

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
May 25, 2010 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisor Don McConathy. Supervisors Marty Shane and Carmen Battavio were absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Jim McRee (Deer Committee), and Bryan Delmonte (Conservancy Board).

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:00pm 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

Senya called for a moment of silence to honor the men and women serving their country in the armed forces and their families.

Review of Minutes

The draft minutes of May 11 were reviewed and corrected. Don moved to approve the minutes as corrected. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Bills

Current invoices were reviewed.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for May 20, 2010.

Thom moved to accept the Treasurer's Report of May 20 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Hershey Mill Dam

Don said that he and Rick met with the Save the Dam Committee and Advanced GeoServices on May 17 to discuss the Advanced GeoServices proposal. He then asked Joe D'Antonio to provide a summary.

Resident Joe D'Antonio, Vice-Chairman of the Save the Dam Committee, summarized his May 20 email to Rick Smith. He said the group recommends the Township accept Phase 1 and Phase 2 of the Advanced GeoServices proposal dated April 28. However, they recommend the

“dam behind the dam” option be eliminated from the scope of work for Phase 1, and instead they want Advanced GeoServices to include breaching the dam in the development of options. These changes should not affect the \$36,800 price of the proposal for these two phases. Once this work is complete and the Save the Dam Committee gets conceptual drawings of the dam and costs, they will be prepared to begin fundraising.

Public Comment: Neil DeRiemer, Hershey Mill Road – Said he is in favor of accepting the proposal.

Public Comment: Bryan Delmonte, Clocktower Drive - Said he is in favor of breaching the dam since it is outdated and full of sediment. Keeping it is not the best environmental choice.

Don drew a sketch of the weir option on the whiteboard and explained how this option would involve saving and replacing the existing stone on the dam face.

Public Comment: Leo Sinclair, Lochwood Lane – Said he wanted copies of all expenditures made on this dam issue to date. Don gave him a copy of the dam expenditure summary and informed him it is also available on the Township website. Mr. Sinclair said he is opposed to spreading the cost for the dam across all the taxpayers in the Township.

Public Comment: Reed Bailey, Tanglewood Drive – Reminded everyone to keep the history of this dam situation in mind. The reason the dam is an issue is because DEP notified the Township that the dam does not meet their regulations. For Mr. Sinclair’s benefit, he noted that the vast majority of the 75-80 residents who attended the August 18, 2009 Board meeting when this was discussed were in favor of saving the dam, and only 3 residents spoke in favor of breaching. Some of the Supervisors were concerned about the ramifications of taking federal money for a breach. The government did not provide enough detail on what the Township would be responsible for after the breach took place. Mr. Bailey said the Save the Dam Committee has worked very hard on this issue and wants to make sure no one forgets how things got to this point. He added that DEP’s concern about the dam is “much ado about nothing” in his opinion.

Thom said he thinks it’s unfair for anyone to characterize the conditions of the federal grant by indicating the government was going to come in, bulldoze the dam and then just walk away.

Public Comment: Joe D’Antonio, Millrace Lane – Said the Save the Dam Committee respectfully requests the Board award Advanced GeoServices the bid for Phase 1 and Phase 2 of their proposal. He confirmed that the Save the Dam Committee is committed to raising funds for this project to meet or even exceed the costs involved in the dam project. He said that based on the turnout at the August 18 meeting and based on online comments to *Daily Local* articles about the dam, it’s apparent that more people are in support of saving the dam than not. Senya said that was not a fair statement.

Public Comment: Leo Sinclair, Lochwood Lane – Said that using the same argument given by Mr. D’Antonio regarding the dam, the deer hunt should not have proceeded.

Thom announced that if the Board planned to vote on this issue tonight he would be a “no” vote because he wants the Save The Dam Committee to show good faith and raise funds to cover the work they want Advanced GeoServices to perform.

Public Comment: Leo Sinclair, Lochwood Lane – Questioned the Board’s practice of sometimes voting for items during workshops instead of formal public meetings, which goes against their own policy. Don told him he agreed with him that votes should only take place during formal public meetings unless such votes are announced in advance.

The Board agreed to table the vote on the Advanced GeoServices proposal until the next formal meeting when Carmen will be present to take part in the vote.

Status of 501(c)(3) Organization

Rick summarized his May 18 memo on this topic. He asked if the Board wanted to assign the officers for the organization or if they wished to have the members select officers among themselves.

Senya had Joe Gill explain to the audience what a 501(c)(3) is, the benefits of having one, and how it operates.

Thom and Don then stated they think the 501(c)(3) members should select their own officers.

Public Comment: Howard Jones, Kennett Way – Said the IRS differentiates between the activities of lobbying and fundraising, and he warned that with this 501(c)(3) the Township is walking a fine line too close to lobbying. He added that it is potentially troublesome for the Township to be appointing their own ABC members to serve on the 501(c)(3) board. Rick noted that those issues were already discussed with the Township Solicitor, who is okay for the Township to proceed in this manner.

Public Comment: Leo Sinclair, Lochwood Lane – Said he is in favor of setting up the 501(c)(3) and hopes to see it eventually used for other projects and not just the dam issue. He agreed there is a thin line between resident and Township involvement. He said he believes the 501(c)(3) should be run without any Township oversight.

Public Comment: Reed Bailey, Tanglewood Drive – Said he seconded the comments by Mr. Sinclair and he believes there are people willing to give money to enhance the cultural and recreational aspects of the Township via this 501(c)(3). He said he is glad the Township has taken on the job of setting up the 501(c)(3) because doing so was getting problematic for the residents. Senya asked him to elaborate. Mr. Bailey said it was going to cost \$1,000 to set up the organization and the group did not know where they were going to get the funds. Senya said it really concerned him to hear that. If the group could not come up with \$1,000 in startup funds, he is worried how they hope to raise the \$250K+ they have committed to.

Public Comment: Leo Sinclair, Lochwood Lane – Said it is costly to set up a nonprofit. He has been going through this himself personally and has learned a great deal about the process, the expense involved etc. He shared details about everything he has learned in this regard.

Senya recommended the Save the Dam Committee consider operating the 501(c)(3) under the umbrella of the Chester County Community Foundation. Reed Bailey said the group looked into it but found it to be prohibitively expensive. Senya gave a copy of materials from the Chester County Community Foundation to Joe D'Antonio for his review. Don said it concerned him to hear this evening for the first time that there are fees involved in setting up a 501(c)(3). He said he wants to get more details before voting on this matter.

Senya said he thinks the Township might have gone into this a little haphazardly. He said he is not sure that everyone is aware of all the time involved in creating and administering a 501(c)(3). He recommended tabling this matter until the Township can discuss it with the Township Solicitor and the Save the Dam Committee can review the materials from the Chester County Community Foundation.

Public Comment: Neil DeRiemer, Hershey Mill Road – Said he is now confused. Back in April the Supervisors instructed the residents to stop their efforts to set up the 501(c)(3) because the Township was going to take it over and set it up with *pro bono* assistance from the Township Solicitor. Now the Township is sending another message. Don said he is also now confused at this change in plans.

Don recommended the Board proceed this evening by voting on whether or not to allow the 501(c)(3) member to select their own officers.

Public Comment: Leo Sinclair, Lochwood Lane – Provided recommendations on how the Township 501(c)(3) should be set up and run, and advised what fees would be involved.

Public Comment: Jim McRee, Oneida Lane – Asked if the Board had any thoughts to expanding the scope of the 501(c)(3) to issues beyond East Goshen. Senya said the scope of the organization has already been determined, and this organization is going to be for East Goshen only. The Township's neighbors already have their own 501(c)(3) organizations and if not they can set up their own.

The Board then agreed that it would be appropriate to allow the 501(c)(3) members to select their own officers.

LED Traffic Signals

Rick summarized his memo of May 19 regarding whether the Township should use Capital Reserve funds to replace old LED lights that are out of warranty at the same time as the new LED lights (purchased with grant money) are installed. This will save the crews from going out multiple times. Don said he is not in favor of paying to fix something that is not broken. The Board agreed to take no action on this matter.

Public Comment: Bryan Delmonte, Clocktower Drive – Asked for clarification on what cost savings are involved with switching to LED lights and whether the Township received a grant for the new lights (he was told yes).

Berkheimer Response to Inquiry about Refund of EIT to a Resident Who Overpaid

Rick summarized his May 14 memo on this topic. The Board discussed the best course of action. Mr. Alan Zavod was present with his wife Lody. He explained the situation and said he first contacted Berkheimer in 2006 regarding the overpayment. Berkheimer took months to reply to him and gave a non-answer. Senya asked the Zavods to provide backup documentation on their attempts to communicate with Berkheimer going back to 2006 to Mr. Rick Smith for the Township to review.

Public Comment: Leo Sinclair, Lochwood Lane – Shared details of his own personal tax issues with Berkheimer.

Senya directed Joe Gill to contact Berkheimer to get a full accounting for this issue. Senya wants to have Berkheimer reimburse the Township the 1.5% fee they received for collecting Mrs. Zavod's tax twice.

Newsletter Advertising

The Board agreed to table this matter until Carmen is present.

Refuse Bids

Rick summarized his memo of May 19 on this topic. Don distributed copies of an informal survey he conducted of the number of trash containers and bags he counted on Wyllpen Drive, Hunter Circle, Edith Lane, Still and Williams on May 25.

The Board reviewed the options for bidding.

Thom wants Option 3 bid with once weekly and twice weekly pickups.

Don suggested the Township talk to the haulers to find out what they recommend, rather than the Township dictate what we want.

Public Comment: Jim McRee, Oneida Lane – Said if the hauler is amenable, he would like to see a limit of one can of any size rather than telling residents what size can they must use. Rick noted that the advantage of limiting the can size to something on the small size is it encourages residents to recycle. Joe Gill said the hauler will tell the Township how they want to handle it.

Public Comment: Bryan Delmonte, Clocktower Drive – Described how trash hauling is done in New London, CT and wondered if it would cost less for East Goshen to use toters.

Public Comment: Jim McRee, Oneida Lane – Said the Board is creating a problem that does not exist today. The Board is running the risk of having trash left out.

Don asked the Board who will determine the price of stickers for additional containers/bags if the Township decides to go that route. Rick said the hauler will tell the Township their cost and the Township will then have to add in an appropriate charge to cover the tipping fee at the landfill.

Rick will get bids for the 4 options listed in his memo plus an additional option for twice weekly pickup.

FEMA Status

Joe Gill gave a status report on the FEMA grant for snow removal expenses. The Township submitted claims totaling \$56K for one 24-hour period during the winter when snow-related expenses were at their worst. FEMA approved 75% of the costs (\$42K); however, there is no timeline on when East Goshen will receive the money.

Public Comment: Leo Sinclair, Lochwood Lane – Asked if fuel was included this time and Joe said yes.

April Month-End Financial Reports

Joe Gill summarized the month-end reports.

Public Comment: Bryan Delmonte, Clocktower Drive – Asked if there is a plan to reduce the Township's deficit. Senya said the Township is making a daily effort to review and reduce costs where possible. He noted that East Goshen is in a good position to recover from the recession once the financial environment begins to improve. Mr. Delmonte suggested the Board inform the residents of what actions are being taken to reduce the deficit. He would like to see more communication in this regard.

Don noted that the Township has cut many costs and expenses, but until this point has chosen not to reduce services to residents, which is pretty much the only thing left to cut. He said the Township has sufficient funds in reserve to cover expenses for up to three years if necessary. He said East Goshen is in better shape than most Townships in the County and in the State.

Weight Restriction Ordinance for East Boot Road Bridge

Don said he had no comments or changes on this draft ordinance.

Wireless Communication Facility Ordinance

Don said he has numerous comments on this draft ordinance. The Board agreed to discuss this during the July 27 meeting. In the meantime, Don will forward his comments and concerns to Mark Gordon for his review.

Pension Plan Conversion

Rick said he is awaiting a memo from Township Solicitor Kristin Camp. The Board agreed to discuss this issue on June 8.

Comp Plan Action List

It was agreed that the staff will set up a meeting between themselves and representatives of each ABC. During the meeting, staff will provide instruction on how the ABCs should structure their reports going forward so that staff can keep better tabs on the progress of Comp Plan action items. Don noted there are a lot of high-priority items still outstanding.

Barbara McIlvaine-Smith

The Board agreed to invite Rep. Barbara McIlvaine-Smith to East Goshen for a meeting.

Records Retention

Joe Gill reported he is still working on getting competitive prices.

Energy Conservation at the Township Building

The Board agreed to table this issue until June 1 when Carmen will be present.

Purchasing Policy

The Board reviewed the Purchasing Policy prepared by Joe Gill. Don made one editorial change. Don moved to approve the policy as amended. Thom seconded the motion.

Thom expressed concern about the money spent on electrical work and locksmith services. He would like to put in place a mechanism to ensure the Township is getting the best prices for these services. Don would like the staff to look into setting up a contract with Lenni Electric to ensure they only charge the Township a set fixed rate.

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

Website Upgrade

Joe Gill reported he is still working on the transition. The goal for completion of the project is September 7.

Metered Sewer Billing Update

Joe Gill will have a memo about this in the next packet. The Board agreed to discuss this at the next meeting.

Invasive Species in Township Open Space

Rick reported that the Conservancy Board and Park & Rec are still discussing this issue.

Electricity Purchase

Joe Gill reported that Jeff Sommer has given his blessing to the contract. Co-eXprise will be sending out a final bid.

100-ft Riparian Buffer

The Planning Commission agreed not to take any action on this matter at this time.

Traditions Development in West Goshen

Rick reported that West Goshen approved this development.

CTDI Parking

Rick said he had no update on this issue. Don requested that Mark Gordon give CTDI some kind of deadline.

Emergency Generator

The Board agreed to discuss this issue when Marty returns.

Liberty Towers Update

Rick reported that Liberty Towers has filed a variance application.

Public Comment Period

Leo Sinclair, Lochwood Lane – Informed the Board that he has researched the backgrounds of everyone selected to serve on the TAG, and has determined it's a conflict of interest for Eric Flicker to serve on the TAG. Mr. Flicker is CEO [*sic*] of a firm that does business with the Township. Rick said Mr. Flicker is semi-retired. Mr. Sinclair said he will pursue this with the Pennsylvania State Ethics Commission unless the Board reconsiders the appointment of Mr. Flicker. Don said Mr. Sinclair had a point. Senya told Mr. Sinclair that Rick Smith will discuss this with the Township Solicitor. The Board reminded Mr. Sinclair that the purpose of the TAG is only to provide recommendations to the Board – recommendations which may or may not be acted upon.

Adjournment

There being no further business, the meeting was adjourned at 10:16pm.

Respectfully submitted,

Anne Meddings
Recording Secretary

Attachments: Treasurer's Report

May 20, 2010

TREASURER'S REPORT
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$50,273.47
Earned Income Tax	\$237,530.07
Local Service Tax	\$30,000.00
Transfer Tax	\$39,494.26
General Fund Interest Earned	\$0.00
Total Other Revenue	\$86,815.38
Total Receipts:	<u>\$443,913.18</u>

Accounts Payable	\$80,376.71
Electronic Pmts:	
Health Insurance	\$63,165.55
Credit Card	\$1,382.25
Postage	\$0.00
Debt Service	\$23,883.73
Payroll	\$84,000.00 (2 weeks)
Total Expenditures:	<u>\$252,808.24</u>

Interest Earned \$0.00

Expenditures: \$0.00

Interest Earned \$0.00

Expenditures: \$847.16

TRANSPORTATION FUND

Interest Earned \$0.00

Expenditures: \$0.00

Receipts	\$234,891.53
Interest Earned	0.00
Total Sewer:	<u>\$234,891.53</u>

Accounts Payable	\$42,505.80
Debt Service	\$33,077.97
Transfer To M.A.	\$1,309.50
Total Expenditures:	<u>\$76,893.27</u>

REFUSE

Receipts	\$57,190.23
Interest Earned	\$0.00
Total Refuse:	<u>\$57,190.23</u>

Expenditures \$77,671.62