

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
January 19, 2010 – 7:30pm
Final Approved Minutes**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Supervisor Marty Shane and Supervisor Carmen Battavio. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Kathryn Yahraes (Historical Commission), Phyllis Marron (Park & Rec), Bryan Delmonte (Conservancy Board), Jim McRee (Deer Committee), and Township Solicitor Kristin Camp.

EXECUTIVE SESSION

The Board met in Executive Session from 6:30pm to 7:25pm to interview candidates for ABC vacancies.

WORKSHOP

Invoices

Current invoices were reviewed. Joe Gill will ask Mark Miller the reason for the bills for tree removal services. The Board agreed to hold Invoice #793641 (Part II) from Matlack Florist for \$151.31 pending research by staff. Joe Gill will also check into a bill for a second camera for the Code Department.

Review of Minutes

The draft minutes of January 9 and January 12 were reviewed and corrected.

PECO Green Region Grant

Jim McRee and Rick reported that the PECO Green Grant will cover tick control, so with the addition of \$4K in funding from the Deer Committee, Jane was able to apply for a \$10K matching grant.

Agenda Review

The agenda for the formal meeting was reviewed.

Special Meeting

Don suggested that a special meeting be held on Monday, January 25 at 6:30pm to interview candidates for the Supervisor vacancy. The other Supervisors were fine with this. The Board discussed whether they should interview all the candidates during the public meeting or only the top candidates. The Board agreed to interview all six candidates. Rick will contact the candidates to check their availability. Assuming they are available he will schedule the interviews in the order that the applications were received at the Township. The Board agreed to allow up to 30 minutes for each interview. Each Supervisor will send suggested questions to Rick, who will compile them before the meeting.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don called the meeting to order at 8:02pm 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

Carmen moved to approve the minutes of January 9 and January 12 as corrected. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion. Marty abstained from voting on the minutes of January 9, as he was not present at that meeting.

Chairman's Report

Don announced the following:

- The Board met in Executive Session earlier this evening to conduct ABC interviews.
- At its January 12 workshop, the Board authorized application for a grant for trees to be planted in the Reservoir Road Nature Area.
- At its January 12 workshop, the Board authorized application for a grant to remove invasive plants in the Township Park and Open Space and for the tick control program.
- The Township intends to enter into an agreement with the Applebrook Golf Club to have fireworks this summer, probably the weekend before the July 4 holiday.
- The following ABC appointments for 2010:
 - Planning Commission* – Charles Proctor and Albert Zuccarello
 - Zoning Hearing Board* – John T. Nicholson
 - Municipal Authority* – Francis X. Beck
 - Park & Rec Board* – Vicki Wooters
 - Conservancy Board* – Walter J. Wujcik, T. Scott Sanders, and Virginia S. Newlin
 - Historical Commission* – Jason Young and Chris Reardon

Carmen thanked all the applicants for the Historical Commission vacancy, and hoped they will be active with the Commission whether or not they were appointed to fill the vacancy.

- The Township has received a rebate check for \$1,228.28 from the 2007 Household Hazardous Waste Program.
- The Board will hold a special meeting on Monday, January 25 at 6:30pm to interview six candidates for the vacant Supervisor position. This meeting will be advertised. Carmen noted that the meeting will be open to the public.

PUBLIC HEARINGS

Amendment of Section 163-3 of the Township Code

The Board held a public hearing to consider adoption of an ordinance to amend Section 163-3 of the Township Code which regulates the use of firearms and fireworks in Township Parks and Open Space.

Carmen moved to adopt the ordinance. Marty 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.

Amendment of Section 240-38.5 of the Township Code

The Board held a public hearing to consider adoption of an ordinance to amend Section 240-38.5 of the Township Code which regulates the number of signs associated with the adaptive reuse of a Historic Resource.

Marty moved to adopt the ordinance. Carmen 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 (RESUMED)

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for January 14, 2010.

Thom moved to accept the Treasurer's Report of January 14 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed with the exception of Invoice #793641 (Part II) for \$151.31 from Matlack Florist pending research by staff. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Police Report

Police Chief John Dumond reported there were 561 calls for service from East Goshen during December. On January 17 at approximately 11:30pm Cpl. Tim Hubbard was shot in the line of duty near the intersection of Strasburg Road and Dutton Mill Road. Cpl. Hubbard was investigating an apparent domestic dispute between a man and a woman taking place near a vehicle parked along the road. During the investigation, the man shot Cpl. Hubbard in the left

hand and then fled the scene in the car with the woman. Cpl. Hubbard returned fire but it is not known if he hit the suspect or not. Cpl. Hubbard was taken to Crozer-Chester Medical Center, treated, and released at 3:00am on January 18. Chief Dumond said that WEGO will not stop searching until the perpetrator is found. WEGO received a lot of assistance from other agencies in the area, and is currently working with Chester County detectives on the case. A sketch of the suspect has been released, and the police believe the vehicle involved was a dark-colored Honda, possibly an Accord.

Don asked if police procedures will be reviewed as a result of this incident, and the Chief said yes, that is normal after any kind of incident.

Marty noted that during 2009, East Goshen accounted for 46% of the WEGO hours worked and 50% of the incidents.

Public Comment: Phyllis Marron, N. Chester Road – Reported that a black van has been parked along the S-curve on Route 352 near Hershey’s Mill, and it’s not pulled far enough off the road. Chief Dumond said he would make a note of it and have it checked out.

Jim McRee of the Deer Committee asked if there were any calls in December related to the deer program, and the Chief said there were none, and “it’s as good as it gets.”

Public Comment: Abbas Rahbari, 1613 Manley Road – [Before Mr. Rahbari made his comment, Don asked him if he was recording the meeting. Mr. Rahbari said he reserved the right to record and/or transmit the meeting.] Mr. Rahbari asked Chief Dumond how many of WEGO’s cruisers are equipped with cameras. Chief Dumond said nine cars have cameras. Mr. Rahbari asked if the vehicle used by Cpl. Hubbard on January 17 had a camera, and the Chief said yes. Mr. Rahbari said it’s important for all the police cars to have cameras. The Chief said WEGO is in the process of outfitting all its cars with cameras and hopes to have this complete by the end of 2010.

Public Comment: Bernie DiLorenzo, Clocktower Woods – Asked if it’s true the suspect’s vehicle had Delaware tags. The Chief said he could not confirm that. Ms. DiLorenzo then asked if the WEGO officers wear bulletproof vests, and Chief Dumond said yes.

Public Comment: Abbas Rahbari, 1613 Manley Road – Made comments about the importance of infrared technology for police use.

Rescind Resolution 10-11, Appointment of a CPA Firm to Audit Township Accounts

Don said the Board needed to rescind Resolution 10-11 due to it not being advertised properly. Marty moved to rescind Resolution 10-11. Thom seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the Township is hiring an outside CPA firm at the Board’s own choice. Don said yes. Joe Gill said the Township must be audited by a CPA firm to certify the financial statements.

There were no further public comments. The Board voted unanimously to approve the motion.

Appointment of Ed Travis as the “At Large Member” to the Police Commission

Marty moved to appoint Ed Travis as the At Large Member to the Police Commission. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 10-101 Chester County Municipal Waste Management Plan Revision

Marty moved to approve Resolution 10-101 ratifying the Chester County Municipal Waste Management Plan Revision dated August 2009. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Updated Willistown Official Map

Don said that Willistown has updated their Official Map and sent a copy to East Goshen for the Township’s information and review. Don said East Goshen had no comments about the map. A letter has been sent to Willistown acknowledging receipt of the map.

Correspondence & Reports of Interest

Don acknowledged receipt of the Fire Marshal’s Report for December 2009 and the Goshen Fire Company’s 2009 Annual Fire Report. Don also acknowledged receipt of the Monthly Permit Log for December 2009.

Public Comment Period

Public Comment: Abbas Rahbari, 1613 Manley Road – In regard to the interviews for the vacant Supervisor position, what guarantee does the public have that the Board has not already selected someone behind closed doors and that the interviews are not just for show, which would be the “M.O.” of this Township. Thom said there have been no discussions among the Board members about particular candidates. Don agreed. Don said the Board may or may not make a decision on Monday night. Deliberations may have to be carried over to another public meeting. Mr. Rahbari said it’s important for East Goshen to have “fresh blood” on the Board, not the same old type of candidate.

Public Comment: John Schorn, Larch Lane – Asked if the Board could share the names of the six candidates. Don read the list of candidates, in no particular order:

- Howard Jones
- John Reidy
- Peter Mylonas
- John Hosey
- Carson Middleton
- Senya Isayeff

The Board noted that while the public will be permitted to make comments once a motion is on the floor regarding the appointment of a candidate, the public will not be permitted to question candidates during the interview process.

Public Comment: Jack Dempsey, Jamestown Way – Asked if the Board has predetermined criteria for the selection of a candidate. Don said the Board has not sent any criteria. Carmen said the Board is going to formulate a list of questions and concerns to cover during the interviews. The suggestions for this list will be emailed to Rick Smith ahead of time and will become part of the public record. Carmen noted that the Board is not permitted to use an Executive Session to set the criteria, and said the Board has not had much time to prepare for the interviews. Carmen assured Mr. Dempsey that the Board wants to select the best candidate in order to do what is best for all 18,000 Township residents. Don noted that the Supervisor the Board selects will be appointed for a two-year period. Marty said that each individual Supervisor may have a different personal idea of what criteria would best suit the needs of the Township. Marty added that in the event the Board cannot come to a decision, the Township's Vacancy Board Member (former Supervisor John Chatley) would serve as a tie-breaker.

Public Comment: John Schorn, Larch Lane – Asked if the Board is obligated to select one of the candidates who applied. Don said there is no reason the Board should not be able to select a candidate from the list, unless it turns out they are all unqualified.

Public Comment: Jack Dempsey, Jamestown Way – Asked Don to elaborate on what would make a candidate “unqualified” since he stated previously that the Board has no selection criteria. The members of the Board told Mr. Dempsey that the only requirement to be appointed as a Supervisor is to have lived in East Goshen for at least one year. Don noted that the Board does not have a job description for the position of Supervisor to go by.

Public Comment: Jim McRee, Oneida Lane – Responding to Mr. Rahbari's earlier comments, Jim noted that the Board agreed during Workshop to publicly interview all the candidates, and not to select only the best candidates for interviews. Mr. McRee then reported that he finds the new “Slippery When Wet” sign posted near the bridge in the park to be too bright and out of place along a pedestrian walkway. Rick said the sign conforms to the government's new reflectivity standards.

Adjournment

There being no further business, the meeting adjourned at 8:56pm.

WORKSHOP (Resumed)

Use of Skateboards, Bicycles, Etc. in Park (Applebrook Side)

Don said that Hank Belber expressed concern that skateboards, bicycles, rollerblades, etc. are not explicitly banned from the Applebrook side of the park. Marty and Carmen said they do not think its appropriate for these items to be permitted in Applebrook. Carmen said young adults wanting to engage in these activities can use the West Goshen park. Thom disagreed and said the children in the Township need a place for these activities. In addition, the Township should be encouraging children to get outside and play, not discouraging it. Don said he is concerned for pedestrian safety. He recommended sending this issue to Park & Rec and have them make a recommendation to the Board. Thom noted that Park & Rec already made a recommendation to allow these activities on the Applebrook side of the park. Don said he wants Park & Rec to be

told that three Supervisors have concerns about allowing these activities, and to look into this again and make another recommendation to the Board by the first week in May.

Public Comment: Howard Jones, Kennett Way – Asked if it would be possible to restrict the activities to certain hours. Carmen said he did not think it would be practical, as pedestrians use the park very heavily all throughout the day.

Marty said he thinks it would be best to eliminate a potential problem before it occurs. Carmen said he would be in favor of allowing the activities if the path were to be widened by four feet.

Refuse & Recycling Bids

The Board discussed Rick's memo of January 14 on this topic.

Marty said there is probably not enough time to conduct a statistically valid survey of residents. He said he personally is not in favor of having residents contract with their own haulers. He is in favor of encouraging recycling and going to once-per-week pickups. He would also like the Township to make the trash fees correspond to each household's actual usage.

The Board went through the list of Rick's questions in the memo and agreed to the following. The Township will continue to contract with one hauler to be used by the residents. The Township will not go to a pay-per-bag system. The following will be bid as options:

- Current configuration.
- Once-per-week collection.
- Once and twice-per week collection.
- Charging one base price for a standard 32-gallon can, with additional cans or bags to cost extra.
- Charging extra for services not used equally by all residents such as bulk pickup, leaf pickup, and Christmas tree pickup.

The Board agreed not to use totes of any size throughout the Township.

The Board agreed to try to get a sponsor to pay for leaf bags again this year.

Rick will check with West Chester University about the possibility of having students conduct a survey, and the cost.

Public Comment: Jim McRee, Oneida Lane – Suggested the Township consider contracting with a leaf pickup service for those residents who want that service.

Public Comment: Phyllis Marron, N. Chester Road – Said it will be difficult for the Township to get good results on a survey if it doesn't list the prices for the various options. The Board said that was a very good point.

Don suggested that Rick look into the possibility of extending the current trash contract for an extra year at the same delta that was used previously.

Pending Actions List

The Board reviewed and updated the Pending Actions list.

Any Other Matter

Carmen suggested the Township be proactive and spend \$56 to test the well located on the Township's property at the triangle for isopropyl alcohol. Don said the well belongs to Sunoco and may not be deep enough to yield the desired results. Carmen said the Township could ask Sunoco for permission to test the well. Don said if the Chester County Health Department thinks there is an issue, it's their responsibility to test the well. Marty wants to wait to hear back from the County Health Department on the letter the Township sent to them recently asking for a determination about the safety of the residents' water.

Adjournment

There being no further business, the meeting adjourned at 10:07pm.

Respectfully submitted,

Anne Meddings
Recording Secretary

Attachment: Treasurer's Report