

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
September 2, 2014 – 7:00
Final Approved Minutes**

Present: Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Carmen Battavio, Chuck Proctor, and Janet Emanuel. Also present were Township Manager Rick Smith, CFO Jon Altshul, and Erich Meyer (Conservancy Board).

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00pm and asked Rick to lead the Pledge of Allegiance.

Moment of Silence

Marty called for a moment of silence to honor the troops and all those in uniform who keep us safe.

Recording of Meeting

No one indicated they would be recording the meeting.

Chairman's Report

Marty expressed sympathy for the friends and family of Dr. Robert “Doc” White, the West Goshen Township Supervisor who recently passed in a tragic accident. He noted the work that Dr. White did for West Goshen and that he will be missed.

Financial Report

See attached Treasurer's Report for August 28, 2014. The Board reviewed the Treasurer's Report and the current invoices. Senya asked about the invoice from Fox Rothschild for \$10,498. Jon explained that the Township's pension consultant had raised concerns about several items in our defined contribution pension document and that Jon had asked our labor attorney to draft amendments to the document. In particular, the pension consultant raised concerns about when an employee becomes eligible for state aid contributions and how “spouse” is defined, given the recent court decision regarding same sex marriage in Pennsylvania. Rick indicated that a recommendation from the Pension Committee on these matters was forthcoming. Senya indicated that this fee was too high for the work rendered and noted that they were billing us to correct a mistake that they had originally made several years ago when their attorneys originally drafted the pension plan document. Janet agreed that the invoice was too much. Chuck asked whether East Goshen had received an engagement letter for this work, as is required by law. Rick stated that he would research the matter.

Carmen moved to graciously accept the Treasurer's Report 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 the \$10,498 invoice from Fox

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

Announce the Alexander's Stormwater Matter has been Re-scheduled to September 16

Rick received a correspondence from Gwenne Alexander requesting that the Alexander's stormwater matter be added to the September 16 agenda.

Consider Recommendation to Close Out the Applebrook Preserve Escrow

Having received a correspondence from Nathan Cline, Township Engineer, requesting that the Applebrook Preserve Escrow be released, and a letter from Jim Dehaven, President of the Preserve at Applebrook HOA concurring, Rick requested that the Applebrook Preserve Escrow be released.

Based on this information, Carmen moved to release the Applebrook Preserve Escrow. Janet seconded the motion. The Board voted unanimously to approve the motion.

Consider PECO Goshen Substation Landscaping

Chuck referenced a letter received from *Ed Davidson, 9 Oak Tree Lane, Malvern*, about the vegetation around the Goshen Substation. Mr. Davidson does not live in East Goshen, but owns the property at 1603 E. Strasburg Road across from the Goshen Substation. Mr. Davidson's letter expressed concern about the vegetation that was removed from around the substation. When the substation was built in the 1990s, the residents of East Goshen as well as the Township, were promised that landscaping would be maintained in order to preserve the aesthetic impact on neighboring areas. Mr. Davidson has noticed that over time, this landscaping has deteriorated.

Mr. Gregory Cary, County Affairs Manager for PECO related that last year vegetation was removed from the substation. He referenced the sign in the boardroom about the past, present, and future. Mr. Davison would like to honor the PUC agreement about the landscaping made in the 1990s. He is also charged with serving the present demand for electricity. He also wants to protect the future, and that is why the vegetation was removed. Recent events relating to substations have motivated PECO to make the substations visible, and therefore less prone to criminal mischief leading to a blackout, which could prove very dangerous for people, and also have economic impacts. Also, The Federal Government is currently working on laws for substations. It will take \$10,000 to \$15,000 to landscape the substation, and when the laws are enacted it might need to be completely re-done. He noted that the Federal Government is spending \$100 million dollars on the protection of our electrical systems. Ultimately, though, Mr. Cary is at the meeting to problem-solve, not to debate or deny the situation.

There was a discussion concerning the recent attacks on substations and the possibilities of Federal laws about vegetation at the substations. Carmen questioned the legitimacy of clearing the vegetation to prevent attack because it also left the substation openly visible for attack. Senya noted that a blackout could even kill people, especially since we have a large, senior population, many reliant upon electricity for daily living. Senya expressed

his respect for Mr. Cary and the good works he has accomplished and thanked him for coming to the meeting in person.

Mr. Cary spoke to Mr. Davidson privately during the meeting, and asked if the two could meet privately at the substation and come up with an agreement to bring back to the board.

Marty expressed that we know Greg and acknowledge his good works, but the problem of the vegetation is for Mr. Cary and East Goshen to solve. He also remembered that when they put the substation in there were concerns from the citizenry about the landscaping plan. The Board does not want PECO to spend money needlessly, but he suspects what happened was that the lower vegetation was removed, when it was the higher trees that were supposed to be removed.

Marty would like a reasonable agreement between PECO and the citizens completed in a timely manner. He told Mr. Cary that it would be alright for he and Mr. Davidson to meet, but that they needed to attend a board meeting in the near future to come to a reasonable agreement. Mr. Cary assured the Board that PECO would hold to their agreement and complete the process expeditiously.

Mr. Davidson noted that the agreement with PECO is not the problem, but part of a solution. He reiterated that many other residents are involved, but that after meeting with Mr. Cary, he feels the process is moving along.

Review Chapter 4 Natural Resources

The Board began to review Chapter 4 of the updated Comprehensive Plan. Rick noticed that there were multiple negative statements in the document, and that the consultant hired to write the plan was instructed not to use negative statements in the document.

A discussion followed in which Senya questioned the quality of the document. He is frustrated with the amount and scope of the negatives and redundancy of the plan as it is written. The Board discussed finding out what it would cost to have a different consultant write the plan.

Consider Draft Ordinance Authorizing Comcast Cable Franchise Agreement

The final draft of the Comcast Cable franchise agreement was reviewed by the board. Rick stated that it had been ten years since their last agreement, and that this agreement would again be a ten-year agreement. The Board agreed to advertise for a public hearing on the agreement.

Consider Resolutions for CCATO

Marty briefed the Board on the Chester County Association of Town Officials. He explained that One of CCATO's most important functions is to advocate for our interests in Harrisburg. In order to do that, individual Townships propose resolutions for CCATO's consideration, which are then either adopted or not adopted by the full CCATO board in November. A discussion ensued considering three resolutions.

The three proposed resolutions are:

- 1) Amend the 2nd Class Township Code and the Municipal Claim and Tax Lien Law to allow municipalities to impose a late fee and/or penalty interest rates on unpaid sewer, water and refuse bills 45 days after the billing date.
- 2) Amend Act 600 to allow municipalities to offer defined contribution plans for police officers in place of defined benefit plans.
- 3) Take immediate action to address the unfunded liability crisis in the State Employees' Retirement System and the Public Schools Employees' Retirement System.

Consider Ashleybrooke Estates Escrow Release #9

Based upon a letter from Mark Miller iterating his and the Township Engineer's approval, Carmen made a motion to release \$10,988.00 in escrow to Renehan Building Group, Inc. Senya seconded the motion. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Any Other Matter

Rick stated that Mark Miller can't continue his position on the pension committee because of his schedule. Carmen made a motion to appoint Mark Gordon in Mark Miller's place. Senya seconded the motion. The Board voted unanimously to approve the motion.

There was a discussion concerning giving polygraph exams as part of the testing for candidates for the police force. Marty said that the catalyst for the polygraph exams is that a candidate has been suspect by rumor, and if the polygraph had been given, this wouldn't be an issue. Senya asked if this allowed the Township to give a polygraph test for any rumors. Marty assured the him that the test would only be used as part of the hiring process.

Marty asked Carmen if, as Police Commissioner, he was recommending the polygraph testing for new candidates. Chuck was referred two vendors and the lowest price was \$300. Carmen agreed, but would like to have a lawyer involved.

Chuck made a motion to authorize Chief Bernot to polygraph every police candidate starting immediately with the vendor charging \$300. Senya seconded the motion. There was no public comment. The Board voted unanimously to approve the motion.

Senya suggested that the Board consider body cameras for any police officer on duty. Marty notes that the cameras will deter problems and that he will look into it. The discussion will be put on the Agenda for 9/23.

Chuck related an incident in which amidst the signs and lights near Taylor Avenue and Paoli Pike, a woman and her dog were crossing the road to enter East Goshen Park and

the dog jumped out in front of a car in front of him.causing the car to swerve to miss hitting the dog. He suggests some signage warning pedestrians not to cross the road to enter East Goshen Park at that intersection. Marty agreed that the Board should look for a solution to correct pedestrian traffic.

Barrie Eichorn, 204 Margaret Ln., adressed the Board and cited his 35-year residency in the Township. He saw the sign for the Citizen's Police Academy and asked if some of these issues could be addressed there. Carmen explained that the course consists of informational sessions showing what the police do on the job.

Review of Minutes and Corrected

The Board received the draft minutes of August 5.. Marty stated that the minutes would stand approved as corrected.

The Board reviewed the draft minutes of August 19. The Board had major changes for the minutes, and decided that the minutes should be re-drafted and reviewed at the September 16 meeting..

Action List

Comp Plan-A request for an extension has been submitted to CCPC.

Open Space Plan- Ann Toole has been out of commission for the past several week, but will be returning to shortly to finish her work on the report.

Hershey's Mill Dam-Rick discussed the possibilities for the Milltown Dam and the Hershey's Mill Dam. Both are no longer capable of handling severe rainwater and there are two ways to allay the situation. One is to overlay with riprap and build up the dam(s) and the other is to breach them. He explained that a breach is expensive, but so is repeatedly fixing them every time a regulation is changed. Rick said that the Board did not need to decide immediately, but that since they were considering a breach then he needed to reject the bids for the replacement valves.

Acknowledge Receipt of the Conservancy Board's Mission Statement

The Conservancy Board's mission statement was reviewed and approved by the Board.

Acknowledge Two Letters Expressing Appreciation for Outstanding Service by Mark Miller and his Staff

The Board acknowledged two letters received from resident Maureen Notebaert praising Mark Miller for going above and beyond in doing his job..

Public Comment

There was no public comment.

Executive Session

The Board will meet in Executive Session at 6:00 on September 23, 2014.

Adjournment

There being no further business, the meeting was adjourned at 9:30.

Pam Pastorino

Recording Secretary

Attachments: Treasurer's Report