

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
July 21, 2009 – 7:00pm
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, Jim McRee (Deer Committee), Phyllis Marron (Park & Rec), and Township Solicitor Skip Brion.

WORKSHOP

Gannett Fleming Consulting Services Agreement for Hershey's Mill Dam Project

The Supervisors reviewed a proposal from Gannett Fleming dated July 21, 2009. Don would like Gannett Fleming to be asked for suggestions on how to bring the dam into compliance with DEP requirements in an aesthetically pleasing manner, while staying within the current cost estimates for the project. Don said if the Township is going to try to keep the dam, it should be made as attractive as possible. If the dam cannot be restored in an attractive manner it would be best to breach it.

The Board agreed to authorize Gannett Fleming to proceed with the project; however, due to the expected NRCS deadline they will need to complete the work within 21 days, not 30 days.

Marty asked Rick to contact NRCS to find out for certain what the drop-dead date is for accepting the grant money. Rick said the NRCS letter stated the date is September 4 but he will call them to confirm. Once Rick confirms the date, Gannett Fleming can be asked to adjust their timeline if necessary, as the Gannett Fleming information will have to be reviewed by the Board prior to scheduled vacations of some Board members.

Chester County Tax Collection Committee

Marty said he went to a meeting of the ad hoc group and realized that Township staff members should have been appointed as alternate delegates and not any of the Supervisors. The Board will need to amend Resolution 09-104 to change the alternate delegates from Marty and Don to Deb Beury and Rick Smith. Joe Gill will remain the main delegate.

Review of Minutes

The draft minutes of July 14 were reviewed and corrected.

Bills

The Treasurer's Report and Expenditure Register Report were reviewed. Marty asked Rick to get bids on services where possible (such as mosquito spraying at the sewer plant) in the future.

Malvern Bank Conditional Use Application

The Board discussed the entrance/exit for the bank.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Chairman Marty Shane called the meeting to order at 8:03pm 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

Don moved to approve the minutes of July 14 as corrected in Workshop. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Announcements

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

Chairman's Report

Marty announced that the Board met in Executive Session on July 14 to discuss pending litigation. The Board's regularly scheduled workshop for July 28 has been moved from 7:00pm to 9:00am.

Police Report

Sgt. Rick Gorman reported there were 534 calls for service from East Goshen in June.

PUBLIC HEARINGS

Metro PCS, Conditional Use Application for 1201 N. Chester Road

The Board conducted a public hearing to consider approving the Metro PCS Conditional Use application for the installation of a new Wireless Communications Facility within the steeple of the United Church of Christ at 1201 N. Chester Road. Attorney Debra Shulski was present for Metro PCS.

Don moved to approve the Conditional Use application for Metro PCS for the installation of a new Wireless Communications Facility within the United Church of Christ steeple located at 1201 N. Chester Road, being TPN 53-2-41.1, as indicated on the plans last modified on July 8, 2009 and as outlined in §240-31.C(3)(h) of the Township Zoning Ordinance with the following conditions:

1. The installation will be carried out with strict conformity to the plan unless revisions are resubmitted for review and approval by the Township.

2. The applicant will follow all applicable federal, State and Local ordinances and secure all proper permits prior to installation of the facility.
3. As recommended by the Conservancy Board, the evergreen trees should be of various types in order to provide a more interesting view.
4. The applicant is responsible for maintaining the landscaping and its replacement as long as the applicant resides at the site.
5. The applicant shall provide the Township with a pre- and post-installation noise study. The post-installation noise study shall be completed within 30 days of the issuance of the temporary Certificate of Completion. The final Certificate of Completion will be issued upon receipt of the post-installation noise study that confirms that the noise emanating from the existing wireless communications facility and the Metro PCS wireless communications facility is in compliance with the noise standards set forth in the Township Code.
6. Appropriate signage as outlined on page 2 of the Kenneth R. Foster and Associates letter dated June 7, 2009 shall be posted within the steeple area.
7. Item #16 on Plan Z-1 regarding the waiver shall be removed.

Carmen seconded the motion. The applicant accepted the conditions and waived the time limit for the Township to provide a written decision. The Board voted unanimously to approve the motion.

A court reporter was present for the public hearing and will provide a complete transcript of the proceedings.

National Bank of Malvern, Conditional Use Application, 1305 Paoli Pike

The Board began a public hearing to consider approving the Conditional Use Application of the National Bank of Malvern for their property at 1305 Paoli Pike. The Bank was represented by Bob Adams, Esq. The hearing will continue on August 4 at 8:00pm. A court reporter was present for the public hearing and will provide a complete transcript of the proceedings.

Amendments to Chapter 240 of the Township Code – Conditional Use Decisions

The Board conducted a public hearing to consider amendments to Chapter 240 of the Township Code pertaining to Conditional Use Decisions.

Don moved to adopt an ordinance to amend Sections 240-31, 240-55 and 240-59 of the Township Code. Carmen seconded the motion. The motion passed unanimously.

A court reporter was present for the public hearing and will provide a complete transcript of the proceedings.

Amendment to Several Chapters of the Township Code Regarding Interest Charged

The Board conducted a public hearing to adopt an ordinance amending several chapters of the Township Code permitting the Township to charge interest on monies owed to it.

Joe moved to adopt an ordinance to amend Chapter 100, Chapter 124, Chapter 128, Chapter 131, Chapter 133, Chapter 145, Chapter 150, Chapter 160, Chapter 175, Chapter 205 and Chapter 240

of the Township Code to permit the Township to charge interest on monies owed to it. Carmen seconded the motion. The Board voted unanimously to approve the motion.

A court reporter was present for the public hearing and will provide a complete transcript of the proceedings.

FORMAL MEETING (Resumed)

Treasurer’s Report & Expenditure Register Report

The Treasurer’s Report for July 16, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 35,207.77	Accounts Payable \$ 284,026.90
LST	\$ 0.00	Electronic Payments \$ 55,590.16
Transfer Tax	\$ 29,756.96	Debt Service \$ 0.00
Codes, Park & Rec	\$ 14,772.59	Payroll \$ 43,000.00
Total Receipts	\$ 79,737.32	Total Expenditures \$ 382,617.06
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 56,265.41
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 114,778.77	\$ 120,752.74
Refuse	\$ 51,044.25	\$ 13,160.51
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer’s Report of July 16 and Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 09-51 Regarding Identify Theft Protection

Thom moved to adopt Resolution 09-51 regarding identity theft protection. Carmen seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Had a question about the content of the resolution.

There was no further public comment and no discussion by the Board. The motion passed unanimously.

Fourth Supplemental Lease Between the Municipal Authority and the Township

Don moved to authorize the Chairman to sign the Fourth Supplemental Lease Agreement between the East Goshen Municipal Authority and the Township of East Goshen. Joe seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the motion.

Any Other Matter – Amendment to Resolution 09-104

Marty moved to amend Resolution 09-104 changing the alternate delegates to the Chester County Tax Committee from Marty and Don to Deb Beury and Rick Smith. The new resolution will be identified as Resolution 09-104A. Joe seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Any Other Matter – Gannett Fleming Consulting Services Agreement for Hershey’s Mill Dam Project

Don moved to accept the Gannett Fleming Consulting Services Agreement dated July 21, 2009 for services related to the Hershey's Mill Dam restoration project in the amount of \$6,000 with the caveat that if the Township finds out they need a decision sooner than the 30 days listed in the Agreement, the due date may need to be changed to 21 days. Thom seconded the motion.

Public Comment: Linda Gordon, Line Road – Asked if the Board shouldn’t set a maximum dollar amount they are willing to spend on the Hershey’s Mill Dam project before spending more money on another consultant. She added that most residents seem only to care about the “little waterfall” at the dam. Joe and Don told her the Board needs an estimate from an experienced firm such as Gannett Fleming before making a decision on how much to allocate to the project. Marty told her the Board is not ready to make a decision on how much to spend on the project. The Township is still waiting to hear back from Andy Dinniman first. Carmen said he is not willing to spend money on Gannett Fleming’s services if their estimate is only going to be a range or ballpark and not a real number.

John Schorn, 1401 Larch Lane – Asked the status of Neil DeRiemer’s proposal for the dam. Marty told him the Township learned that DEP will not approve the Geotech fabric in the proposal. However, the spillway modification aspect is still a possibility. Mr. Schorn asked if Gannett Fleming is going to look at the DeRiemer proposal. Marty said no.

Don said he wants something in writing from Gannett Fleming stating how accurate their numbers will be prior to starting the contract. Joe said he wants them to provide numbers accurate enough for him to confidently present their estimate to the public.

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

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- Fire Marshal’s Report and the Goshen Fire Company’s Report for June 2009.
- Notification letter from McCormick Taylor dated July 8, 2009 regarding preparation of an application for a DEP Water Obstruction and Encroachment Permit for Chester County bridges.
- Letter from John Schofield, President of Applebrook Carriage Homes Community Association, dated July 2, 2009 regarding the walking path.

Meetings and Dates of Importance

Marty noted the upcoming meetings as listed in the agenda.

Public Comment

John Schorn, 1401 Larch Lane – Had questions about the parking restriction for trucks in residential neighborhoods – whether the State has to get involved and whether the restriction will require signage. Marty said the State does not have to get involved in this matter, and as for signs the Township is looking into that issue.

Adjournment

There being no further business, the meeting adjourned at 10:24pm.

Respectfully submitted,

Anne Meddings
Recording Secretary