

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 Paoli Pike  
September 15, 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, Assistant Township Manager Joe Gill, Jim McRee (Deer Committee), and Kathryn Yahraes (Historical Commission). Township Solicitor Skip Brion was present for the rendering of the decision on the National Bank of Malvern.

**WORKSHOP**

**Review of Minutes**

The draft minutes of September 8 were reviewed and corrected.

**Bills**

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

**Agenda Review**

The agenda for the formal meeting was reviewed.

**Purchasing Policy**

Joe McDonough wondered if the Township needs a "formal purchase order system" with PO numbers, forms, authorizations, etc. He would like the Finance Department to have a purchase order to match against each invoice they receive. Joe Gill said he doesn't think it necessary for the Township to implement a formal purchase order system because he doesn't know what would be gained by the extra paperwork generated. The organization of the Township is flat and there are not enough levels of authority to make a formal purchase order system worthwhile. Joe McDonough said he would need to see Joe Gill's rationale in writing. Don said that having a purchase order system would allow staff to record quotes received and to document why one vendor is chosen over another. Joe McDonough said it is not his intent to add a time-consuming burden to the staff.

Joe Gill said he would evaluate how many purchases made by the Township are not related to a contract, and would therefore require a purchase order under Joe McDonough's system.

Don said he would like Deb Beury's input on whether the current system is working or if she has any issues with it.

Marty said that if the staff has to stop and fill out a form before buying something, it will make them stop and think twice before making the purchase, which is a good thing. He then suggested that Joe McDonough and Joe Gill work together on this issue and make a recommendation to the Board.

Regarding the Purchasing Policy prepared by Joe Gill, Joe McDonough said he would like to add a category for purchases under \$100. The revised category table would like this:

<b>Estimated Amount of Purchase</b>	<b>Requirements</b>
Under \$100	<ul style="list-style-type: none"> <li>• Reasonable effort.</li> </ul>
\$101 to \$1,000	<ul style="list-style-type: none"> <li>• More than one quote may be obtained if deemed appropriate for savings potential.</li> </ul>
\$1,001 to \$4,000	<ul style="list-style-type: none"> <li>• Memo to Board in a timely manner.</li> <li>• At least two verbal or written quotes.</li> </ul>
\$4,001 to \$9,999	<ul style="list-style-type: none"> <li>• Three written or verbal quotes.</li> <li>• Memo to Board.</li> <li>• Board affirmation.</li> </ul>
\$10,000 and Higher	<ul style="list-style-type: none"> <li>• Memo to Board.</li> <li>• Board affirmation. <i>[Added by Don]</i></li> <li>• Public Bid or Costars Program.</li> </ul>

Marty asked to Joe Gill to prepare a document showing the amount of spending made per category (i.e. percentage of purchases under \$100, percentage of purchases from \$101 to \$1,000, etc.) to see where the money is being spent. When he does this he should exclude recurring non-discretionary expenses such as payroll, PECO bills, Aqua bills, etc.

Joe McDonough noted that the Purchasing Policy applies only to budgeted items, and any non-budgeted items must be approved by the Board.

## **FORMAL MEETING**

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

Chairman Marty Shane called the meeting to order at 8:01pm 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 September 8 as corrected in Workshop. Carmen seconded the motion. There was no discussion.

*Public Comment: Jim McRee (Deer Committee) – Made a couple of corrections to pages 5 and 6 of the minutes regarding the Deer Program. These corrections will be incorporated into the final version.*

The Board voted unanimously to approve the motion with 1 abstention (Joe, who was absent from the September 8 meeting).

### **Decision on National Bank of Malvern Conditional Use Application**

Township Solicitor Skip Brion announced that public hearings on the Malvern Bank's conditional use application were conducted on July 21 and August 4, 2009 and as a result of those hearings he prepared a Decision and Order in regard to the application. The Decision and Order states that the Township approves the conditional use application, with 19 conditions. Mr. Brion then summarized the 19 conditions. Note: a copy of the complete Decision and Order is attached to these minutes.

Attorney Pat McKenna, representing the National Bank of Malvern, said he discussed the conditions with Bob Adams, and their client agrees to the conditions.

Marty thanked Mr. Brion for accurately capturing all the concerns of the Township with the 19 conditions.

Thom expressed concern that condition #12 was significantly changed since the last time it was reviewed by the Board. Mr. Brion said it was changed after discussion with Bob Adams. Thom said he is not comfortable with condition #12 if intersection improvements will be required at the expense of the Township. (The condition states that Malvern Bank would only be responsible for modifying the signal timing.) Marty said the Township would not be able to force the Bank to pay for all intersection improvements as they would not be the cause of all the traffic problems. He said there is nothing on the record to indicate that the Bank will cause traffic problems. Rick added that the Bank's property is not contiguous to the intersection, which is another reason the Township could not require the Bank to pay for intersection improvements. Marty asked Thom if he was thinking of the YMCA or the Bank and Thom said the YMCA. Don said that per the traffic engineer, a problem already exists at the intersection and the Bank should not be responsible for it. Rick noted that PennDOT is working on a "closed loop" traffic signal solution in the vicinity which may help ease traffic flow.

Don moved to approve the conditional use application of the National Bank of Malvern dated April 30, 2009 requesting conditional use approval from the Board of Supervisors of East Goshen Township pursuant to Section 240-21.C(14) and (19) of the Code of the Township of East Goshen, as amended, to use the property at the intersection of Paoli Pike (north side) and Airport Road (east side) as a branch bank with drive-through, office [sic] and shared parking with the YMCA located on an adjacent parcel, as such use is defined in the Code, and to accept the Decision and Order prepared by the Township Solicitor dated September 15, 2009. Joe seconded the motion.

The Board voted unanimously to approve the motion.

*Public Comment: Kathryn Yahraes, 911 Vista Drive* – Said a YMCA staffer expressed concern to her that if the Bank sells the property the YMCA will have to dig up the parking lot. Mr. Brion told her that any sale would be subject to the existing lease agreement between the Bank and the YMCA.

**Police Report**

Police Chief John Dumond reported there were 635 calls for service from East Goshen in August. Four females were arrested in Westtown Township when they attempted to open bank accounts at TD Bank using fraudulent checks. WEGO had been alerted to keep an eye out for these women by the Delaware State Police. The Chief informed the Board that a case involving an expensive ring allegedly stolen from a Thornbury resident by a Philadelphia jeweler will be the cause of the high number of police hours that will show on the report for September.

**Treasurer’s Report & Expenditure Register Report**

The Treasurer’s Report for September 10, 2009:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 4,945.74	
Earned Income Tax	\$ 173,242.42	Accounts Payable \$ 92,886.02
LST	\$ 2,606.77	Electronic Payments \$ 451.97
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec	\$ 30,739.72	Payroll \$ 43,000.00
<b>Total Receipts</b>	<b>\$ 211,534.65</b>	<b>Total Expenditures \$ 136,337.99</b>
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 1,019.83	\$ 0.00
Transportation Fund	\$ 193.85	\$ 0.00
Sewer Operating	\$ 11,004.72	\$ 33,395.75
Refuse	\$ 5,039.12	\$ 32,900.25
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer’s Report of September 10 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop. Thom seconded the motion. There was no public comment and no discussion. The Board voted and the motion passed unanimously.

**Follow-Up on Comments Made By Resident Ron Zeleski at September 8 Meeting**

Thom asked Rick if someone went out to look at the open space near Ron Zeleski’s property to see if the tree he spoke about last week was marked by the hunters in error. Rick said someone did go out and it turns out the tree actually was on Ron’s property. The hunters who marked the open space were off by approximately 3 feet. The paint was removed from the tree.

Jim McRee of the Deer Committee said he checked with the hunting group covering Supplee Valley and they confirmed they were in the woods marking trees on the evenings in question. Apparently after one of the confrontations with Mr. Zeleski they did call the Township to alert Mark Gordon, but he was on vacation so they left him a message. Mark did not get the message before the September 8 Supervisors’ meeting, which is why the Township heard about this from Mr. Zeleski first.

### **CTDI, 1305 Goshen Parkway, Escrow Release #2**

Carmen moved to approve the release of the remaining escrow fund balance of \$37,238.80 for project completion and close-out of the construction escrow account for CTDI, 1305 Goshen Parkway as recommended by Michael Conrad of Yerkes in a September 15, 2009 letter to the Township. This release covers silt fence replacement, final grading, landscaping, as-built survey, inspections, and 10% contingency. Thom seconded the motion.

Joe asked if CTDI owes the Township any money. Rick and Joe Gill said they were not aware of any monies owed. Don asked if any landscaping contingency will be held, and Rick said no.

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

### **LED Lights**

Don noted that today marked the deadline the Board imposed on itself to make a decision on the LED lights if no news has been received about the grant. Rick confirmed that the Township has still not heard about the grant. The Board agreed to discuss the bid specs for this project at a future meeting. They agreed they may not be able to make a decision about this project until January due to the lack of information available at this time.

### **Public Comment Period**

*John Schorn, Larch Lane* – Asked if he can get all Township communications about the 1419 Center Street property sent to his home, now that he is the property owner. He also would like to look at all Township records about the property and see a plot plan. Rick said he doesn't think the Township has a plot plan of the individual property, but does have one of Milltown. Mr. Schorn asked if he would need to fill out a Right-To-Know form to see the documents and plot plan. Marty told him he wouldn't need to fill out the form if he agreed to waive his remedies under the Open Records law.

*Jim McRee (Deer Committee)* – Announced that hunting zones C and D in Supplee Valley will be closed to hunting this year. Also, the hunters will be scheduled in three blocks of time per day this year: sunrise to 10:00am, 10:00am to 2:00pm, and 2:00pm to sunset. (Last year they were scheduled in only two blocks of time: sunrise to noon and noon to sunset.) Don reminded Jim to keep the scheduling information on the website up-to-date.

*Kathryn Yahraes (Historical Commission)* – Reminded everyone that Living History Day will be held on Saturday, September 19 from 11:00am to 4:00pm.

Don asked John Schorn whether he had his water tested. Mr. Schorn said not yet, because he found out the Board of Health doesn't do chemical testing, just biological testing. Carmen recommended John contact Cedar Grove Environmental or Kennett Labs for chemical testing. Mr. Schorn said he planned to contact DEP to see if they would cover the cost of the testing.

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

Marty acknowledged receipt of the Fire Marshal's Report and the Goshen Fire Company's Report for August 2009.

## **Meetings and Dates of Importance**

Marty noted the upcoming meetings as listed in the agenda.

## **Adjournment**

There being no further business, the meeting adjourned at 8:55pm.

## **WORKSHOP (Resumed)**

### **Purchasing Policy**

Don recommended that an addition be made to the final bullet point of the Purchasing Policy on page 1. He would like to add the requirement that references be checked prior to awarding a bid.

On page 2, Joe McDonough would like the final bullet point to be revised to read as follows:

All invoices presented to the Treasurer for payment shall be reviewed and initialed by the Department Head.

The Board agreed to revise the list of employees authorized to make purchases (on page 2) to read as follows:

- Township Manager (1)
- Assistant Township Manager (1)
- Office Manager (1)
- Public Works Department Head (1)
- Parks & Recreation Department Head (1)

Don asked Joe Gill if he anticipated any problems enforcing compliance with the purchase order policy, and Joe said no. Don left the meeting at 9:05pm. The remaining Supervisors decided to table this matter until the next workshop.

### **Hershey's Mill Dam**

The Board reviewed the Consulting Services Agreement with Gannett Fleming. Joe wants Rick to contact Gannett Fleming and let them know the Twp wants them to look at all the data available -- from DEP, Yerkes, Rettew, etc., and the photos of the dam after it was drained. After looking at all the data, Gannett Fleming should make their own judgment about the dam classification and determine if the Twp will have a basis to contest DEP's classification. Gannett Fleming is not to merely confirm DEP's findings, and there is no need for them to be in direct contact with DEP about this issue. Thom said he doesn't think DEP will reclassify the dam. Marty said it's important for Gannett Fleming to determine if the condition of the dam after drainage will change anything and help lead to a reclassification.

The Board agreed to move ahead with the Gannett Fleming contract if, after Rick speaks with them, they tell him the cost will not exceed \$7,800.

The Board then reviewed the draft RFP prepared by Rick to solicit new ideas for fixing the dam problem. No changes were made. Marty asked Rick to go ahead and send it out.

*Public Comment: Dan Truitt, 1430 Grand Oak Lane* – Asked if it's for certain that DEP will push back if the Township asks for a reclassification of the dam. Marty said he believes so.

### **Request from Conservancy Board for 100-ft Stream Buffer**

The Board reviewed a request from the Conservancy Board for the Township to implement a 100-ft buffer requirement along all streams when new development occurs. Joe wants to see a recommendation from Township staff as to whether such a requirement would apply to any properties in the Township.

### **Contribution to Neighborhood Visiting Nurse Association**

The Board discussed how much East Goshen should contribute to this organization. Carmen said he thinks \$9,000 is appropriate. Thom does not feel taxpayer money should be used for this purpose and does not want to make any contribution. Joe said he thinks \$7,500 is appropriate, and Marty said \$10,000. After some discussion the Board agreed to go with \$9,000.

### **Contribution to Malvern Library**

The Board discussed how much East Goshen should contribute to the library. Thom said the Township cannot continue making donations at the same level as in the past, so he is in favor of giving \$15,000, which represents half the previous contribution. Joe said he would like the donation capped at \$25K per year. Marty said he is in favor of spending \$4 per year per resident, which comes to \$32K. However, he would like the amount capped at this level. Carmen said libraries represent an important core service to residents, so he is in favor of continuing to make a contribution. He agreed with Marty that \$4 per year per resident is a reasonable amount to contribute. Joe said if the Malvern Library has to close at some point due to financial difficulties the Board can revisit this matter. The final consensus of the Board was to contribute \$32K per year to the Malvern Library.

### **Distribution of Meeting Information via Email**

The Board reviewed the memos from Diane Degnan and Joyce Tarsi on the new method of distributing meeting materials. The Board members all indicated that the new method is fine with them. No problems or issues were noted.

### **East Boot Road Plantings**

The Board reviewed Rick's September 10 memo on this topic. Carmen said the Conservancy Board wants to maintain the scrub brush along the walking trail at East Boot Road because cutting it down will lead to the wetlands drying out from wind. Carmen noted that the total amount budgeted for this project is \$2,000, so if the Conservancy Board wants to hire a consultant, the consulting fee will have to come out of that \$2,000.

*Public Comment: Jim McRee, Oneida Lane* – Suggested the Conservancy Board ask WD Wells to use their \$300 fee toward plants the Township purchases.

Carmen said he personally is in favor of cutting down the brush and planting grass that the Public Works Dept can mow. Thom agreed.

**Jim Lodge Engineer Recharge Balance**

The Board reviewed a September 11 memo from Deb Beury recommending the Township write off the \$417.00 balance on this account, which dates back to May 2007. The Board agreed to write off this balance.

**Adjournment**

The workshop was adjourned at 10:07pm.

**EXECUTIVE SESSION**

The Board met in Executive Session until 10:35pm to discuss the police labor contract.

Respectfully submitted,

Anne Meddings  
Recording Secretary

*Attachment: Malvern Bank Decision and Order*