the trash, which is a waste of paper. The Board agreed to try Rick's approach of emailing the information. If for some reason it does not work out the policy can be altered.

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.

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.

Public Comment

Marty announced that public comment on non-agenda items would be taken at the end of the meeting.

Approval of Minutes

Thom moved to approve the minutes of April 7, 2009 as corrected in Workshop. Don 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 Session on April 7 to discuss the police labor contract.

Cindy Speaker, 1418 Old West Chester Pike - Dimensional Variance Request

Ms. Speaker was present at the meeting. Carmen complimented her for wanting to put the addition on her home. Don asked her if a variance was granted by the Township when the original home was built, and Ms. Speaker said yes.

Carmen moved to recommend the Zoning Hearing Board approve the zoning variance application from Cindy Speaker requesting 3 feet of relief in the side yard setback area. The Planning Commission believes the standards for granting a variance have been met by this applicant, and the relief sought will not negatively impact the character of the neighborhood. Don seconded the motion.

Public Comment: Art Polishuk, Grand Oak Lane – Noted that this is not the first time the Planning Commission has recommended this type of variance for a property in the Milltown area.

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

PUBLIC HEARING

Pennsylvania Leadership Charter School, 1585 Paoli Pike – Conditional Use Application

The Board continued the public hearing begun on April 7 to consider a conditional use application from the Pennsylvania Leadership Charter School (PALCS) to operate a Cyber Charter School campus at 1585 Paoli Pike. Alyson Zarro, Esq. was present for PALCS.

After additional testimony, Township Solicitor Skip Brion closed the record and announced that a decision will be rendered during the Supervisors' May 5 meeting at 8:00pm. The Board will

discuss the conditions they want to impose during the April 28, 2009 Board workshop which will begin at 7:00pm.

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 April 9, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 746,607.30	
Earned Income Tax	\$ 25,065.69	Accounts Payable \$ 30,092.89
LST	\$ 1,400.54	Electronic Payments \$ 491.16
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec (2009)	<u>\$ 197,645.85</u>	Payroll <u>\$ 40,000.00</u>
Total Receipts	\$ 970,719.38	Total Expenditures \$ 70,584.05
State Fund	\$ 11.89	\$ 0.00
Capital Reserve	\$ 2,846.53	\$ 0.00
Transportation Fund	\$ 264.38	\$ 0.00
Sewer Operating	\$ 4,435.70	\$ 41,235.40
Refuse	\$ 3,090.25	\$ 75,842.43
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report dated April 9, 2009 as recommended by the Treasurer in her April 9, 2009 memo to the Board, and the receipts, and to authorize payment of the invoices reviewed in workshop. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to pass the motion.

Police Report

Chief John Dumond reported there were 536 calls for police service from East Goshen during the month of March. Two incidents of interest included the seizure of several pounds of marijuana from a Goshen Valley resident, and a near fatal accident at the Gentle Touch Car Wash. An automobile accident resulting in a car fire and fatality on Route 202 in Thornbury Township was the second fatality at the intersection of Route 202 and Green Tree Drive in the past year. In response to a question from Don, Chief Dumond said PennDOT has been contacted in regard to the safety concerns for this intersection.

Thom commended the Chief on the complimentary letters sent by the Chester County District Attorney and the director of the Victims' Compensation Assistance Program of the Pennsylvania Commission on Crime and Delinquency to thank him for his excellent record of responsiveness for information. Chief Dumond said the credit really goes to his staff member Mary Gallagher.

Marty asked Chief Dumond if WEGO participates in County task force, is WEGO compensated for the time by the County. The Chief said yes.

Public Comment: Art Polishuk, Grand Oak Lane – Asked Chief Dumond if he had statistics on repeat false alarm calls. Chief Dumond said he would have to check, but noted the police department does get repeat false alarms from various locations.

Plantings for Comcast Generators

Marty announced that the Supervisors and Rick Smith visited the Comcast site on April 13 to review the suggested locations for plantings. Comcast will return before the Board on April 28 with a revised plan.

Awarding of Bituminous Concrete Bid

Don moved to award the bituminous concrete bid to Independence Construction Materials of Malvern in the amount of \$468,680.00 per the March 25, 2009 recommendation of Public Works Director Mark Miller. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Awarding of Fuel Tank Bid

Carmen moved to award the bid for two aboveground fuel tanks and equipment to Warren F. DeLong, Inc. of Malvern in the amount of \$49,500.00 per the March 25, 2009 recommendation of Public Works Director Mark Miller. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 09-28A, Establishing Rules for Compliance with the PA Right-To-Know Law

Carmen moved to approve Resolution 09-28A as corrected during the April 7 workshop. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 09-103, Authorizing the Township Manager to Execute Documents Related to the Application for Long-Term Contracted Assistance Through the Emergency Watershed Protection-Floodplain Easement Program

Thom moved to approve Resolution 09-103 as corrected during the April 7 workshop. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Awarding of HVAC Services Bid

Joe moved to award the bid for HVAC services to Precision Mechanical in the amount of \$15,550.00 per the April 3, 2009 recommendation of Township Manager Rick Smith. Don seconded the motion.

Public Comment: Art Polishuk, Grand Oak Lane – Asked if the Township Solicitor has reviewed all documents pertaining to the bid protest lodged by HighTech HVAC and if he is satisfied that HighTech's protest has no basis. Marty said yes. Skip Brion affirmed this and said HighTech's charge that East Goshen was "bid shopping" was over-reaching. Mr. Polishuk then asked if the Board is satisfied that Precision Mechanical can indeed perform the work for \$15,550.00. Rick said the Township had the same concern and invited a representative from Precision to come in to discuss the bid in detail. After going over the numbers with him, the staff was satisfied Precision could perform the work for the bid price.

Carmen noted for the record that he was recusing himself from discussion of this particular bid.

Joe asked Rick who at the Township will sign off on the contractor's work, and Rick said Mark Miller.

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

Appointment of Mark Gordon as Zoning Officer and Building Code Official (BCO)

Joe moved to appoint Mark Gordon as the Township Zoning Officer and Building Code Official (BCO). Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Adoption of Addendum to Articles of Agreement Between East Goshen Township and Westtown Township

Thom moved to adopt the addendum to the Articles of Agreement between East Goshen Township and Westtown Township. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- Letter from resident Gloria Rising thanking the Public Works Department for a timely response to her request for tree work.
- Letter from District Attorney Joseph W. Carroll congratulating police Chief John Dumond on his excellent record of responsiveness to the Victims' Compensation Assistance Program of the Pennsylvania Commission on Crime and Delinquency.
- Letter from the counsel for HighTech HVAC lodging a bid protest against the award for HVAC services to Precision Mechanical.
- Fire Marshal's Report and Fire Company Report for the month of March 2009.

Meetings & Dates of Importance

Marty noted the upcoming meetings as listed in the agenda. The agenda says there will be no Board meeting on April 19 due to a PSATS meeting in Hershey; however, the date listed should be April 21.

Public Comment on Non-Agenda Items

Carol Rennard, 405 N. Chester Road – Volunteered her services as a proofreader for the Township newsletter.

Art Polishuk, Grand Oak Lane – Asked if Craig Hough had a contract with the Township for his services in relation to the District Court. Marty said yes. Art asked if Mr. Hough had a copy of the proposed lease with the County to review before he developed his budget, and Rick said no. Art asked why not, and Rick said because in the early stages of the project the Township did not have the County requirements so Mr. Hough was simply asked to provide a basic office design.

Art asked if Mr. Hough received a copy of the County specs after the Township received them, and did he use them to revise his budget. Rick said no.

Adjournment

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

WORKSHOP (Continued)

Pennsylvania Leadership Charter School, 1585 Paoli Pike – Conditional Use Application

Solicitor Skip Brion stated that when he provides a municipality with conditions for an applicant, they are merely suggestions, and it's up to the governing body whether they wish to accept, reject, or change any of the individual conditions. Don said the Board normally has time to review and discuss draft conditions before hearings, but did not have that luxury this time.

Pennsylvania Senate Bills 319 and 419

The Supervisors reviewed the draft April 6 letter to Andy Dinniman on these bills, and gave Marty the authority to sign the letter and send it out.

Proposed Eagle Scout Project – Shelter at Applebrook Park

The Board reviewed a request from Park & Rec to approve an expenditure of \$2,800 in materials to be used for an Eagle Scout project - a wooden shelter to be placed in the park. Joe, Thom, and Carmen are opposed to spending money on this project. Don said the Township should not fund the full \$2,800. Marty said he thinks the Township is obligated to fund this project, but would like to develop a written policy for such requests. The policy should state that while the Township encourages scouting projects, scouts must find their own sources of funding. Since three Supervisors were opposed to funding this project, the Board will tell Park & Rec the answer in this case is no. However, the scout can resubmit his proposal again after the written policy is created. Joe Gill will work on drafting the policy.

Planning Session

The Board scheduled a planning session for May 28 (a Thursday) beginning at 9:00am.

District Court Window Blinds

The Board reviewed Rick's April 3 memo on this topic, and authorized the expenditure of \$1,609 for window blinds since the Township is required to provide them under the conditions of the lease.

Alarm Ordinance

The Board reviewed the latest draft of the Alarm Ordinance. Don had some additional changes. Rick will revise the document and send it back to Don for review before it is redistributed to the Board.

O&M Agreement – Greenhill Sewer Authority

The Board reviewed this draft agreement. Don had some changes which staff will incorporate into the document.

NAPA Check Issue

Joe Gill reported that the bank has reimbursed the Township for the two checks that were cashed fraudulently. The matter is now in the bank's hands.

Sunoco Test Well Issue

Thom asked for an update on the Sunoco issue. Rick reported that the Township is waiting for Sunoco to respond regarding the agreement language.

Boot Road Shoulder at CVS

Thom asked for an update on this issue, as the intersection's appearance is only getting worse. Rick said the Board could adopt an ordinance to prohibit parking on the shoulder, and then post signs to that effect. This matter may be discussed at a future workshop.

Adjournment

There being no further business, the workshop adjourned at 10:15pm.

Respectfully submitted,

Anne Meddings
Recording Secretary