

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
June 2, 2009 – 6:30pm
Final Approved Minutes**

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) Jim McRee (DMC), Kathryn Yahraes (Historical Commission), Jane Fava (Conservancy Board), and Township Solicitor Skip Brion.

EXECUTIVE SESSION

The Supervisors met in Executive Session from 6:30 to 7:10pm to discuss pending litigation.

WORKSHOP

Minutes

The draft minutes of May 26 and May 27 were reviewed and corrected. To follow up on a question from the May 26, minutes, Township employee Mike Merwin is not a Fire Marshal. The invoice discussed last week for his dues listed his name in error.

Bills

The Treasurer's Report and Expenditure Register Report were reviewed. After concerns were raised by Don regarding mileage reimbursements for employees, Marty asked Joe Gill to set up a process whereby employees must get authorization before using personal vehicles for Township business. Don asked Joe Gill to check on a small petty cash shortage. Joe will also check on why Verizon is set up with three vendor numbers instead of just one.

Agenda Review

The agenda for the formal meeting was reviewed.

LED Traffic Lights

Don wants the LED light project to be excluded from the WCACOG Energy Office initiative, since this is a project East Goshen is doing independently. Carmen said again that he wants the Township to proceed with the LED lights. Rick will call Gene Blum at PennDOT regarding the grant status.

Boot Road Improvements

Marty summarized the outcome of last week's discussion where the consensus was that the Township should not go forward with restriping Boot Road, or with adding turn lanes at Greenhill Road and Wilson Drive. The Township should proceed with looking at retiming the traffic lights. Thom then shared some points from an email he sent to the Board on this topic, giving his recommendations for a compromise. Don suggested East Goshen work with the school on this. Joe suggested that Thom and Marty talk to Monsignor Foley. Don would like to approve having West Goshen study the cost for retiming the traffic lights. He would also like the Townships to talk to the businesses about implementing staggered work hours for their

employees. Finally, he wants East Goshen to talk to Monsignor Foley. Carmen and Marty said they still had the same position on this matter as they did last week. Joe asked that this matter be tabled until Marty and Thom speak with the Monsignor. Don asked the matter be tabled until his three suggestions have been completed. Marty said he has already spoken with the Monsignor and does not see the need to do so again. He agreed to table this matter.

Request to Prohibit Commercial Vehicles from Parking Overnight in Bow Tree

The Board discussed this request from a Bow Tree resident and agreed to conduct the necessary traffic study to allow a parking restriction. The Board will have the traffic engineer do a study of the entire Township, however, and not just Bow Tree.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty Shane called the meeting to order at 8:03pm and led everyone in the Pledge of Allegiance to the flag. He introduced himself and the other Board members to the audience.

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.

Boot Road Improvements

Marty recapped the outcome of the Board's discussion of this matter at the May 26 meeting. Don moved to a) proceed with the costing of signal improvements on Boot Road at the intersections of Route 202 and Greenhill Road, b) make an effort with West Goshen to talk to the businesses in the corporate parks regarding staggering the work hours of their employees, and c) have two Supervisors meet with representatives of the Ss. Peter & Paul school to discuss other options if a) and b) above do not yield improvements to the traffic situation, and d) to table the issue of restriping Boot Road. Joe seconded the motion.

Public Comment: Tom Casey, 1113 Windsor (West Goshen) – Said Monsignor Foley will be retiring in mid-June. He then presented the Board with a petition signed by individuals opposed to any change on Boot Road. The residents are in favor of having the traffic signals retimed. Mr. Casey said he is looking into the status of the slip ramp to Route 202 that was once proposed for Ward Avenue in West Goshen. He plans to find the relevant paperwork at the county offices and then present it to Senator Andy Dinniman at a June 11 meeting. Marty told Mr. Casey he will call the Monsignor again tomorrow to try and schedule another meeting. Don offered for Mr. Casey to come to the Township office to get copies of the subsequent studies done regarding the proposed slip ramp.

Public Comment: Leo Sinclair, 217 N. Lochwood Lane – Distributed a document to the Supervisors in which he described a chronology of events on the Boot Road project taken from BOS minutes dating back to 2000, and made a statement that the Township allocated funds for a

Boot Road project 10 years ago. Stated that he wants Boot Road left as-is, with no changes. Stated that he personally spoke earlier today with executives from VWR, QVC and UPS. VWR told him they are leaving the Township, which means 350 fewer cars on the road. QVC is not hiring 600 new employees, just moving existing employees around. QVC told him they are against paying anything toward road improvements. UPS also told him they are against paying anything toward road improvements.

Public Comment: Katie Mobley, 1316 E. Boot Road (West Goshen) – Does not want Boot Road restriped. She has small children and one who will be driving in a few years. Would like speed limit signs posted on Boot Road. Said restriping won't work without concomitant road widening at Genuardi's and at the 202 overpass. Asked that the Board not lose sight that Boot Road is a residential area.

Public Comment: Margaret Stoneman, 1322 E. Boot Road (West Goshen) – Said Monsignor Foley is not retiring, but transferring to another parish. He is currently ill and in the hospital. She then repeated what she remembered the Monsignor saying at the May 14 meeting in West Goshen. Said she agrees with everything said by Katie Mobley, and requested the Board approve no changes to Boot Road.

Public Comment: Howard Jones, 1048 Kennett Way – Said he had a copy of PennDOT's reply to East Goshen on their application for an HOP. PennDOT wants the township to have a traffic engineer review the plans to lessen the Township's financial exposure. Joe then wondered why PennDOT presented their plan during the West Goshen meeting on May 14 when it wasn't finalized.

Public Comment: Tom Casey, 1113 Windsor (West Goshen) – Told the Board that West Goshen held the meeting with PennDOT on May 14 because the residents pushed for it and demanded answers.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked if the Board knows how much has been spent thus far on this project. Rick said so far \$16-17K has been spent for engineering work, of which East Goshen paid one-half. Mr. Egan asked if there is any money in the budget for this project. Marty said there is \$200K in the Transportation Fund.

Public Comment: Dan Truitt, 1430 Grand Oak Lane – Asked if East Goshen can do anything to push along the slip ramp project for West Goshen, perhaps something that can be added to the motion on the floor. Marty said one of the Supervisors can attend the meeting on the 11th and express East Goshen's preference for a slip ramp. Joe noted that in order for the slip ramp to one day become reality, this project would first have to get onto the county's three-year project list.

At this point Marty called the question for a vote. The Board voted unanimously to approve the motion.

Hershey's Mill Dam

Carmen moved to have the three large trees and two small pine trees removed from the Hershey's Mill dam breast at a cost of \$2,000. Thom seconded the motion.

Public Comment: John Mummert, Center Street – Asked if the trees will be removed or if the debris will be left on the dam. Carmen said the trees will be removed, including the root balls.

Public Comment: Maureen Newhouse, 1224 Foxglove Lane – Had questions on breaching versus retaining the dam, and the cost of each, which Marty answered. Stated that she bought her home for the water view, and she is opposed to breaching. Thom told Ms. Newhouse that the motion on the floor was only in regarding to cutting down some trees, not whether to breach the dam. Ms. Newhouse asked if the Township has obtained more than one estimate for breaching or restoring the dam. The Board told her yes, and Marty summarized the estimates received for the various options.

Public Comment: Bob Schaeffer, 5 Hershey's Mill Drive – Said he is a mechanical engineer. Asked if Mr. Brandolini ever got back to the Township with the costs from his engineer, and Marty said no. Mr. Schaeffer then made a number of comments about the calculations used by the engineers to develop their estimates for the dam. He said he approves of cutting down the trees in question. He stated that adding a small dry spillway will solve the problem of having water running over the top of the dam in a storm event.

Public Comment: Leo Sinclair, 217 N. Lochwood Lane – Asked if the dam is on private or public land. Marty said the land belongs to the Township.

Public Comment: John Schorn, Larch Lane – Asked when was the dam dedicated to the Township. Rick said in the early 1980s. Fran Beck said the land was deeded over to the Township. Mr. Schorn then said the Township paid to make improvements to the dam on Reservoir Road in the 1980s, and should be willing to do the same for the Hershey's Mill dam.

Public Comment: Kathryn Yahraes (Historical Commission) – Announced that interested residents met with the Township about the dam recently and will do so again on June 17. One major concern they have is how to make all residents of East Goshen realize that the dam belongs to them too, not just residents of Hershey's Mill or Greenhill Road. Kathryn stated the group is searching for grant money to save the dam, and is also exploring fundraising ideas. The Historical Commission and the residents who met about the dam are in favor of taking down the five trees in question.

Public Comment: Leo Sinclair, 217 N. Lochwood Lane – Stated that the clock starts once the trees are taken down. He suggested to Kathryn Yahraes that her group get a website.

Public Comment: John Schorn, Larch Lane – Asked if the Chester County Historical Society is aware of the potential loss of this dam. Kathryn Yahraes told him that group has nothing to do with this dam.

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

Approval of Minutes

Don moved to approve the minutes of May 26 and May 27 as corrected in workshop. Thom seconded the motion. There was no public comment and no discussion by the Board. The Board voted unanimously to approve the motion.

Chairman's Report

Marty announced the following:

- The Board met in Executive Session on May 26 to discuss a personnel matter, met in joint Executive Session with Westtown Township on May 27 to discuss strategy related to the police labor contracts, and met earlier this evening in Executive Session to discuss pending litigation.

- The Deer Management Committee has issued their recommended changes to the Deer management Program. A redlined copy of the program is posted on the web page. The Program will be presented to the Board on June 9, 2009. This meeting will be held at the Goshen Firehouse.

- The Board's meetings for June 9, June 16, June 23 and June 30 will be held at the Goshen Firehouse, 1320 Park Avenue.

- Living History Day will be held at the Blacksmith Shop on Saturday, June 6 from 11am to 4pm. A community yard sale will be held the same day.

Public Hearing – Adoption of Ordinance on Automatic Protection Devices

The Board conducted a public hearing to consider the adoption of an Alarm Ordinance. Carmen moved to adopt the ordinance. Joe seconded the motion. The Board voted unanimously to approve the motion. A court reporter was present and will provide a complete transcript of the proceedings.

Treasurer's Report

The Treasurer's Report for May 28, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 6,085.87	
Earned Income Tax	\$ 117,242.38	Accounts Payable \$ 21,947.49
LST	\$ 17,000.00	Electronic Payments \$ 0.00
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec (2009)	\$ 13,917.62	Payroll \$ 40,000.00
Total Receipts	\$ 154,245.87	Total Expenditures \$ 61,947.49
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 21,420.41	\$ 2,235.86
Refuse	\$ 12,710.55	\$ 5,095.85
Sewer Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report and Expenditure Register dated May 29, 2009 as recommended by the Treasurer in her May 29, 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 or public comment. The Board voted unanimously to approve the motion.

Request to Prohibit Commercial Vehicles from Parking Overnight in Bow Tree

Joe moved to authorize the Township traffic engineer to conduct a study to determine if a restriction on overnight parking of commercial vehicles is warranted for the Township, not just in Bow Tree. Don seconded the motion.

Public Comment: John Schorn, Larch Lane – Asked if this issue is a problem, and he was told yes. Mr. Schorn asked how much a traffic study will cost and who will perform it. Marty told him it will cost approximately \$2,500, and will be done by Orth-Rodgers.

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

Resolution 09-105 Authorizing the Township Manager to Apply for Grants Through the PA Conservation Works to Convert Township Traffic Signals to LEDs.

Carmen moved to adopt this resolution. Joe seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 09-106 Authorizing the Township Manager to Apply for Grants Through the PA Conservation Works to Convert Township Street Lights to LEDs.

Carmen moved to adopt this resolution. Joe seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 09-107 Authorizing the Township Manager to Apply for Grants Through the PA Conservation Works to Eliminate the Marydell Pump Station

Carmen moved to adopt this resolution. Joe seconded the motion.

Public Comment: Kathryn Yahraes (Historical Commission) – Had a question about the location of the station.

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

Resolution 09-108 Authorizing the Township Manager to Endorse and Participate in the WCACOG Energy Office Initiative

Thom moved to adopt this resolution. Carmen seconded the motion. Don requested that Thom add to the motion that LED lights be excluded. Marty also wanted any other effort by the Township made in this regard to also be excluded. Marty said that historically, energy offices take an 80% cut of the savings, a percentage he does not agree with. Marty said a 50/50 split would be more appropriate. Thom said it is not usual for the split to be 80/20, that was just one

example in the literature he gave to the Supervisors. Thom said he thinks the rest of the Board would agree that 80/20 is not appropriate.

Public Comment: Dan Truitt, 1430 Grand Oak Lane – Suggested the Township take the initiative and look for “low hanging fruit” and make obvious energy-saving changes so the energy office does not get paid for things they don’t need to be paid for. Marty thanked him and said that was a good suggestion.

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

Any Other Matter

Joe announced that Rick is corresponding with PennDOT on LED lights as discussed in workshop.

Marty announced that the King George Court project is now complete, as the Township is finally able to take ownership of the road with no encumbrances. Pat McKenna from Gawthrop Greenwood has prepared an agreement. Marty moved that the Board authorize the Chairman to execute the agreement among the Township, Omega, and Sovereign Bank. Joe seconded the motion.

Public Comment: John Schorn, Larch Lane – Asked for details on what happened between the Township and Sovereign. Don said Sovereign agreed to pay \$40K to settle this issue. Mr. Schorn then asked who will do the paving, and Marty said the Township’s Public Works Department will do it.

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

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- Petition with 1,393 signatures from persons opposed to the elimination of the turning lane on Boot Road in front of Ss. Peter & Paul Catholic Church.
- Letter from Mr. and Mrs. Lauber voicing their opposition to the Boot Road project.

Meetings & Dates of Importance

Marty noted the upcoming meetings as listed in the agenda. The Board will continue their Finance meeting on June 25 at 9:00am. This meeting will be open to the public. Marty noted that for the remainder of June, the Board’s meetings will be held at the Goshen Fire Hall.

Public Comment on Non-Agenda Items

Kathryn Yahraes (Historical Commission) – Asked if the Board will conduct their usual 7:00pm workshops during the meetings held at the Fire Hall. Marty said no.

John Schorn, Larch Lane – Informed the Board that the minutes of April 28 posted to the website as final approved minutes still say “Draft” on them. He suggested the final minutes indicate they are the final approved minutes. He informed the Board that at Ss. Simon & Jude

church school the students go straight from their buses into the school. Mr. Schorn said he agreed with Thom's recommended solutions to the traffic situation on Boot Road.

Tony DiFlavis, 1505 E. Grand Oak Lane – Complained that he did not receive his sewer bill for last quarter, and so he must now pay a penalty for being late, even though he has paid faithfully on time for many years. Marty told him the Board would be discussing that very issue during the workshop following the formal meeting.

Dan Truitt, 1430 Grand Oak Lane – Commented about the lack of discount for prepaying sewer bills. He paid in full this year thinking he would receive the discount, as usual, only to find out after the fact that the Township had done away with the discount.

Bill Egan, Mill Creek Drive – Said at Ss. Peter & Paul, the students do congregate outside after disembarking from the school buses, and they must line up in the parking lot before entering the school building when the bell rings. Mr. Egan asked if East Goshen pays a fee to rent the Fire Hall, and Marty said the Township does not pay a rental fee for the hall, but must pay for the sound system.

John Mummert, Center Street – Brought in a dead shrub which the trash hauler has refused to pick up. Rick told him such items must be cut into 3-ft lengths and bundled for the hauler to take them.

Public Comment: Leo Sinclair, 217 N. Lochwood Lane – Asked the date the 2008 audited financials will be available for review. Marty told him the end of June, but the exact date is not yet known. Rick told Mr. Sinclair the Township should have the auditors' report by June 30.

Adjournment

There being no further business, the meeting was adjourned at 10:03pm.

WORKSHOP (Resumed)

Billing Issues

Marty asked the staff to develop a policy to deal with missing bills that would allow the Township to waive the late penalty fee for a first offense.

Web Page Proposal from Triton Web Studios

Don said he would like to do some more research before accepting the proposal. Don and Joe Gill will work on this issue together.

Minutes

The staff was asked to instruct Joyce to check that the final minutes she posts to the web are indeed final and do not say "draft."

Earned Income Tax Status

Thom asked Rick for a status report on the situation with the resident who owes the Township several years of earned income tax. Rick said the resident's accountant said the individual is

going to file, pay his back taxes and interest owed, but is not going to pay the penalty. They are going to do this and see what happens.

Ridley Creek Expansion Project Summary Sheet

The Board discussed this document. Don requested that Rick include some additional items on future summaries.

Sunoco Wells

Don said he has noticed some drilling activity in the Township. Rick said Sunoco signed the agreement and is now proceeding with the wells. They are not adding new wells but drilling deeper into existing wells.

District Court

Don asked when the Township plans to present the expense summary of this project to the public for their review. Marty said he will need to review the sheet first.

Adjournment

There being no further business, the meeting was adjourned at 10:28pm.

Respectfully submitted,

Anne Meddings
Recording Secretary