

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
January 17, 2012 – 6:00pm  
Final Approved Minutes**

**Present:** Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisors Marty Shane, Carmen Battavio and Chuck Proctor. Also present were Township Manager Rick Smith, Deb Beury and Brian McCool (Finance Dept), Sue Carty (Planning Commission), Kathryn Yahraes (Historical Commission), Ginnie Newlin (Conservancy Board), Township Solicitor Kristin Camp, State Rep. Dan Truitt, and a number of residents.

**Executive Session**

The Board met in Executive Session from 6:00pm until 7:00pm to discuss a personnel matter.

**Call to Order & Pledge of Allegiance**

Senya called the regular meeting to order at 7:00pm. He asked resident Arthur Jones to lead everyone in the Pledge of Allegiance.

**Moment of Silence**

Carmen called for a moment of silence to honor the troops.

**Recording of Meeting**

Resident Leo Sinclair said he would be making an audio recording of the meeting.

**Public Comment on Non-Agenda Items**

None.

**Police Report**

Chief John Dumond reported that WEGO received 561 calls for service from East Goshen in December 2011. The January 8 traffic fatality that occurred on N. Chester Road near E. Boot Road is still under investigation.

**Chairman's Report**

Senya announced that the Board met in Executive Session on January 10 and earlier this evening to discuss a personnel matter.

**Public Hearing – Park & Rec Board**

The Board held a public hearing to consider an ordinance that would repeal Ordinance No. 125 enacted by the Board of Supervisors on March 17, 1998 to establish the Park & Rec Board and Chapter 51 of the East Goshen Township Code titled "Park and Recreation Board."

Carmen moved to approve the ordinance that would repeal Ordinance No. 125 and also Chapter 51 of the Township Code. Chuck seconded the motion.

Public comments were made by the following residents:

Regina Stewart - Monte Vista Drive  
Chris Taraborrelli - Warrior Road  
Jim Douglas - Grand Oak Lane  
Ted Wingfield - Linda Vista  
Alice Horton - Ellis Lane  
Grace Wingfield - Linda Vista  
Ann Cummings - Millrace Lane  
Joseph Sweeney - Monte Vista Drive  
Rob Gionfriddo - King George Court  
Jack Dempsey - Jamestown Way  
Leo Sinclair - Lochwood Lane  
Arthur Jones - Rexton Drive  
Brian Pariseault - Monte Vista Drive  
Lamar Webb - E. Highland Ave  
Jim Christenson - Meadow Drive  
Corrine Edelman - Monte Vista Drive

The Board voted unanimously to approve the motion.

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

**Public Hearing – Amendment to Chapter 225 of Township Code**

The Board conducted a public hearing to consider an ordinance to amend Chapter 225 of the East Goshen Township Code titled "Vehicles and Traffic."

Marty moved to approve the ordinance amendment. Carmen seconded the motion. Resident Joe Buonnano of Herron Lane made a comment on the motion. The Board voted unanimously to approve the motion.

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

**Land Lease Agreement with Liberty Towers**

Richard Lemanowicz, Esq. was present for Liberty Towers.

Township Solicitor Kristin Camp summarized the history of this matter for the benefit of the audience. She reported that former Supervisor Don McConathy made some comments that were incorporated into the final draft of the agreement and he also recommended the phrase "and any utilities servicing the facilities" be inserted into item 10, Removal of Communications Facility, on page 6 at the end of line 3. Ms. Camp said she agreed with Mr. McConathy's recommendation for this addition. Mr. Lemanowicz said he had no objection to this addition.

Marty moved to approve the Liberty Towers LLC Lease Agreement as amended and the plan to construct a wireless communications tower at the Township property and to authorize the

Chairman of the Board and Township Manager to execute the agreement. Carmen seconded the motion.

Chuck said that he would recuse himself from the vote this evening due to the fact that he voted on the Liberty Towers application when he served on the Planning Commission, and he recused himself from voting on it when it came before the Zoning Hearing Board while he was a member of that Board.

Thom had a question about something Senya said was a fixed line item (?) and he also wanted confirmation that the staff had checked the all the numbers for accuracy. He was told the numbers were accurate.

*Public Comment: Ginnie Newlin (Conservancy Board)* – Said she would like reassurance that the construction of this cell tower will in no way impinge on the wetlands in the area. Rick told her it will not affect the wetlands as the tower will be constructed on existing blacktop.

*Public Comment: Joe Buonnano, Herron Lane* – Asked if the Township had any financial guarantees from Liberty Towers in case they go bankrupt. Kristin Camp told him yes, that Liberty is required to post a bond.

*Public Comment: Rob Gionfriddo, King George Court* – Asked where the tower would be located, and Senya said just west of the salt shed. Mr. Gionfriddo asked what would be the financial benefit to the Township and Senya outlined the remuneration the Township would receive. Mr. Gionfriddo asked if the Township would incur any out-of-pocket costs for this project and Senya said no. Finally, Mr. Gionfriddo asked when construction would begin and Mr. Lemanowicz said as soon as possible.

Thom referred to page 3 of the “Critical Term Sheet” where **Insurance** is defined, and asked if Liberty Towers is required to notify the Township if any of their contractors or subcontractors allow their insurance to lapse. Kristin said that item 12 in the Land Lease Agreement would cover this matter. It puts the onus on Liberty Towers to make sure their contractors and subcontractors are adequately covered.

*Public Comment: Kathryn Yahraes (Historical Commission)* – Asked if the color of the pole has been selected yet. Senya said not yet, but it will definitely not be stark white.

*Public Comment: Joe Buonnano, Herron Lane* – Asked if the Township will be provided with insurance certificates and Kristin Camp said yes.

*Public Comment: Don Coover, Highland Avenue* – Had a question about whether lighting would be required on the tower. Senya said the Brandywine Airport and the FAA were both consulted and no lighting will be required on the tower.

There was no further discussion or public comment. The Board voted 4:0 to approve the motion. (Chuck Proctor abstained from voting).

### **Financial Report**

Deb Beury, Director of Finance, stated that the 2011 year-end financial reports will be released on the third Friday in February. She updated the Board on the 2011 results with regard to main revenue sources. She reported that LST came in under budget at \$311,016 (the budget was \$340,000). The Township is waiting on final approval from FEMA for \$8,014.69 in expenses for Hurricane Irene damage. Another set of expenses will be submitted to FEMA at a later date to cover damage to the sewer plant and road repairs.

### **Goshen Fire Company Report**

Senya reported that representatives from the Fire Company were present earlier in the evening but had to leave due to the length of the Public Hearings. They will provide a written report to the Township. Carmen noted that it will be posted to the Township website. Thom said that going forward he would like to receive Fire Company reports in writing before the Supervisors' meetings. Carmen said they are working on it.

### **Sewer Operating Fund I&I Expenses**

Rick summarized the I&I expenses charged to the Sewer Operating Fund for 2011. The total I&I expenses for the year were \$63,153.00.

### **Agenda**

Senya asked Rick to have future agendas adjusted to match the new meeting schedule. The police report and the Goshen Fire Company report can be given on the first Tuesday of the month, and the finance report can be given the third Tuesday of the month.

### **AT&T Mobility Zoning Variance Request for 1606. E. Strasburg Road**

Nicholas Cuce, Esq. was present for the applicant. Chuck said he would recuse himself from the discussion and vote on this matter because a member of his family is employed by AT&T.

Carmen moved to recommend the Zoning Hearing Board grant the dimensional zoning relief sought by AT&T Mobility for the proposed modification to their Wireless Communication Facility at 1606 E. Strasburg Road. The applicant proposes to add one additional equipment box to the existing concrete equipment pad in accordance with the application and plan dated December 9, 2011, last revised December 15, 2011. The relief sought is minimal and will not alter the essential character of the neighborhood; therefore, the Board of Supervisors supports the requested relief with the following condition:

1. The applicant shall follow all applicable federal, state and local laws and secure all proper permits prior to construction of the improvements depicted on the plans.

Marty seconded the motion. Thom asked Mr. Cuce if the site could be made more attractive, perhaps with some additional shrubbery. Mr. Cuce said he would have AT&T put the request to their landlord (PECO).

There was no further discussion and no public comment. The Board voted 4:0 to approve the motion. (Chuck abstained from voting.)

### **Defined Benefit Pension Plan**

Marty moved to appoint the Pension Committee as Trustee of the current Defined Benefit Plan managed by Key Financial and INR per the January 5, 2012 recommendation of the Pension Committee. Thom seconded the motion.

*Public Comment: Joe Buonnano, Herron Lane* – Asked if there are any financial guarantees in the pension plan. Rick and Marty told him no. Marty said there is a targeted rate of return but no guarantees.

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

### **Post-Employment Benefit Trust Plan**

The Board reviewed a January 5, 2012 recommendation from the Pension Committee in regard to the Post-Employment Benefit Trust Plan. Senya asked Marty to explain for the benefit of the audience why the Township has set up this Plan.

Carmen asked what the risk factor is for the plan. Marty said the risk is medium at most.

Carmen moved to take the following actions in regard to the Post-Employment Benefit Trust Plan:

1. Appoint Victor Cozzone, Financial Advisor with Raymond James, as the Fund Manager.
2. Appoint the Pension Committee as Trustee of the Plan.
3. For 2012, authorize transfer of the funds to the Fund Manager upon execution of the contract.
4. Going forward, authorize transfer of funds to the Fund Manager each year at the first meeting of the Board of Supervisors.

Chuck seconded the motion.

Thom said he would have preferred that more than two investment companies had participated by submitting a proposal to the Township. He also questioned Victor Cozzone's experience level. Marty said the Pension Committee had three lengthy meetings with Mr. Cozzone and feel very comfortable with him becoming the Fund Manager. He has all the credentials they asked for. They also checked out his references and they were all good. The Committee is waiting to get a copy of his biography.

The Board then had a discussion with resident Joe Buonnano regarding what credentials Mr. Cozzone should have and the need for an actuarial study and a "stop loss" for the Plan. Carmen and Chuck withdrew their motion. The Pension Committee will be asked to consider the recommendations of Mr. Buonnano, who was asked to provide something to the Supervisors in writing. The Board also suggested that Mr. Buonnano attend the next Pension Committee meeting if possible. Mr. Buonnano indicated he is unable to attend daytime meetings due to his work schedule.

### **Pay Phone at Township Building**

The Board reviewed a memo from Rick asking the Board to consider removing the pay phone from the Township Building as it costs \$89.06 per month to maintain and is rarely used.

Chuck moved to remove the pay phone from the Township Building. Thom seconded the motion. Carmen said he believes it would be a mistake to remove it in case someone has an emergency, does not have a cell phone, and needs to contact 911 when the Township Building is closed. There was no further discussion and no public comment. The Board voted 4:1 and the motion carried. (Carmen was opposed.)

### **Apartment Height Ordinance**

The Board reviewed a January 12 memo from Mark Gordon regarding a recommendation from the Planning Commission to have the Supervisors amend the text of the Apartment Height standard outlined in Zoning Ordinance §240-29. The Board agreed that the wording of the proposed change need some refinement, and took no action on this item.

### **ABC Interviews**

Thom moved to interview one-half of the ABC applicants on February 7 from 6:00pm to 7:00pm, and the other half on February 21 from 6:00pm to 7:00pm. Chuck seconded the motion. Marty said he is opposed to having fewer, longer meetings and would like to have a special meeting on February 14 or 28 just to conduct interviews. There was no further discussion and no public comment. The board voted 4:1 and the motion carried. (Marty was opposed.)

### **Vision Partnership Grant**

The Board reviewed a January 13 memo from Mark Gordon about the Vision Partnership Program Grant. No action was taken.

### **Review of Minutes**

The Board reviewed and corrected the draft minutes of January 10. Senya said the minutes would stand approved as corrected.

### **Treasurer's Report & Expenditure Register Report**

*See attached Treasurer's Report for January 12, 2012.* The Board reviewed the Treasurer's Report and the current invoices.

Chuck moved to have staff contact Blue Cross about the health insurance payment. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Thom moved to accept the Treasurer's Report of January 12 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed except for Blue Cross. Chuck seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the motion.

### **Action List**

None.

### **Any Other Matter**

**Park & Rec Board** – Thom and Chuck will work together to create a mission statement for the new Park & Rec Board, which they will submit to the Supervisors for approval.

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

Senya acknowledged receipt of the following:

- January 12 memo from Mark Miller regarding pond treatment.
- January 13 memo from Mark Miller requesting approval to purchase a snow blower for the skid steer loader at a discounted price of \$5,875.00. Carmen moved to approve Mark's request, although he expressed concern this item was not budgeted for 2012 and the budget was just approved. Thom seconded the motion. Resident Rob Gionfriddo of King George Court suggested this item be purchased in the spring or summer when the Township could probably get a better price. Marty said this item should have been budgeted, and Mark Miller must have know it would be needed. There was no further discussion or public comment. The Board voted 3:2 against the motion. (Only Carmen and Chuck were in favor.)
- Correspondence between PADOT and resident Sheila Shannon of Boot Road concerning storm water.

### **Meetings & Dates of Importance**

Senya noted the upcoming meetings as listed in the agenda and announced that the dates for Neighborhood University have been changed to February 2 and February 9.

### **Public Comment Period**

Kathryn Yahraes of Vista Drive expressed concern about drivers doing three-point turns to access the elementary school from Paoli Pike. Carmen asked her to send him an email and he would run the matter by Police Chief John Dumond.

### **Adjournment**

There being no further business, the regular meeting was adjourned at 11:22pm.

### **Executive Session**

The Board met in Executive Session until midnight to discuss a personnel matter.

Anne Meddings

Recording Secretary

*Attachment: Treasurer's Report*

January 12, 2012

**TREASURER'S REPORT**  
**2011 RECEIPTS AND BILLS**

**GENERAL FUND**

Real Estate Tax	\$0.00
Earned Income Tax	\$42,340.44
Local Service Tax	\$800.00
Transfer Tax	\$34,972.77
General Fund Interest Earned (December 2011)	\$443.20
Total Other Revenue	\$36,634.02
<b>Total Receipts:</b>	<b>\$115,190.43</b>

Accounts Payable	\$125,597.82
Electronic Pmts:	
Health Insurance	\$65,998.38
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$20,387.13
Payroll	\$45,000.00
<b>Total Expenditures:</b>	<b>\$256,983.33</b>

**STATE FUND**

Interest Earned (December 2011)	\$73.84
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Expenditures:	\$0.00
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**CAPITAL RESERVE**

Interest Earned (December 2011)	\$417.28
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Expenditures:	\$0.00
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**TRANSPORTATION FUND**

Interest Earned (December 2011)	\$321.72
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Expenditures:	\$0.00
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**SEWER OPERATING**

Receipts	\$3,975.92
Interest Earned (December 2011)	\$22.79
<b>Total Sewer:</b>	<b>\$3,998.71</b>

Accounts Payable	\$43,509.06
Debt Service	\$30,922.90
<b>Total Expenditures:</b>	<b>\$74,431.96</b>

**REFUSE**

Receipts	\$2,994.07
Interest Earned (December 2011)	\$12.94
<b>Total Refuse:</b>	<b>\$3,007.01</b>

Expenditures	\$53,301.83
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**SEWER CAPITAL RESERVE**

Interest Earned (December 2011)	\$364.62
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Expenditures	\$0.00
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