

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
November 17, 2009 – 7:00pm
Final Approved Minutes**

Present: Vice-Chairman Carmen Battavio, Joe McDonough, Don McConathy and Thom Clapper. Chairman Marty Shane was absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Jim McRee (Deer Committee), Bryan Delmonte (Conservancy Board), and Township Solicitor Steve McGuire.

WORKSHOP

Call to Order

Vice-Chairman Carmen Battavio called the meeting to order at 7:01pm.

Review of Minutes

The minutes of November 4 and November 10 were reviewed and corrected.

Clearwire U.S. LLC Conditional Use Application for 21 Edgewood Road

The Board discussed the Clearwire application. Don questioned whether Clearwire was requesting an amendment to the existing conditional use application granted to Sprint, or whether they wanted this treated as a new application. He also expressed concern with the number of cabinets being requested, and noted that he had not seen any drawings or plans from the applicant. Carmen said the Township had received a copy of the plans and Rick had a copy this evening. Carmen said he did not see any emergency contacts for Clearwire listed in the application.

Amendment to Solid Waste Ordinance

The Board discussed this draft amendment. Don had one formatting change.

Bills

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

McGinley Variance Request for 19 School Lane

The Board briefly discussed this application.

2010 Budget

Thom pointed out that the Township will need to find a leaf bag sponsor for 2010. Rick noted that the sponsorship is already included in the budget as revenue, and a matching expense will need to be added. Thom had some concerns about the police budget legal fees.

Joe McDonough said Hank Belber informed him the Applebrook Golf Club will make a \$15K donation toward the 2010 fireworks if possible, but they can only guarantee a donation of \$10K. Joe McDonough said he would like to respond to Hank Belber before the end of the year. Rick will speak to Frank Vattalino to see if he thinks he can raise the balance.

Clearwire U.S. LLC Conditional Use Application for 21 Edgewood Road

Township Solicitor Steve McGuire joined the meeting at this point. Don told him he believes the application should be considered an amendment to the existing conditional use application. Steve said it should be considered a separate (new) application, but noted the conditions of the original approval will still apply to this application.

Campaign Signs

The Board discussed an email from Marty Shane suggesting that East Goshen toughen its regulations about campaign signs. Rick said he does not agree with Marty that signs are a problem, except for a few weeks twice per year. The Board discussed this issue and agreed there would be no easy solution to stopping the proliferation of signs and no easy solution for making candidates remove their signs after an election. The Board agreed to take no action on this matter.

Upcoming Meetings

The Board agreed to cancel the December 29 meeting, and to meet on December 22 only if there is an emergency.

Announcement

Carmen announced to the audience that the Board would have to meet in Executive Session immediately following the formal meeting, and would not be returning back to Workshop.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Vice-Chairman Carmen Battavio called the meeting to order at 8:03pm and led everyone in the Pledge of Allegiance to the Flag. He noted that Chairman Marty Shane was home recovering from back surgery and would be out for 6-8 weeks.

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.

Recording of Meeting

No resident indicated they planned to record the meeting.

Presentation by Mark Gordon

Mark Gordon, Zoning Officer, presented an American flag that had been flown over Iraq to Township Manager Rick Smith. Mark said he wanted to publicly thank and honor Rick Smith for the wonderful support he received from him while he served in the military.

Approval of Minutes

Thom moved to approve the minutes of November 4 and November 10 as corrected in Workshop. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the minutes.

PUBLIC HEARINGS

Clearwire U.S. LLC Conditional Use Application for 21 Edgewood Road

The Board conducted a public hearing to consider the conditional use application submitted by Clearwire U.S. LLC to utilize the Aqua water tank on Edgewood Road for a wireless communications facility. Clearwire was represented by Michael Grab, Esq.

Don moved to approve the conditional use application of Clearwire U.S. LLC to utilize the Aqua water tank at 21 Edgewood Road for a wireless communications facility as depicted on the plans dated 5/11/09, last reviewed 11/17/09, pursuant to Section 240-31.C(3)(h)[e] of the Zoning Ordinance with the following conditions:

1. All comments contained in the Township Engineer's review letters dated 10/26/09 and 11/16/09 shall be addressed to the satisfaction of the Township engineer prior to issuance of a building permit.
2. The applicant shall submit building permit applications prior to installation to be reviewed and approved by the Township.
3. The applicant must conform to all applicable Federal, State, County and Township rules and regulations.
4. The new wireless communications facility shall be installed and operated in conformance with the representations made at the public hearings and at meetings at which this application was discussed.
5. The applicant shall conduct a post-installation noise study during the summer and no later than August 31, 2010 to document conformance with the Township Noise Ordinance. If a violation exists, the applicant shall mitigate the violation.
6. The applicant shall provide documentation on the legal relationship between Clearwire U.S., Sprint and Nextel before a building permit is issued.
7. The applicant shall provide a copy of the FCC licensing agreement to operate this facility before a building permit is issued.

Thom seconded the motion. On behalf of the applicant, Mr. Grab agreed to the conditions and agreed to waive the 24-hour notification requirement. The Board voted unanimously to approve the motion.

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

Amendment to Solid Waste Ordinance

The Board conducted a public hearing to consider amending Chapter 194 of the East Goshen Solid Waste ordinance.

Joe McDonough moved to adopt the amendment. Don 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.

FORMAL MEETING (Continued)

Treasurer’s Report & Expenditure Register Report

The Treasurer’s Report for November 12, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 59,200.96	Accounts Payable \$ 28,694.75
LST	\$ 10,000.00	Electronic Payments \$ 0.00
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec	\$ 154,875.01	Payroll \$ 43,000.00
Total Receipts	\$ 224,075.97	Total Expenditures \$ 71,694.75
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 1,438.14	\$ 0.00
Sewer Operating	\$ 153,106.74	\$ 16,515.35
Refuse	\$ 51,761.07	\$ 76,188.96
Capital Projects	\$ 0.00	\$ 0.00

Joe McDonough moved to accept the Treasurer’s Report of November 12 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop. Don seconded the motion. There was no public comment and no discussion. The motion passed unanimously.

Police Report

Chief John Dumond reported there were 572 calls for service from East Goshen in October. As requested, the police monitored Line Road for speeders on 7 separate occasions, and noted no speeding or any other vehicular violations. The speed trailer was in operation there for four days. Chief Dumond recognized Detective Robert Balchunis for his role in the charging of five juveniles for a burglary in Hershey’s Mill and for “egging” incidents. The Chief also recognized Officer Kinch, who caught four females who robbed Old Navy in Exton.

Don asked the Chief for his input about people illegally parking along Line Road near the newly planted trees during soccer events. The Chief said he would check into this. He suggested that one approach would be to put an officer in a marked car at the location during soccer events. The Board discussed the possibility of raising parking ticket charges for parking in this area, since the current fine of \$10 is obviously not a deterrent. The Board agreed to discuss this issue at the next meeting.

Public Comment: John Schorn, Larch Lane – Said the Township could charge people parking on the grass with property damage if their vehicles damages the grass and/or the trees.

Jim McRee asked Chief Dumond if the police had received any calls from residents in regard to the Deer Management Program. The Chief said no calls have been received to his knowledge.

Public Comment: Leo Sinclair, 217 Lochwood Lane – Disputed that the police had received no calls related to the Deer Management Program, and said he would be following up with the Chief and the Supervisors about this matter.

Deer Management Program Update

Jim McRee, Chairman of the Deer Management Committee (DMC), provided the Board with an update on the program. (A copy of his presentation is attached to these minutes.) Jim noted that the hunters are at risk of not making the harvest goal from the open spaces for this year.

Carmen thanked Jim for doing a great job. Don said he has been told by members of two hunting groups that the hunters are having difficulty finding deer this year. He also noted that there is bow hunting taking place in Ashbridge this year.

Public Comment: Bryan Delmonte – Asked if the same procedure is in place as last year for someone wanting to get deer meet, and Jim said yes.

Public Comment: Leo Sinclair, 217 Lockwood Lane – Asked why Zone B in Bowtree is not being hunted this year. Jim said the hunters were not scheduling that location, so it was closed. Mr. Sinclair said he received reports from two individuals who saw deer with arrows in them. Jim said all deer shot by East Goshen hunters were recovered, and the deer that were seen with arrows could have been shot by anyone, and not necessarily in East Goshen. Mr. Sinclair asked “if we have Lyme disease in our woods.” Jim McRee said the DMC has not done a tick study this year. Mr. Sinclair said the DMC should do a tick study both before hunting begins and after it ends. He also said he thinks the Township should use sharpshooters to harvest the deer. Carmen said the Township open spaces are not large enough to make rifle use safe, and the Board elected to go with bow hunting instead.

McGinley Variance Request for 19 School Lane

Thom moved to recommend the Zoning Hearing Board approve the variance request of Mr. and Mrs. McGinley, at 19 School Lane, to allow 15-foot side yard setbacks due to the narrowness of the lot. Don seconded the motion.

Public Comment: John Schorn, Larch Lane – Said he supports the motion.

The applicant, Mark McGinley, thanked the Board for their support.

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

2010 Budget

Carmen announced that the 2010 budget will be available for inspection by residents starting tomorrow and is scheduled to be adopted by the Board on December 15. The budget will be posted to the Township web page tomorrow morning. He noted there will be no tax increase in 2010.

Any Other Matter - LED Light Grant

Carmen announced that the Township received a grant of \$87K for new LED traffic signals. Don asked that the issue of bid specs be put on the agenda for an upcoming meeting.

Correspondence & Reports of Interest

Carmen acknowledged receipt of the following:

- Fire Marshal's Report and Goshen Fire Company Report for October 2009.
- Letter from resident Jo-Anne Fote expressing gratitude to Mark Miller, Director of Public Works.
- Annual notification from the Sartomer Company sent to water users downstream of their Aboveground Storage Tank Facility at 610 S. Bolmar Street in West Chester.

Meetings & Dates of Importance

Carmen noted that the December 29 Board meeting has been cancelled. The Board will meet on December 22 only if necessary.

Public Comment Period

Public Comment: John Schorn, Larch Lane – Asked the status of getting the Hershey's Mill Dam reclassified. Don said the Board determined it would not be worth the investment to hire an attorney to try and get the dam reclassified. Mr. Schorn asked Rick to provide him with a copy of the Sunoco documents he gets when he visits DEP on November 18. Mr. Schorn said he had his water retested without having the faucet wiped down with alcohol first. The test again found isopropyl alcohol in his water, this time at a higher level. He gave a copy of the test results to the Board. He said he has emailed Lauren Mapleton of DEP again. He said he plans to meet with Skip O'Brien and will ask Skip to request that Sunoco do additional well testing. Joe McDonough asked Mr. Schorn to let the Supervisors know if he thinks the Board should be doing something other than what the Township Solicitor is advising. Carmen told Mr. Schorn he would have Rick Smith send the results of the second well test to Skip O'Brien. However, he noted that Mr. O'Brien was on his way to China. Rick recommended that Mr. Schorn call the testing lab and find out what the code "JN" means. Don told Carmen he is not in favor of hiring an environmental attorney at this point. The responsibility for the situation lies with DEP and the Township must hold DEP's feet to the fire. Mr. Schorn said he would like to get a copy of Lauren Mapleton's response to Skip O'Brien's letter.

Public Comment: Leo Sinclair, 217 Lochwood Lane – Asked if the Township will have outside auditors again this year. Rick said the Township sent out an RFP to three auditing firms. Mr. Sinclair asked how friends of his could compete for the job, and then said he personally would do the job for free. He said he was a write-in candidate for the position of Township Auditor, but the results were not in yet. Joe Gill said that regardless of who gets the position of Township Auditor, the Township has decided to get a CPA firm to do an audit in addition to whatever the Township Auditor does. Mr. Sinclair asked if the Township has a Tax Collector. Rick said unofficially the position belongs to Chris Middleton. Mr. Sinclair then asked Joe McDonough when he would be stepping down from his position as Supervisor. Joe McDonough indicated that there is a pending sale on his house but the closing date is not yet final. Carmen told Mr. Sinclair that when appropriate, an ad will be placed for the position of an appointed Supervisor. He noted when there is a resignation from the Board, the Board has 30 days to interview candidates from the date of the resignation letter. The interviews have to be public meetings, as

required by law; they are not conducted during an Executive Session. If there is a split decision, the Vacancy Board Chairman must step in as the fifth, tie-breaking vote.

Adjournment

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

EXECUTIVE SESSION

The Board met in Executive Session until 11:10pm to discuss the police labor contract.

Respectfully submitted,

Anne Meddings
Recording Secretary

Attachment: Deer Management Program update