

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
May 5, 2009 – 7:00pm  
FINAL APPROVED MINUTES**

**Present:** Vice-Chairman Carmen Battavio, Don McConathy and Thom Clapper. Chairman Marty Shane and Supervisor Joe McDonough were absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Phyllis Marron (Park & Rec), Kathryn Yahraes (Historical Commission) and George Martynick (Planning Commission).

**WORKSHOP**

**Minutes**

The draft minutes of April 14 and April 28 were reviewed and corrected.

**Bills**

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

**Agenda Review**

The Board reviewed the agenda for the formal meeting.

**Resolution 09-48 Establishing the Policy for Disposal of Fill Dirt**

The Board reviewed the revised draft resolution on fill dirt. Don had one minor change.

**Mill Creek Easement**

The Board reviewed the revised Access License Agreement provided by Synthes USA. Don had one minor change.

**Images of America Book**

Carmen thanked Linda Gordon and everyone who worked so hard to put this book together. Since the cost of purchasing the books was not budgeted, Carmen said he would prefer to vote on this issue at a meeting when the full Board is present.

Thom asked Kathryn Yahraes why the Historical Commission wants to order 400 books for resale. Kathryn said they did their research and believe they will easily be able to sell 400 books, and by ordering that quantity they will qualify for the highest possible discount. With the profits earned, the Historical Commission will repay the Township for the cost of the books before using the money for anything else. Kathryn anticipates repaying the Township after one month. Rick noted the Township can always return unsold books in case they do not sell. Don said that Linda Gordon cannot donate her royalties directly to the Historical Commission; for accounting purposes she will have to donate them to the Township. The Township will then add the funds to the Historical Commission's budget.

After some discussion it was determined it would be necessary for the Board to vote on this issue tonight, so the books could be ordered and received in time for Election Day, as the Historical Commission plans to sell them at polling places.

### **Earned Income Tax Request**

The Supervisors discussed Rick's May 1 memo regarding unpaid EIT from a resident. Joe Gill and Rick said the Township has not been told the resident's name or income, so it is not known how much back tax money is owed. The Supervisors asked staff to work on getting more information on this situation.

### **Emergency Management Resolution**

The Board members present agreed that an EMS resolution should be adopted. Rick will draft a resolution that will be voted on at the May 12 meeting.

### **PALCS – Draft Decision & Order for Conditional Use Application**

The Board reviewed this draft document. Don said the Findings of Fact do not quite match the conditions of the Order itself. He would prefer the Findings of Fact to be changed to a narrative format. However, he is willing to have it remain as-is if this is the normal way these documents are formatted. Carmen asked Rick to check with the Township Solicitor to see if the format can be changed. Don also had some technical changes that Rick will pass along to the Township Solicitor.

### **Act 32 of 2008, Tax Collection Committee**

The Board reviewed Rick's April 30 memo on this issue and agreed to select Joe Gill as the East Goshen delegate to the Chester County committee. Marty and Don will serve as alternates. Rick will draft a resolution for vote on May 12.

### **Subdivisions/Land Developments/ZHB Applications**

Rick announced the following:

Richard Miller of 16 Reservoir Road has submitted a Zoning Hearing Board application requesting a variance to create two 1-bedroom apartments above his garage. He will go before the Planning Commission on May 6.

National Bank of Malvern has submitted a Zoning Hearing Board application requesting variances for their property at 1305 Paoli Pike, on which they propose to construct a bank branch. The application will go before the Planning Commission on May 6.

Vincent Angelini, Sr. has submitted a plan to subdivide his property at 957 Cornwallis Drive, making the two existing residential parcels into three residential building lots. The application will go before the Planning Commission on May 6.

Metro PCS has submitted a Conditional Use application requesting approval to install a stealth telecommunications facility within the church steeple on the property owned by the United Church of Christ at 1201 N. Chester Road. The applicant will go before the Planning Commission on May 6.

### **Any Other Matter**

*Road Shoulder at CVS* – Thom wished to discuss this matter. Carmen said he has noticed that the problem seems to be caused by cars going around other vehicles who are waiting to make a left turn from Boot Road into the Sunoco station. Rick suggested putting up plastic delineators and the Supervisors agreed it would be a good idea to try that.

### **PECO Substation on N. Chester Road**

Thom said a resident asked him if the Township could put 2-ft plantings around this substation. Per Rick, the Township is not permitted to put any plantings at this location and PECO will not install any additional plantings for security reasons.

## **FORMAL MEETING**

### **Call to Order & Pledge of Allegiance**

Carmen called the meeting to order at 8:06pm 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**

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

### **Approval of Minutes**

Thom moved to approve the minutes of April 14 and April 28 as corrected in workshop. Don seconded the motion.

*Public Comment: John Schorn, Larch Lane* – Noted that an answer Marty gave him in regard to the police budget was missing from the April 28 minutes, and asked that it be included. Since Marty was not present to clarify what the comment was, the Board agreed to hold these minutes until the next meeting.

Thom withdrew his motion and made a new motion to approve only the minutes of April 14 as corrected in workshop. Don seconded the motion. There was no additional public comment and no discussion. The Board voted unanimously to approve the motion.

### **Chairman's Report**

Carmen announced that the Board will render a decision on the Pennsylvania Leadership Charter School conditional use application at the May 12 meeting.

## **Treasurer's Report**

The Treasurer's Report for April 30, 2009:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 9,358.21	
Earned Income Tax	\$ 120,749.02	Accounts Payable \$ 13,056.28
LST	\$ 3,000.00	Electronic Payments \$ 1,000.00
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec (2009)	\$ 30,552.23	Payroll \$ 40,000.00
<b>Total Receipts</b>	<b>\$ 163,659.46</b>	<b>Total Expenditures \$ 54,056.28</b>
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 111,781.56	\$ 26,622.69
Refuse	\$ 35,838.45	\$ 6,417.87
Sewer Capital Projects	\$ 0.00	\$ 0.00

Don moved to accept the Treasurer's Report dated April 30, 2009 as recommended by the Treasurer in her May 1, 2009 memo to the Board, and the receipts, and to authorize payment of the invoices reviewed in workshop. Thom seconded the motion. There was no discussion.

*Public Comment: Marcia Gordon, 3008 Valley Drive* – Had a question about the date of the Treasurer's report and whether the numbers were year-to-date or not. Carmen told her the report being voted on this evening was dated April 30 and the amounts reflected receipts and expenditures for one week, not a year-to-date summary.

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

### **Resolution 09-48 Establishing the Policy for Disposal of Fill Dirt**

Thom moved to adopt Resolution 09-48 incorporating the one change Don made during workshop. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### **Mill Creek Easement**

Don moved to authorize the Vice-Chairman to execute the Mill Creek Easement Agreement with Synthes USA incorporating one change made during workshop. The agreement allows access to the Mill Creek baseball field. There was no discussion or public comment. The Board voted unanimously to pass the motion.

### **Images of America Book**

Carmen announced that the Historical Commission has requested the Township to spend \$4,300 to purchase 400 *Images of America* books from Arcadia Publications. Kathryn Yahraes believes the Historical Commission will be able to reimburse the Township within 4-6 weeks. Don asked if the Township can prepay for the books and receive the extra 2% discount, and Rick said yes. Don then had some questions for Kathryn about the sales tax. Kathryn said the sales tax will be

included in the sales price of the books the Township sells. The Township will need to report and pay the taxes collected.

Don moved to authorize a payment to Arcadia Publications in the amount of approximately \$4,400 (plus tax if applicable) from the General Fund to purchase 400 *Images of America* books. The Township is to be repaid by the Historical Commission for this expenditure after the sale of the appropriate number of books. Thom seconded the motion.

Carmen noted that in the future, it is important that the Historical Commission and other ABCs allocate money for anticipated expenses such as this. Don said the Township is only providing a short-term loan to the Historical Commission, which is not a big deal, especially since the Finance Committee knew this was coming up. He said he did not believe something like this needs to be budgeted.

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

Rick said staff could place the order tomorrow via phone on a PLIGIT card to ensure the books would arrive in time for Election Day.

### **Correspondence & Reports of Interest**

Carmen acknowledged receipt of the following:

- Letter from Riley Riper Hollin & Colagreco stating that the Malvern Institute has withdrawn its pending Zoning Hearing Board application filed with the Township on October 29, 2008.
- Letter from the Rossmore HOA expressing thanks for the use of the Blacksmith Shop for a recent meeting.

### **Meetings & Dates of Importance**

Carmen noted there will be no Board meeting on May 19, Election Day.

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

*Phyllis Marron* – Asked when the trees at the Hershey's Mill dam will be taken down. Rick reminded the Board the residents were told the Township would have a meeting with them before taking action at the dam. The Board agreed to announce that a public meeting with the residents about the dam will take place during the first meeting in June. At that meeting the Board will make a decision about removing the trees from the dam breast.

*Kathryn Yahraes* – Noted that the deadline for the next newsletter is May 13, not May 1 as listed in the agenda. She announced that some additional groups plan to do their part of Keep East Goshen Beautiful Day on May 19 by cleaning up open spaces near Grand Oak and Mill Creek. The Historical Commission plans to invite the Rossmore HOA to tour the Plank House.

*Joe Buonanno, 1606 Herron Lane* – Asked when the 2008 audited financial records will be available for review. Rick said the Township has a copy of what was submitted to the State available now, and that information can be posted to the web. The audit report should be

available in about two weeks. Mr. Buonanno asked if the approval of the two new depositories (approved at the March 24 meeting) should have been done as part of a public hearing. Rick said no, a public hearing was not necessary. Don said he brought it to the Board's attention that the vote should have been taken at a formal public meeting, and not a workshop. Mr. Buonanno asked if one of the new banks was Beneficial, and the Board told him yes. Mr. Buonanno asked if it is appropriate for the Township to deal with a private bank. Carmen said yes, as long as it's collateralized. Mr. Buonanno expressed doubts about the safety of Beneficial's collateralization. He then noted that the monthly minutes from the Deer Management Committee (DMC) are lacking in content, and missing public comments. Don said if the DMC reviews and approves their minutes, there is nothing the Board can do. He said Mr. Buonanno would have to take up the matter with the DMC and ask them to amend their minutes where appropriate.

**Adjournment**

There being no further business, the meeting was adjourned at 8:36pm.

Respectfully submitted,

Anne Meddings  
Recording Secretary