

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
January 3, 2011 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisors Carmen Battavio, Marty Shane and Don McConathy. Township Manager Rick Smith was also present, as well as State Representative-elect Dan Truitt.

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:00pm. He asked Dan Truitt to lead everyone in the Pledge of Allegiance.

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 one indicated that they planned to record the meeting.

Public Comment on Non-Agenda Items

None.

Elect Chairman (Resolution 2011-1)

Thom moved to nominate Senya for the position of Chairman for 2011. Don seconded the motion. Senya accepted the nomination. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Elect Vice-Chairman (Resolution 2011-2)

Marty moved to nominate Don for the position of Vice-Chairman for 2011. Carmen seconded the motion. Don accepted the nomination. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Appoint Police Commissioner (Resolution 2011-3)

Don moved to nominate Carmen to serve as Police Commissioner for 2011. Marty seconded the nomination. Carmen accepted the nomination. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Appoint Township Officials (Resolution 2011-4)

Carmen moved to adopt Resolution 2011-4 appointing Township Officials for 2011 as follows:

- Township Manager/Secretary – Louis F. (Rick) Smith ,Jr.
- Director of Finance/Treasurer – Deborah Beury
- Director of Public Works – Mark Miller
- Zoning Officer – Mark Gordon
- Assistant Zoning Officer – Louis F. (Rick) Smith, Jr.

- Building Inspectors – Taylor H. (Mike) Merwin and Gary Althouse
- Fire Marshal – Mark Miller
- Assistant Fire Marshals – Taylor H. (Mike) Merwin and Gary Althouse
- Township Solicitor – Buckley, Brion, McGuire, Morris & Sommer
- Township Engineer – Yerkes Associates
- Back-up Township Engineer – Chester Valley Engineers
- Emergency Management Coordinator – William Keslick
- Assistant Emergency Management Coordinator – Mark Miller

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

Re-Appoint Township Employees (Resolution 2011-5)

Thom moved to reappoint the Township employees. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Appoint Township Depositories for Township Funds (Resolution 2011-6)

Carmen moved to approve the following depositories and authorize the Director of Finance/ Treasurer to make investments at banks paying the best rate of interest and with the best terms. The check signers will be the Township Manager/Secretary and the Director of Finance/ Treasurer with the Zoning Officer as the alternate. The depositories are:

- Beneficial Bank
- Citizens Bank
- DNB First
- National Penn Bank
- IN Bank
- Penn Liberty Bank
- PLGIT-PA Local Government Trust and Plus
- Sovereign Bank
- TD Bank North
- Wachovia Bank

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

Certify Delegates to the PSATS Convention (Resolution 2011-7)

Don moved to affirm the five Supervisors, the Township Manager/Secretary and the Director of Finance/Treasurer as delegates to the PSATS Convention in 2011. The Voting Delegate will be Rick Smith. The Alternate Voting Delegate will be Deborah Beury. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Confirm 2011 Holiday Schedule (Resolution 2011-8)

Don moved to adopt the 2011 Holiday Schedule listed in Resolution 2011-8 as amended by the Board this evening. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Confirm 2011 Meeting Schedule (Resolution 2011-9)

Carmen moved to adopt the 2011 Meeting Schedule listed in Resolution 2011-9 as amended by the Board this evening. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Tax Collector for Township (Resolution 2011-10)

Don moved to confirm that Keystone Collection Agency will serve as the Earned Income and Local Services Tax Collector for the Township in 2011. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Appoint Independent Auditors for Township (Resolution 2011-11)

Don moved to appoint Maillie Falconiero & Company as independent auditors for the Township in 2011. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Establish Fee Schedule (Resolution 2011-12)

The Board discussed and edited the Fee Schedule. Marty moved to adopt the 2011 Fee Schedule in Resolution 2011-12 as amended this evening. Carmen seconded the motion. Thom indicated he would be interested in raising more of the Park & Rec fees, such as those for field rental. Marty said he would prefer Park & Rec to bill for field rental on an hourly basis and not in "time period" blocks. After some more discussion the Board agreed to vote on adopting the Fee Schedule as-is (with the minor editorial changes made this evening), and the Park & Rec fees can be tweaked at a later time if necessary. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Municipal Risk Management Workers' Compensation Pooled Trust (Resolution 2011-13)

Don moved to authorize the Township's participation in the Municipal Risk Management Workers' Compensation Pooled Trust in 2011. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

All Other Applicable Resolutions

The Board agreed that all other applicable resolutions adopted in 2009 and 2010 will be continued into 2011 after being reviewed for content and numeric sequence.

Chairman's Report

Senya announced the following:

- The Board met in Executive Session on December 14, 2010 to discuss a personnel matter.
- The Annual Planning Session will be held on Saturday, January 8, 2011 at 8:00am.
- Carson Middleton has resigned as Auditor effective January 1, 2011. Rick will advertise the position, and the Board will tentatively plan to appoint a replacement on January 25.

- Marianne Plucienik has resigned from the Malvern Library Board effective December 31, 2010. She has recommended Jack Hauler as a replacement. Rick will invite Jack to attend the Board meeting on January 18 so the Supervisors can meet him.

Geese Control

Two residents from Pin Oaks (Joe Kerlin of Brian Drive and Harry Booth of Richard Drive) came in to ask for the Township's help in addressing the geese situation in their neighborhood. They said no geese were taken from Pin Oaks during the USDA roundup over the summer.

Mr. Kerlin said geese are taking over Pin Oaks and becoming a health hazard, and it's not acceptable. Mr. Booth said he counted 150 geese at one time before the recent snowstorm. Don cautioned that no matter what the Township does, it won't have much impact unless the areas surrounding East Goshen also address the problem.

Mr. Booth commended Public Works Director Mark Miller for always being so responsive when he calls, and said Mark was even kind enough to put up an orange net fence around their pond today. Mr. Booth reported that someone in the neighborhood has defaced the "Don't Feed the Geese" sign and he thinks they will probably take down the fence too. Mr. Kerlin said one of his neighbors is actually feeding the geese.

Don said the Board is legally limited in taking action. He said the Township will still addle the eggs however, and can look into resuming the program with the USDA although there is no money in the budget for it this year. Senya would like the Board to explore the possibility of having Public Works employees do a round-up on their own to save on expenses and ensure a full count.

Mr. Booth asked what his rights are in regard to taking care of the geese on his own. Don said that as protected species he didn't think there is anything Mr. Booth can do. The men said someone recommended using large inflatable beach-type balls as a deterrent. Don recommended they discuss that with Mark Miller.

Public Comment: Rep. Dan Truitt, Grand Oak Lane – Said Hershey's Mill hires dogs to control geese. Marty requested Dan to please look into the geese issue and find out what approach can be taken at the Township level.

Rick suggested the men consider putting fishing line around the perimeter of their properties to discourage the geese. He said no one approach works on its own, but a variety of methods must be used, such as the fishing line, beach balls, dogs, banging pots & pans, etc.

Senya thanked the men for coming out to share their concerns, and said the Board will investigate what action can be taken by the Township. He said the Board will also consider the possibility of working with the USDA again to have another roundup in June. The Board agreed to have Mark Miller turn off the pond aerator in Pin Oaks over the winter so the pond will freeze, hopefully discouraging the geese. Marty suggested they also try contacting the County Health Department. Rick will put geese on the Action List for early March.

Sewer Rate Calculation

The Board agreed to table this matter until January 18.

Municipal Authority Projects

Rick will have a status report in early February. He will develop a timeline for the projects and he will add this to the Action List.

PSATS Convention in April

All Supervisors will plan to attend. Rick will investigate hotel options.

Goshen Fire Company Expenses

The Board agreed to table this matter until February.

Bid Awards

Group 5 – Rental Equipment with Operators

One bid received as follows:

S.A. Macanga, Inc. for \$87,211.20

Group 9 – Road Planer & Tri-Axle Dump

Two bids received as follows:

Shainline Excavating, Inc. \$16,920.00 *low bid*

S.A. Macanga, Inc. \$21,940.00

Marty moved to award the bids to the lowest responsible bidders per the December 20, 2010 recommendation of Public Works Director Mark Miller. Don seconded the motion. The Board discussed whether or not to rebid Group 5 because only one bid was received. Rick said there was a second bid but it was not opened as the firm missed the deadline. Marty said he would like Mark Miller to specify in his future memos if he recommends rebidding. The Board then discussed whether or not this was necessary.

In regard to the current bids on the table, Senya said he was comfortable accepting the bids from the lowest responsible bidders per Mark Miller's recommendation.

The Board voted 3:2 against the motion. (Carmen, Thom and Senya were opposed).

Carmen then moved to rebid Group 5 and to award the Group 9 bid to Shainline Excavating. Thom seconded the motion. The Board voted 3:2 and the motion passed. (Marty and Don were opposed).

Variance Application - Liberty Towers, 1594 Paoli Pike

No one was present to represent the applicant.

Don moved to recommend that the Board of Supervisors oppose the variance requests from Liberty Towers for the following reasons:

1. The requested use is not permitted in the C-2 District as a Use by Right, as a Conditional Use or as an Accessory Use per Section 240-15.
2. The applicant has not provided evidence of any hardship(s) to support either the use or the dimensional zoning variance request, as required by law.
3. Granting these variance requests for a wireless communications tower use in the center of the community, next to two elementary schools and adjacent to the Township historic district, would have a significant negative impact on the quality of life and greatly alter the essential character of the neighborhood.

Don further moved that the Board authorize the Township Solicitor to attend the Zoning Hearing Board hearing on this matter to be an advocate for the above position. Marty seconded the motion.

Don said he would like to know how much money it has cost the Township taxpayers to fight this application three time now.

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

Any Other Matter

Park & Rec – Thom said the Board needs to schedule a time to meet with Park & Rec to discuss the issue of them becoming self-sufficient. The Board agreed to put this issue on the agenda for February 8.

PennDOT Traffic Signals on Paoli Pike – Don pointed out that the Township may need to take action. Rick will follow up with PennDOT to find out what the Township needs to do.

Email System – Don said he will briefly address the ABCs on Saturday about the new email archiving system.

Park & Rec Census Report – Senya asked the status of this report. Rick said he will check with Frank Vattilano again.

Quarterly Meetings with Departments & ABCs with Budgets – Senya asked what the other Supervisors thought about this. Don said he did not think it necessary for the Board to meet with the ABCs as their budgets are so small, but perhaps meeting with the departments would be worthwhile.

Indemnification Letter for Trash Removal from Private Roads – Senya asked the status of this, and Rick said he is working on it.

McGinty's Nursery - The Board discussed the application for McGinty's Nursery and whether it really represents an alteration in use.

Police Post-Retirement Medical Benefits – Marty said this matter needs to be discussed by the Board in the near future.

CII Council – Senya reported that the Township will be hosting a meeting of the Commercial Industrial Investment Council (CII Council) on February 16 from 7:30am to 9:30am. Resident John Schorn has donated a bus to take interested members on a tour of commercial properties in the Township.

Review of Minutes

The Board reviewed and corrected the draft minutes of December 14. Don moved to approve the minutes as corrected. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion, with one abstention. Thom abstained from voting as he was not present at the December 14 meeting.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for December 30, 2010.

The Board reviewed the Treasurer's Report and the current invoices. Thom moved to accept the Treasurer's Report of December 30 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 and no public comment. The Board voted unanimously to approve the motion.

Action List

Monthly Financial Reports – The Board had no comments on the reports and agreed to close out this item so that it does not keep appearing on the Action List.

Right-To-Know Requests – The Board reviewed the quarterly summary of Right-To-Know requests and had no comments.

Web Site Upgrade – Don reported that Terry Bonenberger will temporarily remove the resolutions from the site until they are cleaned up (renumbered). The Board agreed to close out this item from the Action List.

Employee Benefits – The Board reviewed information provided by Rick and had no comments.

Annual Training Plan – The Board had no comments.

TAG Action List – The Board had no comments.

Hershey Mill Dam – The Board noted that Neil DeRiemer was not present and has not provided a recent update to the Township. Don reported that he, Kathryn Yahraes and Neil DeRiemer filmed a spot that will air on Hershey Mill TV Channel 20. He will send the rest of the Board an internet link to view it.

Generator Installations – The Board agreed that going forward, any application for commercial installations of generators **must** demonstrate that the owner will comply with the Township code for noise levels. Rick will let Mark Gordon know.

Correspondence & Reports of Interest

Senya acknowledged receipt of the following:

- Notice of proposed rate increase by Aqua Pennsylvania.
- Notice that PennDOT will be conducting traffic counts on local roads.
- Goshen Fire Company Report for November 2010.

Meetings & Dates of Importance

Senya noted the upcoming meetings as listed in the agenda.

Public Comment Period

None.

Adjournment

There being no further business, the meeting was adjourned at 10:46pm.

Anne Meddings

Recording Secretary

Attachment - Treasurer's Report

December 30, 2010

TREASURER'S REPORT
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$7,183.82	Accounts Payable	\$122,731.93
Earned Income Tax	\$302,180.68	<u>Electronic Pmts:</u>	
Local Service Tax	\$20,000.00	Health Insurance	\$60,383.08
Transfer Tax	\$37,699.94	Credit Card	\$569.89
General Fund Interest Earned	\$0.00	Postage	\$0.00
Total Other Revenue	\$124,684.63	Debt Service	\$22,542.34
Total Receipts:	<u>\$491,749.07</u>	Payroll	\$137,200.00
		Total Expenditures:	<u>\$343,427.24</u>

(3 Weeks)

STATE FUND

Interest Earned	<u>\$0.00</u>	Expenditures:	<u>\$0.00</u>
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CAPITAL RESERVE

Interest Earned	<u>\$0.00</u>	Expenditures:	<u>\$7,340.00</u>
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TRANSPORTATION FUND

Interest Earned	<u>\$0.00</u>	Expenditures:	<u>\$0.00</u>
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SEWER OPERATING

Receipts	\$68,922.58	Accounts Payable	\$143,359.06
Interest Earned	\$0.00	Debt Service	\$32,024.00
Total Sewer:	<u>\$68,922.58</u>	Total Expenditures:	<u>\$175,383.06</u>

REFUSE

Receipts	\$21,924.62	Expenditures	<u>\$83,871.99</u>
Interest Earned	\$0.00		
Total Refuse:	<u>\$21,924.62</u>		