

**AGENDA**  
**EAST GOSHEN TOWNSHIP**  
**BOARD OF SUPERVISORS MEETING**  
**Tuesday, May 12, 2009**  
**8:00 PM**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

The Chairman will ask if any resident will be recording the meeting.

**2. PUBLIC COMMENT (OPTIONAL)**

**3. APPROVAL OF MINUTES**

A. April 28, 2009

B. May 5, 2009

**4. CHAIRMAN'S REPORT**

a. Announce the Board's decision on the PA Leadership Charter School Conditional Use Application.

**5. PUBLIC HEARINGS**

A. The Board will conduct a public hearing to consider the adoption of an ordinance titled Automatic Protection Devices.

**6. STAFF REPORT**

A. Treasurer's Report

B. Police – Chief John Dumond

**7. OLD BUSINESS**

A.

**8. NEW BUSINESS**

A. Consider recommendation on the National Bank of Malvern variance application.

B. Consider approval of the Comcast plantings.

C. Consider recommendation regarding the National Bank of Malvern variance application.

D. Consider recommendation regarding the Zoning variance application, Richard Miller, 16 Reservoir Rd.

E. Consider approving Resolution No. 09-49 regarding collateralization of Township deposits.

F. Consider approving Resolution No. 09-50 authorizing participation in the West Chester Area Regional Emergency Management Group.

G. Consider approving Resolution No. 09-104 appointing delegates to the Chester County Tax Collection Committee.

H.

**9. ANY OTHER MATTER**

## **10. CORRESPONDENCE, REPORTS OF INTEREST**

- A. Acknowledge Wooldridge Construction of PA., Inc. letter requesting an extension for the review period of the subdivision plans for Sullivan's Grove.
- B. Acknowledge the Fire Marshal's and Goshen Fire Company's report for the Month of April 2009.

## **11. MEETINGS AND DATES OF IMPORTANCE**

May 11, 2009	Municipal Authority	7:00 PM
May 12, 2009	Board of Supervisors	7:00 PM
May 13, 2009	Conservancy Board	7:00 PM
May 13, 2009	Zoning Hearing	7:30 PM
	Speaker	
	Nat'l Bank of Malvern	
	Decision on Chalfont	
May 14, 2009	Historical Commission	7:00 PM
May 18, 2009	Deer Committee	7:00 PM
May 19, 2009	Election Day	
May 25, 2009	Memorial Day Observed – Office closed	
May 26, 2009	Board of Supervisors <i>ws</i>	7:00 PM
May 27, 2009	Zoning Hearing	7:30 PM
	Miller	

## **12. ADJOURNMENT**

**BOARD OF SUPERVISORS MEETING**

**WORKSHOP**

**May 12, 2009**

**7:00 PM**

1. Review meeting agenda
2. Review invoices
3. BOS Pending Actions List
4. Metered Billing Update
5. Any Other Matter
6. Liaison Reports
7. Subdivisions/Land Developments/ZHB Applications
8. Public Comment
9. FYI
  - a. Dept. of Community and Economic Development

**EXECUTIVE SESSION - Police**

**Reminder –**

**NEWSLETTER ARTICLE SUBMISSION DUE DATES:**

August 12, 2009

November 10, 2009

**DELIVERY DATE:**

October 1, 2009

January 1, 2010

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS WORKSHOP  
1580 PAOLI PIKE  
April 28, 2009 – 7:00pm**

**\*REVISED DRAFT\***

**Present:** Chairman Marty Shane, Vice-Chairman Carmen Battavio, Don McConathy, Joe McDonough and Thom Clapper. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Public Works Director Mark Miller, Kathryn Yahraes (Historical Commission), Jane Fava (Conservancy Board), Jim McRee (DMC), and Township Solicitor Kristin Camp.

**WORKSHOP**

**Call to Order & Pledge of Allegiance**

Chairman Marty Shane called the meeting to order at 7:01pm and led everyone in the Pledge of Allegiance to the Flag.

**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.

**Eagle Scout Project**

Eagle Scout candidate Mike Magnotta was present with his father to discuss his request for Township funding for his Eagle Scout project, a shelter he wants to build on the Applebrook side of East Goshen Park. Mike said he has already raised \$1,500 of the \$2,700 needed for the project.

Don asked Mike who will supervise the project. Mike said that he, his father, and Mark Miller will oversee the project, as well as a former scout leader who is an architect and the fathers of other scouts. Marty added that if the project goes forward the Township's Building Inspector would inspect the shelter as well. Don advised Mike he would need to take necessary precautions to ensure the safety of those working on the shelter.

Joe McDonough asked Mark Miller if the shelter is a project on the Park & Rec Board's to-do list, and Mark indicated it is not.

Thom asked Mike if the shelter can be scaled down in size to reduce costs. Mike explained the size of the shelter is what it is so that no sawing will be involved. Scouts are not allowed to use power tools. Mike added that although the picture he had passed around showed a sloped roof, the roof of the shelter he plans to build will be flat. Thom asked again if the shelter size could be reduced so that it will accommodate a bench instead of a picnic table to save money on materials. Mike explained again that the size of the shelter was developed to involve the least amount of wood cutting.

1 Carmen told Mike that in the absence of a written Township policy on Eagle Scout projects, he  
2 would like to commend him on his desire to build a shelter in the park but he personally does not  
3 feel comfortable committing tax dollars toward the project, especially such a large amount  
4 during these difficult economic times. Carmen expressed concern that doing so would set a  
5 precedent that would open up the Township to many such requests. Carmen told Mike he would  
6 be happy to give him a personal contribution, however.

7  
8 Don said he had sons who were Eagle Scouts, so he has some experience with these matters, but  
9 he has never seen such an expensive Eagle Scout project. He said he cannot support putting tax  
10 dollars toward this project.

11  
12 Mr. Magnotta (Mike's father) asked if the Board would consider approving the project if Mike  
13 raised the rest of the funding himself or else scaled back the project. Carmen said he would, as  
14 long as the project is built to Township specifications.

15  
16 Joe told Mike the shelter is a worthwhile project but he would like Mike to do some fundraising  
17 to cover the cost. He said he is reluctant to use Township funds for the project, but would be  
18 willing to make a personal contribution.

19  
20 Thom said he would be happy to support a smaller project, or the project at its present size if  
21 Mike is able to raise the funds himself.

22  
23 Marty said he is willing to approve up to \$1,000 of Township money toward the project if Mike  
24 raises the rest, because there is value in the project. However, due to the economic climate if  
25 Mike thinks he could raise the entire amount himself, he should strive to do so. Marty told Mike  
26 he would like to see the project completed and for Mike to become an Eagle Scout, but he would  
27 greatly prefer the funding be raised by Mike. Marty added that the Township needs to develop a  
28 written policy for such matters.

29  
30 There was then some discussion on whether there are funds for this project in the Park & Rec  
31 budget. Mark Miller indicated there is some Township funding available for scouting projects,  
32 but nothing set aside in this amount for this particular project.

33  
34 Joe asked Mike what his timeline is for completing the project. Mike and his father said the  
35 project needs to be done before the end of May. His father added that he believes Mike will be  
36 able to raise the funding by himself.

37  
38 Rick suggested that Mike talk to Mark Miller about a less-expensive type of shingle he might  
39 consider using to save money.

40  
41 There was then a brief discussion on whether the Supervisors must authorize the project or not.  
42 It was agreed that the Park & Rec Board would be the authorizing body.

43  
44 **Public Comment Period**

Marty announced that because this was a workshop meeting with a heavy agenda, all public comment would be taken at the end of the evening, the only exception being when a motion is put on the floor.

#### **Draft PALCS Order**

The Board reviewed the revised draft PALCS order dated 4/28/09 with Township Solicitor Kristin Camp, PALCS attorneys Lou Colagreco and Alyson Zarro, and Dr. James Hanak and Jane Ferris from PALCS. A number of changes were made to the conditions. Kristin Camp said she would revise the order and send the revisions to the Supervisors. Marty announced that the Board will render its decision on the PALCS Conditional Use application at the May 12 meeting.

#### **Minutes**

The draft minutes of April 14 were not in the packets; therefore, they will be reviewed at the next meeting.

#### **Bills**

The Treasurer's Report and Expenditure Register Report were reviewed. Don expressed concern that payments for tree work are not being charged to the correct account. Marty requested that Joe Gill review the accounting of the invoices before they come to the Supervisors. The Supervisors should only have to review the legitimacy of the expenses, not the accounting behind them.

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

The current Treasurer's Report and Expenditure Register Report were reviewed.

The Treasurer's Report for April 23, 2009:

	RECEIPTS	EXPENDITURES
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 20,138.98	Accounts Payable \$ 330,679.35
Earned Income Tax	\$ 73,629.30	Electronic Payments \$ 54,119.11
LST	\$ 1,000.00	Debt Service \$ 205,582.30
Transfer Tax	\$ 24,904.22	Payroll \$ 80,000.00
Codes, Park & Rec (2009)	\$ 38,490.79	<b>Total Expenditures \$ 670,380.76</b>
<b>Total Receipts</b>	<b>\$ 158,163.29</b>	
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 805.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 197,383.95	\$ 243,973.31
Refuse	\$ 93,547.87	\$ 10,974.03
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report and Expenditure Register Report dated April 23 as recommended by the Treasurer in her April 24, 2009 memo to the Board, to accept the receipts and to authorize payment of the invoices just reviewed. Don seconded the motion.

1 *Public Comment: Bill Egan, Mill Creek Drive* – Had a question about mileage reimbursement  
2 for Township employees. He then asked what was the total cost for the Supervisors' recent trip  
3 to Hershey. Marty said he did not have the total yet, but would soon, after all the expense reports  
4 had been submitted. He noted that the cost will be significantly less than last year.  
5 There was no further public comment and no discussion. The Board voted and the motion  
6 passed unanimously.

7  
8 **Bond for Assistant Township Manager**

9 The Board reviewed Rick's April 23 memo on obtaining a \$150K bond on the Assistant  
10 Township manager. The Supervisors concurred with Rick's recommendation to obtain the bond.  
11 The Township will pay the premium.

12  
13 **Resolution 09-48, Establishing the Policy for Disposal of Fill Dirt**

14 The Board reviewed the fill dirt policy drafted by Rick. Don wanted point #1 modified to  
15 indicate that the transfer of the dirt to an individual or business will be scheduled by the Public  
16 Works Department, to be done at their convenience. Rick will revise the document.

17  
18 Don also wanted the resolution to state who would be responsible for loading/unloading the dirt.  
19 He noted that having this resolution in place will mean an employee must be present at the  
20 Township yard to monitor who takes the dirt. Rick said that the issues raised by Don would be  
21 handled by Mark Miller or the Public Works Department on a case-by-case basis with each  
22 requestor.

23  
24 **Mill Creek Easement**

25 The Board reviewed the language of the Access License Agreement provided by Synthes USA  
26 and had no comments or changes.

27  
28 **Comcast Generators**

29 Rick said Rich Werner from Comcast will be present at the May 12 meeting to discuss the  
30 painting and screening of the generators.

31  
32 **Alarm Ordinance**

33 The Board reviewed the latest draft of the Alarm Ordinance. Don had no additional changes to  
34 make. The Board will take action on this item on May 12.

35  
36 **Public Comment**

37 *John Schorn, Larch Lane* – Asked for an update on the Sunoco monitoring well situation. Rick  
38 said the Township has sent Sunoco the revised agreement and is waiting for their response. Mr.  
39 Schorn asked if any legal expenses have been incurred for this matter, and Rick said no. Mr.  
40 Schorn requested that the Board hold a special public meeting to discuss the police budget to  
41 explain to the residents why police services cost so much money. Marty said the police budget  
42 information is available on the website, and noted that the budget is a completely separate matter  
43 from the bargaining. He told Mr. Schorn that approximately 88% of the police budget is the  
44 officers salaries and benefits, which are contractual. Another 6-8% is for cars and insurance,  
45 which leaves 4-6% over which there is some discretion. Mr. Schorn asked if a public meeting  
46 was held in Hershey, and Marty said no; the meeting that is usually held in Hershey will take

place at the Township building this year on May 28. Mr. Schorn asked the status of hiring a sewer project manager. Rick said a project manager has been hired. Mr. Schorn asked how much the person will be paid, and Rick said the project manager will be paid \$175K for the duration of the project. Don said the person has been retained through next July. Mr. Schorn then had a question about the decision not to pave the access road to the Mill Creek ballfield. Mr. Schorn said he supports the Eagle Scout project proposed by Mike Magnotta and he thinks the Board should have agreed to fund the project since it will be an asset to the Township. Marty told Mr. Schorn that he personally agreed with him, but there was a difference of opinion on the Board and the vote did not go in favor of funding the project.

*Bill Egan, Mill Creek Drive* – Asked if the April 7 minutes have been approved, because they were listed on the agenda but not reviewed at this meeting. Marty said those minutes were already approved and were listed again in error. Mr. Egan asked if there was any benefit from the Supervisors attending the meeting in Hershey. Marty said he served on a panel while there, and the benefit was getting to network with other Townships. Mr. Egan said there have been problems with getting minutes from the Deer Management Committee (DMC). Marty said he knows they've had some issues with their Recording Secretary which may have caused the gaps. Jim McRee of the DMC said he was only aware of two missing sets of minutes – the minutes from last September are missing due to an issue with the Recording Secretary, and the March 2009 minutes are missing because they were not included in the April packet sent to the DMC. Don asked Joe Gill to check into this matter. Mr. Egan then had a question about the Township's financial audit. Rick said the audit has been completed by Maillie, Falconiero & Company but their report has not been issued yet.

*Kathryn Yahraes, Vista Drive* – Reported that Keep East Goshen Beautiful Day on April 18 was very successful, although a couple of groups still have to complete their part. Over 60 volunteers participated, collecting over 80 bags of trash. A report from Jack Yahraes will be forthcoming. Kathryn announced that a strategy meeting will be held on May 6 or May 13 at the Township building to discuss fundraising efforts for the Hershey's Mill dam. The group is continuing to search for sources of funding to save the dam. Kathryn indicated that a quorum of the Historical Commission would not be present at the fundraising meeting, and therefore the Board determined there was no requirement to advertise the meeting. Kathryn then told the Board that Linda Gordon plans to donate her royalties from the *Images of America* book toward items for the Plank House.

*John Buonanno* – Asked if there is a proposal to link the Hershey's Mill sewer system into the East Goshen sewer system, and Marty said no.

### **BOS Pending Actions List**

The Board reviewed the Pending Actions list. Regarding the LED traffic lights, Carmen said he is in favor of proceeding and not waiting any longer for the grant. Marty requested Thom to make some phone calls to find out when the "drop dead date" is for the grant. Marty said the Board will make a decision on this matter at the first meeting in July.

Marty asked Rick and Joe to provide the Board with up-to-date information about the Line Road path for the May 28 meeting.



1  
2 Don suggested that Joe Gill add two additional items to the list: the Sunoco well issue and the  
3 Codes Department oversight of contractors issue.

4  
5 **Adjournment**

6 There being no further business, the public meeting adjourned at 10:15pm.

7  
8  
9 Respectfully submitted,

10  
11  
12  
13 Anne Meddings  
14 Recording Secretary

4, CHAIRMAN'S RPT  
5-7-09 17 pgs  
BLACKLINE  
COPY

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SOLICITOR FOR  
EAST GOSHEN TOWNSHIP

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CONDITIONAL USE APPLICATION : BEFORE THE  
OF PENNSYLVANIA : BOARD OF SUPERVISORS OF  
LEADERSHIP CHARTER SCHOOL : EAST GOSHEN TOWNSHIP

#### **DECISION AND ORDER**

Pennsylvania Leadership Charter School (the "Applicant") filed a conditional use application dated January 27, 2009 (the "Application") requesting conditional use approval from the Board of Supervisors ("Board") of East Goshen Township (the "Township") pursuant to Section 240-17.C(6) of the East Goshen Township Zoning Ordinance of 1997, as amended in Ordinance No. 129-E-09 which was enacted on March 17, 2009 (the "Ordinance"), to use the property and office building at 1585 Paoli Pike as a Cyber Charter School Campus, as such use is defined in the Ordinance. The property is located in the C-5 Government Finance and Office District, being Tax Parcel No. 53-4-43, and is improved with a building which has approximately 35,000 square feet which has historically been used as an office building (the "Property").

The Board conducted public hearings (the "Hearings") on the Application on April 7, 2009 and April 14, 2009. The Township was represented by Joseph E. Brion, Esquire and Applicant was represented by Alyson Zarro, Esquire. From the testimony and exhibits presented at the Hearings, the Board makes the following:

## FINDINGS OF FACT

### Procedural Requirements

1. The Township received the Application on January 27, 2009 and scheduled a public hearing on April 7, 2009 at 8:00 p.m. at the Township municipal building after the Ordinance was amended on March 17, 2009 as requested by Applicant to permit a Cyber Charter School Campus in the C-5 District by conditional use.

2. In the Application Applicant requested conditional use approval pursuant to Section 240-17.C(6) of the Ordinance to use the existing 35,000 square foot building located on the Property as a "Cyber Charter School Campus" as that term is defined in the Ordinance as amended in Ordinance No. 129-E-09.

3. The Board published a public notice of the initial hearing date in the *Daily Local News* on March 23, 2009 and March 30, 2009 in accordance with the requirements in the Ordinance and the Pennsylvania Municipalities Planning Code ("PaMPC"), 53 P.S. §10101 *et. seq.* (Exhibit B-3).

4. The Township provided notification of the initial Hearing to adjacent property owners by correspondence dated January 28, 2009 (Exhibit B-2).

5. The Township posted the Property with notification of the initial Hearing and provided an Affidavit of Posting dated March 23, 2009 (Exhibit B-4).

6. The Board received a copy of correspondence dated March 30, 2009 from the East Goshen Township Conservancy Board to the Township Planning Commission which advised that members of the Conservancy Board inspected the Property and provided recommendations (Exhibit B-5).

7. The Board received correspondence dated April 2, 2009 from the Township Planning Commission recommending that the Board approve the Application subject to various conditions (Exhibit B-6).

8. The Township received an email communication from its traffic engineer, Dean Kaiser, P.E., P.T.O, at Orth-Rodgers & Associates, Inc., dated April 7, 2009 providing comments based on Applicant's traffic report dated April 1, 2009 prepared by Applicant's traffic engineer, Frank Tavani, P.E. (Exhibit B-7).

9. No people or entities requested party status in the Application.

**Description of the Property**

10. The Property is located at 1585 Paoli Pike, East Goshen Township, Chester County, Pennsylvania and is owned by Fuchs Partnership II.

11. The Property is improved with a 35,000 square foot building which has, in the past, been used as an office.

12. The Property is located within the C-5 Government Finance and Office District which permits a Cyber Charter School Campus by conditional use pursuant to Section 240-17.C(6) of the Ordinance as it was amended in Ordinance No. 129-E-09 adopted by the Board on March 17, 2009.

13. Applicant has or will enter into a lease with the property owner in accordance with Exhibit A-3.

**Proposed Development of the Property**

14. Applicant intends to utilize the current building as a Cyber Charter School Campus and proposes occupancy of the said building in two stages; the initial stage consisting of the University Scholars Program occupying the first floor of the building

and cyber teachers occupying the second floor of the building; and the second stage consisting of the University Scholars Program occupying both the first and second floors of the building.

15. Applicant will provide sufficient parking for the proposed use as shown on the Plan of Property which was admitted into the record as Exhibit A-5 and in accord with the testimony and exhibits at the hearing. In addition, Applicant agreed at the request of the Board to submit to the Township a plan for how it will direct the students and parents to drop-off and pick-up students who attend the campus. This plan was introduced by Applicant at the April 7<sup>th</sup>, 2009 hearing and admitted into the record as Exhibit A-9. Applicant testified that the parent pick-up/drop-off procedure will be in accord with Exhibit A-9.

16. Applicant testified that it will not enroll more than 250 students in the University Scholars Program and thus it will not have more than 250 students at the Property at any one time. Some students will study at the school two (2) days per week and study at home three (3) days per week while other students will study at the school three (3) days a week and study at home two (2) days a week. When the school is at full capacity (meaning there are 250 students who attend classes on site which shall be referred to herein as "Full Occupancy"), the students will be staggered so that all 250 students will only be at the school every other Friday.

17. On or before the first day of school in any given school year, Applicant agreed to provide the Township with a census that lists the number of students of driving age and the number of students who will become eligible to obtain a drivers license during the school year, together with the number of teachers and staff members

who will be employed at the school during that year to determine if there is sufficient parking to meet the parking requirements in the Ordinance which require one parking space for every student of driving age and one space per employee. See Section 240-33.A(1) and the parking Table, Section D(8). If it is determined by the Township after review of the census list that there is not sufficient parking to meet the Ordinance criteria for such use, then the Township will impose a limitation in the number of driving aged students that are able to attend the school. Applicant agreed that the Township has the right to restrict the number of students who attend the school based on the parking requirements in the Ordinance and Applicant agreed that it can be required to restrict driving aged students if there is not sufficient parking for the students, teachers, staff and visitors.

18. Applicant testified that students will utilize the school grounds for minimal outside activity; for example, lunch, teaching, unstructured recreational activity and special school-wide events, provided all activities will take place at least 50 feet from any property line and do not interfere with or adversely impact the surrounding neighborhood in any manner, including but not limited to, noise, trash or disruption of the quiet enjoyment of the neighborhood by the outside activity.

19. Applicant shall not allow the students to leave the Property during the school day except for emergencies, when excused for the day or for school sponsored class trips.

20. Applicant further testified that there will be no organized or team sports of any kind which occur on the Property.

21. Applicant testified that no buses of any kind, including school buses, public transportation buses or small mini-buses will be utilized to transport students to the facility on a daily basis; however, there may will be passenger vans which can accommodate between 12-15 students which may drop off students to the campus. There may also be infrequent times when school buses will transport students to field trips or other off-site school sponsored events.

22. Applicant testified that a parking space shall be provided on the Property for each student of driving age and for each teacher and/or staff member working at the school as required by the Ordinance. Applicant agreed to continue to monitor the parking requirements and provide the Township annually with an updated census of students to verify that there is sufficient parking for the driving aged students, teachers and staff.

23. Applicant will provide trash and recycling only in designated trash enclosed areas which will be screened from public view.

#### **Utilities and Fire Protection**

24. The Property will be serviced by public water and public sewer.

25. Applicant agrees to adhere to any and all requirements of the Township Fire Marshal.

26. Applicant testified that it shall install additional plantings as recommended by the East Goshen Township Conservancy Board in its letter dated March 30, 2009 to the Township's Planning Commission (Exhibit A-5).

27. The Township Planning Commission submitted a letter dated April 2, 2009 to the Board recommending conditional use approval subject to specific conditions to which Applicant has agreed (see Exhibit B-6).

### **Miscellaneous**

28. The Board introduced the following exhibits:

- B-1 Conditional Use Application dated January 27, 2009 with attached Plan of Property prepared by Chester Valley Engineers, Inc. and Space Plan for PALCS prepared by Architectural Alliance
- B-2 Correspondence dated January 28, 2009 from Louis F. Smith, Jr., Township Manager, to adjacent property owners notifying them of Scheduled conditional use hearing
- B-3 Proof of Publication in the *Daily Local News* on March 23, 2009 and March 30, 2009
- B-4 Affidavit of Posting dated March 23, 2009
- B-5 Correspondence dated March 30, 2009 from East Goshen Conservancy To Township Planning Commission
- B-6 Correspondence dated April 2, 2009 from Township Planning Commission To Board of Supervisors recommending approval subject to certain Conditions
- B-7 Email dated April 7, 2009 from Township Traffic Engineer

29. Applicant introduced the following exhibits:

- A-1 Conditional Use Application dated January 27, 2009
- A-2 East Goshen Township Zoning Ordinance of 1997, as amended (incorporated by reference)
- A-3 Letter from John Fuchs on behalf of Fuchs Partnership II dated April 6, 2009
- A-4 Aerial – Study Area Mosaic prepared by F. Tavani and Associates, Inc. Dated January, 2009



80617

- A-5 Plan of Property for Fuchs Partnership II prepared by Chester Valley Engineers, Inc. dated June 21, 2005
- A-6(a) Space Plan, Sheet A-1, prepared by Architectural Alliance dated January 26, 2009
- A-6(b) Space Plan, Sheet A-2, prepared by Architectural Alliance dated January 26, 2009
- A-7 Depiction of Parent Pick-Up/Drop Off Procedure prepared by F. Tavani And Associates, Inc. dated April, 2009
- A-8 Proposed Directional Signage for Pick-Up/Drop-Off Procedure
- A-9 Proposed Parent Pick-Up/Drop-Off and Student Driver Parking Procedure
- A-10 Depiction of Parking Assignments prepared by F. Tavani and Associates, Inc. dated April, 2009
- A-11 Traffic Impact Evaluation prepared by F. Tavani and Associates, Inc., Last revised April 1, 2009
- A-12 Planning Commission recommendation dated April 2, 2009

### **CONCLUSIONS OF LAW**

1. Applicant has or will enter into a lease with the property owner and therefore has standing to bring this Application before the Board.
2. The Property is located within the C-5 Government Finance and Office District which permits a Cyber Charter School Campus by conditional use pursuant to Section 240-17.C(6) as amended in Ordinance No. 129-E-09.
3. Applicant has proven the criteria for a conditional use pursuant to Sections 240-17.C(6) and 240-31.C of the Ordinance and no evidence was introduced in opposition to the Application.

### DISCUSSION

This Application started by Applicant submitting a Petition to Amend the Zoning Ordinance in January of 2009 seeking the Board's approval to amend the Ordinance to permit by conditional use in the C-5 District a Cyber Charter School Campus, which was a new use to be defined in Section 240-6 of the Ordinance. The Board was not familiar with the proposed use or the impacts associated with such use on surrounding properties. After learning details about Applicant's proposed use through Applicant's presentations to the Planning Commission as well as to the Board, the Board agreed to adopt an amendment to the Ordinance to permit a Cyber Charter School Campus in the C-5 District by conditional use, which amendment was enacted on March 17, 2009 in Ordinance No. 129-E-09.

Once the Application was filed and the Hearings commenced, the Board had questions and concerns regarding the traffic which may be generated by the proposed use. The Board recognizes that the Property is improved with an office building which in the past has had many employees and thus generated traffic typically associated with offices during morning and afternoon peak rush hours. The Board has taken into consideration that although there may be additional traffic generated by the proposed use with student drop-off and pick-up, Applicant's traffic study outlined the fact that, unlike the office building, most of the traffic that will be generated by the proposed use will occur during off-peak hours and will not be traveling on the surrounding roads at the same time that employees would be traveling to the Property if it were utilized as a traditional office building. The Board will impose certain conditions of conditional use approval relating to parking and traffic to minimize any potential that the proposed

Cyber Charter School Campus will have an adverse impact on the surrounding community or cause undue traffic problems on the surrounding road network.

In granting a conditional use, a governing body has the authority to impose reasonable conditions and safeguards in addition to those expressed in the township ordinances if such conditions are necessary to implement the purposes of the ordinance and to protect the health, safety and welfare of the surrounding property owners. PaMPC, Section 603(c)(2), 53 P.S. Section 10603(c)(2). Because the use is approved by conditional use, the Board can impose certain conditions on the Applicant so as to protect the health, safety and welfare of the surrounding community and require Applicant to comply with those reasonable conditions to prevent the use from resulting in substantial injury to the public interest. Susquehanna Twp. Board of Commissioners v. Hardee's Food Systems, Inc., 59 Pa. Cmwlth. Ct. 479, 430 A.2d, 367 (1981); Appeal of Estate of Achey, 86 Pa. Cmwlth. Ct. 385, 484 A.2d, 874 (1984), aff'd 501 A.2d 249 (Pa. 1985).

Applicant, through testimony and exhibits, demonstrated to the Board that the proposed use will not adversely impact the health, safety and welfare of the surrounding community or the Township and this Board, through numerous questions in two nights of hearings, made determinations that by imposing reasonable conditions this particular use will possibly be less intense than an office use at the same location. Therefore, the Board has determined that Applicant's proposed use meets the criteria of the Ordinance and should be granted with reasonable conditions as imposed by the Board.

## ORDER

AND NOW, to wit, this 12<sup>th</sup> day of May, 2009, the Board of Supervisors of East Goshen Township ("Board") hereby grants conditional use approval to Applicant pursuant to Section 240-17.C(6) of the Ordinance as amended in Ordinance No. 129-E-09 to use the Property as a Cyber Charter School Campus in accordance with the following conditions:

### USE

1. Subject to the right to seek minor modifications from the Board pursuant to Condition No. 21 below, Applicant will operate the Cyber Charter School Campus substantially in accordance with and subject to the testimony and exhibits presented at the Hearings.
2. Applicant is not permitted to have more than 250 students attend classes at the Property at any given time. If Applicant wants to have more than 250 students attend classes at the Property at any given time in the future, then it must apply to the Board to reopen the conditional use hearings to approve such modification to this Order and this condition.
3. On or before the first day of school in any given year, Applicant shall provide the Township with a census that lists the number of students of driving age and the number of students who are eligible to obtain a drivers license during the school year together with the number of teachers and staff members who will be employed at the school during that school year which will be used to determine if Applicant complies with the parking requirements in the Section 240-33.A(1)(a) and the parking table referred to in such section, specifically paragraph (D)(8) of the Ordinance for such use.

Applicant agrees that compliance with the parking requirements in the Ordinance may require it to limit the number of driving aged students that attend the campus if there is not sufficient parking for the students, teachers and staff.

4. Applicant is specifically permitted to allow students to utilize the school grounds for minimal outside activity; for example, lunch, teaching, unstructured recreational activity and special school-wide events provided all activities take place at least 50 feet from any property line and do not interfere or adversely impact the surrounding neighborhood in any manner including but not limited to noise, trash or disruption of the quiet enjoyment of the neighborhood by the outside activity. It is understood that there will be no outdoor organized or team sports of any kind on the Property. Applicant, within 30 days of this Order, must submit a plan to the Township that depicts the area to be used for such outside activities.

5. Applicant shall not allow the students to leave the Property during the school day except in the case of an emergency, when excused for the day or for school sponsored class trips.

#### **TRAFFIC**

6. In order to accommodate the 250 students, Applicant will provide the Township with a revised traffic study to determine the impact when all of the 250 students are in attendance. This study will also show if there is sufficient capacity when vehicles are waiting to pickup students that the vehicle line does not extend beyond the property line, i.e. out onto Paoli Pike. This revised study is due within 60 days of this Order.

7. If Applicant intends to use the Property for special student events which will generate a significant amount of traffic, Applicant must submit a plan to the Westtown-East Goshen Police Department at least 2 weeks prior to the special event to demonstrate how parking and traffic circulation will be handled. The Police Department must approve said plan which can thereafter be followed by Applicant for similar sized special events. Once the plan for a special event is approved by the Police Department, Applicant shall adhere to said plan and send notice of the date and time of each special event to the Township and Police Department.

8. No vehicles which are larger than a passenger van (12-15 students) shall be used to transport students to the campus. Notwithstanding this condition, Applicant shall be permitted to have buses transport students to field trips or off-site school sponsored events.

9. If traffic generated by the Cyber Charter School Campus is inconsistent with the traffic projections set forth in Applicant's traffic study dated April 1, 2009 which was admitted into the record as Exhibit A-11, as such plan will be revised pursuant to condition 6 above, and therefore the additional traffic generated by the proposed use causes unforeseen congestion at the Property's driveway intersection with Paoli Pike, or conflicts with the traffic generated by the East Goshen Elementary School's use during the designated times for drop-off/pick-up of Applicant's students, as determined and studied by the Township traffic engineer, the Township shall notify Applicant immediately of such problem. Applicant must then provide to the Township a method of mitigating the traffic conflict or congestion which method shall be approved by the Board.

14 of 17

10. Vehicles, either delivering students in the morning or picking up students in the afternoon, cannot extend or queue beyond the school driveway at any time. No vehicles will be permitted to queue or park along Paoli Pike and Applicant must insure that the drop-off/pick-up procedures provide ample room for vehicles to remain on the Property.

11. Applicant shall install directional signs on the Property as shown on Exhibit A-8 in order to direct all individuals to the drop-off/pick-up location to the rear of the building.

12. Student and staff parking will be located in areas of the Property designated for such parking so as to minimize interference with vehicles in the drop-off/pick-up queuing lanes.

13. On or before November 1, 2009, and annually thereafter until the third anniversary of the date when the Campus is Fully Occupied (meaning it has 250 students on site at one time), Applicant shall provide the Township with a written report which analyzes if there are any problems associated with the drop-off or pick-up procedures that are in place and the traffic circulation on the Property and exiting the Property. If Applicant determines in such report that there are problems with the drop-off and pick-up procedures or with traffic circulation or traffic congestion onto Paoli Pike, it shall suggest methods by which the identified problems can be ameliorated. Such report and suggestions shall be reviewed by the Board. Applicant shall implement such modifications as approved by the Board. The Board specifically reserves the right to impose changes in the drop-off/pick-up procedures and impose restrictions on vehicles making left turns when exiting the Property in order to ensure the safety of the students

and all others following its review of the reports submitted by Applicant pursuant to this condition.

### **SIGNS**

14. Applicant shall be permitted to change the wording on the existing non-conforming freestanding sign on the Property, however, the size of the sign shall not be increased in any way.

### **MISCELLANEOUS**

15. No external storage of trash or recycling will be permitted on the Property except in designated trash enclosed areas as approved by the Township Zoning Officer which will be screened from public view.

16. Applicant shall adhere to any and all requirements of the Township Fire Marshal.

17. Applicant shall remove the existing basketball pole located in the parking lot on the Property.

18. Applicant shall maintain the landscaping that exists on the Property but shall specifically remove and continue to remove the multi-floral rose vines and invasive species from the Property.

19. Applicant shall insure that the existing landscaping, including that which screens the Property from the abutting residences, remains in its current condition except as stated in Condition 18 and continues to serve as and be maintained as a screening buffer from the abutting residences.



1608-17

20. Applicant shall install the additional plantings as recommended by the Conservancy Board in its letter dated March 30, 2009 (Exhibit B-5) on or before September 30, 2010.

21. The Board recognizes that Applicant's testimony about the proposed use at the Hearings described how Applicant intends to operate the Cyber Charter School Campus from its inception and that Applicant may desire to make minor changes in the manner in which the campus is operated over the years which may impact Applicant's ability to strictly comply with the conditions in this Order. If Applicant seeks to make minor modifications in how the campus is operated which are different than how Applicant described the use at the Hearings, it shall send a written request to the Board for approval of such modification. The Board has the discretion to allow such modification without the need for a new conditional use hearing. If the Board determines that the proposed modification is substantially different than how Applicant described the use and its operation, the Board may require Applicant to have a new hearing seeking approval to modify this Order.

22. No additional development, buildings or uses are permitted on the Property without a modification of this Order by the Board.

23. Applicant shall comply with all Township Ordinances and regulations and all governmental permit requirements and governmental agency requirements, state regulations and Federal regulations.

24. This Order and the conditions contained herein bind the Applicant, its successor and assigns.

ATTEST:

**BOARD OF SUPERVISORS OF  
EAST GOSHEN TOWNSHIP**

\_\_\_\_\_  
Joseph Gill, Secretary

\_\_\_\_\_  
E. Martin Shane, Chairman

\_\_\_\_\_  
Carmen R. Battavio, Vice-Chairman

\_\_\_\_\_  
Joseph M. McDonough, Member

\_\_\_\_\_  
Donald R. McConathy, Member

\_\_\_\_\_  
Thom Clapper, Ph.D., Member

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EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 129 – 09 - \_\_\_\_

AN ORDINANCE OF EAST GOSHEN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA, AMENDING THE  
CODE OF EAST GOSHEN TOWNSHIP, CHAPTER 89,  
TITLED, "AUTOMATIC PROTECTION DEVICES".

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township that the East Goshen Township Code, Chapter 89, titled, "Automatic Protection Devices", shall be amended as follows:

SECTION 1. Chapter 89, titled, "Automatic Protection Devices" shall be deleted in its entirety and shall be replaced by the following new Chapter 89, titled, "Alarm Systems."

**"Chapter 89  
ALARM SYSTEMS**

**§ 89-1. Short title.**

This chapter shall be known as the "East Goshen Township Alarm Ordinance."

**§ 89-2. Definitions.**

The following definitions shall apply to the interpretation and enforcement of this chapter.

**ALARM MONITORING COMPANY** -- Any person, firm or corporation that monitors one or more Alarm System(s), and upon the receipt of a signal from an Alarm System notifies the Chester County 9-1-1 of the emergency.

**ALARM SYSTEM** -- Any assembly of equipment composed of sensory apparatus and related hardware which transmits a signal from the premises to an Alarm Monitoring Company advising them of an emergency. Smoke alarms, carbon monoxide detectors, etc., that are not connected to an Alarm Monitoring Company and whose sole purpose is to notify the occupants of the property of an emergency shall not be considered an "Alarm System" for the purpose of this chapter.

**ALARM SYSTEM SUPPLIER** -- Any person, firm or corporation who sells or leases and/or installs Alarm Systems.

**AUDIBLE ALARM** -- Any device, bell, horn or siren which is attached to the exterior of a building and emits a warning signal audible outside the building and that is designed to attract attention when activated.

**CHESTER COUNTY 9-1-1** -- The 9-1-1 Emergency Call Center operated by the Chester County Department of Emergency Services.

**FALSE ALARM**- An alarm received by Chester County 9-1-1 activated by inadvertence, negligence, or an unintentional act including the malfunction of the Alarm System; the intentional activation of a hold up alarm for other than a hold up in progress; the intentional activation of a burglary alarm for other than a burglary in progress; the activation of a fire alarm for other than an actual fire; or the intentional activation of a medical alarm for other than a medical emergency. A false alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

**FIRE DEPARTMENT** -- The Goshen Fire Company or Malvern Fire Company, or their respective successor fire companies who provide fire protection services to the Township.

**KEY BOX**- A secure, tamperproof device with a lock operable only by a Fire Department master key which contains building entry keys and other keys that may be required for access in an emergency. Also known as a "Knox Box".

**KEYED** -- To use a telephone, radio or any other equipment to transmit (send) a message from an Alarm System to the Alarm Monitoring Company.

**PERSON** -- The term "person" appearing herein shall include and be construed to mean any person, firm, corporation or other entity.

**POLICE DEPARTMENT** -- The Police Department operating under the direction of the Westtown-East Goshen Police Commission.

**TOWNSHIP** -- The Township of East Goshen, Chester County, Pennsylvania.

### **§ 89-3. Permit required for new Alarm System.**

A. **Installation.** Any owner, lessee or user of property, or their authorized agent, who intends to install an Alarm System shall first make application to the Township and obtain the required permit prior to the installation of any Alarm System. The application shall be made on forms provided by the Township and shall include the following information:

- (1) Property Owner's name, address and phone number;
- (2) Name, address and phone number of tenant(s), if any;

- (3) Address and description of the property where the Alarm System is proposed to be installed;
  - (4) Make and model of the Alarm System, including manufacturer's name and address;
  - (5) Name, address and phone number of the contractor or person who will install the Alarm System;
  - (6) Name, address and phone number of the Alarm Monitoring Company who will monitor the Alarm System;
  - (7) For commercial properties, the names, addresses and phone numbers of a minimum of three (3) emergency response contacts who can be contacted in the event of an alarm. All emergency response contacts must live close enough to the property that they can respond within 30 minutes of the notice of an alarm.
  - (8) A signed indemnification agreement on a form approved by the Township that states that the owner, lessee or user of the property where the Alarm System is being installed shall hold harmless and indemnify the Township, Police Department, and Fire Department from any and all claims or damages that may result from the Police Department's and/or Fire Department's forced entry into the property in response to an alarm.
- B. Permit Fee. The application shall be accompanied by the permit fee. The permit fee shall be established from time to time by resolution of the Board of Supervisors. Such fee shall be based on the Township's administrative expenses in issuing such permits.
- C. Commercial Properties Annual Permit Renewal. In January of each year, the Township shall send applications for renewal of Alarm System permits to all persons who have applied for and obtained a permit for the installation of an Alarm System on a commercial property. The property owner, lessee, or user of the commercial property, or their designated agent, shall complete the renewal application form which shall include an update to any of the information supplied to the Township in the original application. All renewal applications shall be returned to the Township on or before March 1st.
- D. Residential Properties Information Update. The owner, lessee or user of a residential property, or their authorized agent, who has installed an Alarm System, shall promptly notify the Township of any changes in the information submitted with the permit application.
- E. Existing Alarm Systems. The Township will notify the owners, lessees or users of properties that have existing Alarm Systems that are installed as of the date of enactment of this Ordinance that the owners, lessees or

users of a property shall obtain a permit from the Township to properly register their Alarm System. The information listed in Section A above will be required but no fee will be collected for the permit. This permit shall be obtained within 90 days of enactment of this Ordinance.

- F. Exemptions. A permit is not required for the installation of smoke detectors, carbon monoxide detectors, or similar detectors which are installed for the purpose of notifying the occupants of that location of an emergency condition, provided that all of the following conditions are met:

- (1) The alarm is not connected to an Alarm Monitoring Company;
- (2) The alarm does not sound outside the location (no external speakers); and
- (3) The internal signal by the alarm does not exceed 90 decibels

#### **§ 89-4. Audible alarm restrictions.**

- A. All Alarm Systems which are connected to an exterior Audible Alarm shall be equipped with a timing device which will shut off the Audible Alarm after a maximum period of 15 minutes.
- B. Audible Alarms without such a timing device will be unlawful in the Township and must be disconnected by the owner, lessee or user within 60 days from the effective date of this Ordinance.

#### **§ 89-5. Alarm Systems to be Keyed.**

All Alarm Systems must be Keyed to an Alarm Monitoring Company.

#### **§ 89-6. Operational Requirements.**

- A. The sensory apparatus used in connection with an Alarm System must be adjusted to suppress false indications of intrusion, so that the device will not be actuated by changing pressure in the water pipes, short flashes of light, the rattling or vibrations to the premises caused by the passing of vehicles or any other force not related to a genuine alarm.
- B. All components comprising an Alarm System must be maintained in good repair to assure maximum reliability of operation.

#### **§89-7. Disconnection due to malfunctioning.**

- A. When alarm messages are received by Chester County 9-1-1 evidencing failure to comply with the aforementioned operational requirements, and the Township concludes that the Alarm System is malfunctioning, the Township is authorized to demand that the owner, lessee or user of the

Alarm System disconnect the Alarm System until it is brought into compliance with the operational requirements.

- B. If disconnection of the defective Alarm System is not accomplished within 48 hours of notification by the Township, this shall be considered a violation of this chapter. The Township shall notify the Chester County 9-1-1 that the Alarm System is malfunctioning. In addition the Township may then take appropriate action to disconnect the defective Alarm System. This remedy shall be in addition to and shall not affect the penalty provisions prescribed in §89-13.
- a. For purposes of this provision, two or more false alarms within any thirty-day period shall be sufficient evidence for the Township to determine that the Alarm System is malfunctioning.

#### **§ 89-8. Conformance with National Electrical Code.**

Alarm Systems must conform to the requirements contained in the National Electrical Code.

#### **§ 89-9. Inspections.**

For the purpose of enforcing this chapter, the Police Chief, Fire Marshal and/or the Township Manager or their duly authorized designees are hereby authorized to enter upon an owner's, lessee's or user's premises at a reasonable time upon written notice, or in the event of an emergency, at any time, to make inspections of installation and/or operation of an Alarm System.

#### **§ 89-10. Testing and Maintenance.**

- A. No person shall conduct any test, demonstration or perform any maintenance of an Alarm System installed pursuant to this chapter without first notifying the Alarm Monitoring Company.
- B. Prior to conducting any testing, demonstration or maintenance of an Alarm System, the contractor or technician who performs the testing, demonstration or maintenance shall notify the Alarm Monitoring Company and request that the Alarm System be placed in "test condition" and that no response is necessary to an alarm.
- C. Upon completion of the testing, demonstration or maintenance the contractor or technician who performs the testing, demonstration or maintenance shall notify the Alarm Monitoring Company that the Alarm System is back in service and that a response is necessary in the event of an alarm.
- D. Any owner, lessee or user, or their designated contractor or technician, who performs maintenance or testing on an Alarm System without first

notifying the Alarm Monitoring Company prior to performing maintenance or testing, which then results in a False Alarm, may be subject to the false alarm fee established in this chapter.

#### **§ 89-11. Notification of Ordinance.**

The Township will provide a copy of this Ordinance to the owners, lessees, and users of property which have been issued an Alarm System permit.

#### **§ 89-12. False alarm agreement and fee schedules.**

- A. Consent to pay false alarm fees. For the purpose of defraying the costs to the Police Department and/or Fire Department of responding to false alarms, a false alarm fee shall be imposed in the amount specified herein. As a condition of issuing a permit for an Alarm System, the owner, lessee or user of any Alarm System shall execute an agreement on a form prepared by the Township which acknowledges that they have received a copy of this Ordinance and agree to be bound by its terms, including the payment of false alarm fees.
- B. Failure to Comply. Any owner, lessee or user who fails to execute the agreement within 90 days from the effective date of this Ordinance shall be in violation unless the owner, lessee or user disconnects the Alarm System from the Alarm Monitoring Company.
- C. False Alarm Fee Schedule.
  - (1) For the first false alarm, per rolling twelve months: a warning will be issued; however, if the Police Department or Fire Department responds to a location for which a permit for the Alarm System has not been issued, the property owner may be subject to a penalty pursuant to §89-13.
  - (2) For the second false alarm, per rolling twelve months: a warning will be issued; however, if the Police Department or Fire Department responds to a location for which a permit for the Alarm System has not been issued, the property owner may be subject to a penalty pursuant to §89-13.
  - (3) For the third through the fourth false alarm in any calendar year: \$100 for each false alarm.
  - (4) For the fifth through the sixth false alarm in any calendar year: \$200 for each false alarm.
  - (5) For the seventh false alarm and for each false alarm thereafter in any calendar year: \$500 for each false alarm.



- 708
- D. Each such payment provided for in §89-12C shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §89-13.
  - E. If the owner, lessee or user of any Alarm System fails to pay the false alarm fee within 30 days after receiving an invoice from the Township, the Township shall enforce such fee, together with interest at the legal rate and court costs, in a civil enforcement proceeding brought before a District Justice. Proceedings for collection thereof shall not affect or impair the Township's enforcement of this chapter pursuant to the penalty provisions of § 89-13 hereof.
  - C. Violation. It shall be a violation of this chapter for any person to activate or cause to be activated an Alarm System with the intent or for the purpose of sending a false alarm.

**§ 89-13. Violations and penalties.**

- A. Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Any person found liable of misuse, false activation or continual activation of an Alarm System shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less then \$100 and not more the \$600, plus all court costs, including reasonable attorneys fees, incurred by the Township. No judgment shall be imposed until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

**SECTION 2. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall become effective five days after its enactment as law provides.

ENACTED AND ORDAINED this       day of       , 2009.

ATTEST:

EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS

Secretary

E. Martin Shane, Chairman

Carmen R. Battavio, Vice Chairman

Dr. Thomas Clapper, Member

Joseph M. McDonough, Member

Donald McConathy, Member

EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

8. NEW BUSINESS  
A.  
3 pg

May 7, 2009

East Goshen Township  
Board of Supervisors  
1580 Paoli Pike  
West Chester, Pa. 19380

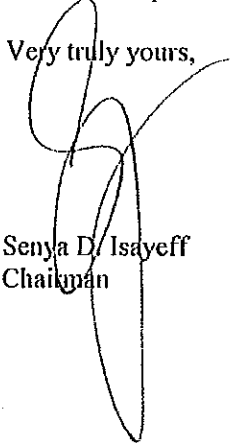
Re: National Bank of Malvern  
Zoning Variance  
53-3-1.9A

Dear Board Members:

At our meeting on May 6, 2009 the Planning Commission unanimously passed the following motion:

I move that we recommend that the Board of Supervisors oppose the variance request of National Bank of Malvern for the relief sought from §240-21.G and §240-33.B(5)(b). The conditions that create the need for this relief appear to be self-created, and the plan could be modified to meet the ordinance requirements.

Very truly yours,

  
Senya D. Isayeff  
Chairman

2083

**Memo**  
**East Goshen Township**  
**1580 Paoli Pike**  
**West Chester, PA 19380**

**Voice (610) 692-7171**

**Fax (610) 425-8950**

**E-mail [rsmith@eastgoshen.org](mailto:rsmith@eastgoshen.org)**



Date: May 7, 2009

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: National Bank of Malvern - Zoning Variances

The Planning Commission has recommended that the Board oppose the Bank's request for variances.

I would note that they are looking for three variances.

1. Parking in the front yard on Paoli Pike
2. Parking in the front yard on Airport Road
3. Side yard setback for the drive thru.

Clearly # 2 and # 3 are self imposed hardships.

As for #1 the parking area currently exists in the front yard of Paoli Pike. They clearly have not abandoned it since the paving is still in place.

If you recall a similar situation existed with respect to parking in the front yard at the Penn Liberty Bank and they were granted a variance to continue to park in the front yard.

Accordingly I would suggest that the Board support the request for a variance to park in the Paoli Pike front yard based on the fact that the parking currently exists and that it oppose the variance for parking in the front yard on Airport Road and the side yard variance for the drive thru.

PS: I have attached a marked up a copy of their plan. If they removed the parking in the Airport Road front yard they would still end up with +/- 110 spaces for the YMCA. I would also think that they could relocate the drive thru so that it conforms without to much trouble.

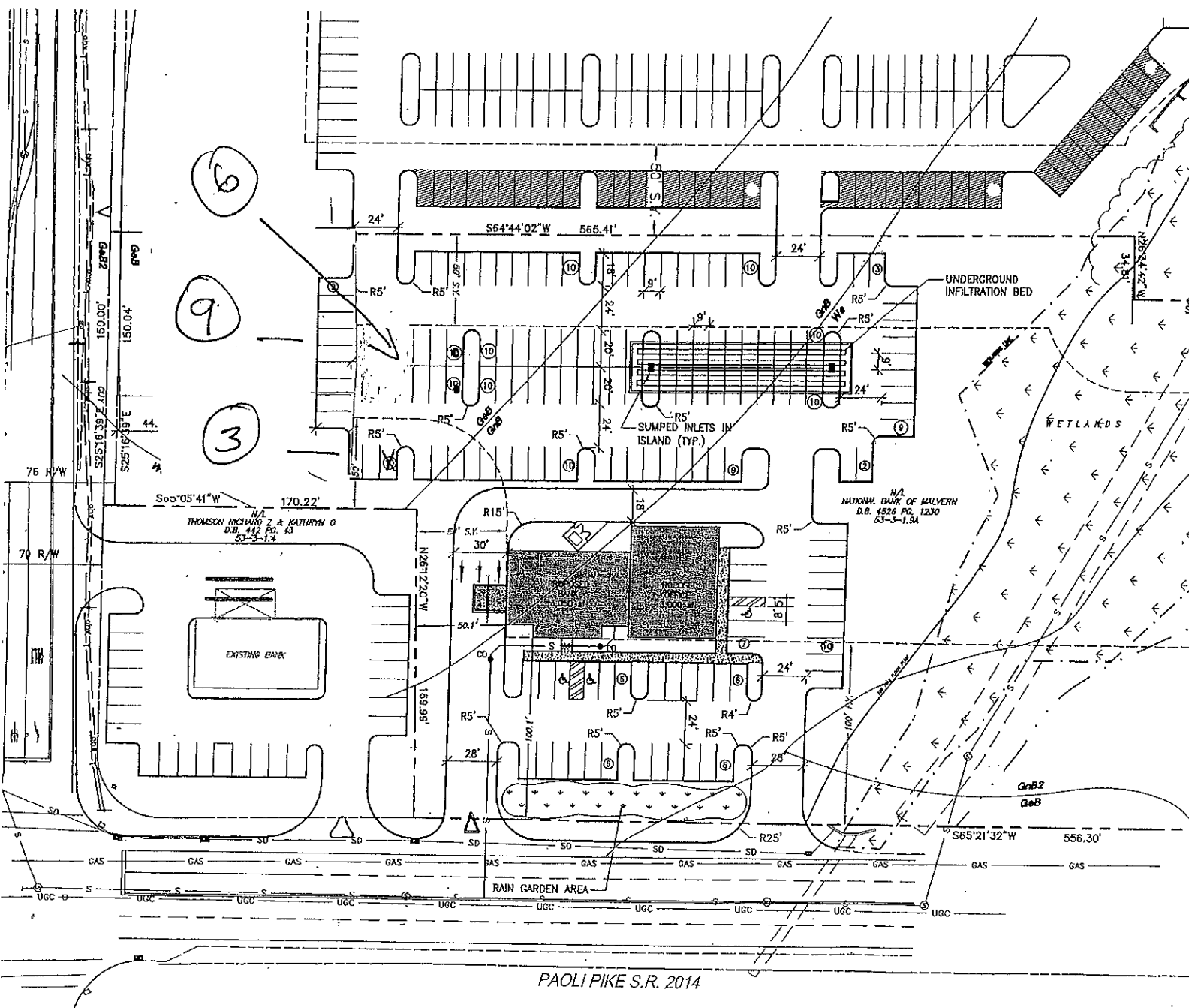
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ONING  
IG DATA (BP):

# BANK PARKING DATA

EXISTING	PROPOSED	BANK 1 SPACE/150 FLOOR AREA + 1 PER EMPLOYEE	REQUIRED	
			REQUIRED	PROPOSED
4.56 ACRES	4.56 ACRES		25 SPACES	2 HANDICAP SPACES 24 SPACES
		OFFICE		
		.5 SPACES PER 1,000 SF	15 SPACES	1 HANDICAP SPACE 15 SPACES 42 TOTAL SPACES
150 FEET 556.30 FEET	150 FEET 556.30 FEET	PARKING LOT FOR YACA		138 SPACES
150.66 FEET 555.65 FEET	150.66 FEET 555.65 FEET			
N/A	3.04%			
N/A	38.8%			
100 FEET	100.1 FEET			
50 FEET	50.1 FEET			
50 FEET	N/A			
N/A				

RECORD OWNER/APP.  
NATIONAL BANK OF MALVERN  
2 WEST KING STREET  
MALVERN, PA 19355-2410  
(610) 647-0100



EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

8. NEW BUSINESS  
D.  
1 pg

May 7, 2009

East Goshen Township  
Board of Supervisors  
1580 Paoli Pike  
West Chester, Pa. 19380

Re: Zoning Variance Application, Richard Miller, 16 Reservoir Rd.  
Use Variance  
TPN: 53-6-79

Dear Board Members:

At our meeting on May 6, 2009 the Planning Commission passed the following motion:

I move that we recommend that the Board of Supervisors oppose the variance application for Richard Miller at 16 Reservoir Rd. The standards for granting a variance have not been met by the applicant, the variance is not needed to enable a reasonable use of the property, no hardship has been presented and the variance, if granted, could alter the essential character of the neighborhood.

Very truly yours,

Senya D. Isayeff  
Chairman

8. NEW BUSINESS  
E  
1pg

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 09-49**

**A RESOLUTION REGARDING COLLATERALIZATION  
OF TOWNSHIP DEPOSITS**

**BE IT RESOLVED THAT** the East Goshen Township Board of Supervisors hereby adopts the following policy:

Custodial credit risk is the risk that, in the event of a bank failure, the Township's deposits may not be returned to it. The Township uses both insurance provided by the Federal Deposit Insurance Corporation and collateralization to guard against custodial credit risk. Under the Township's current procedures, in addition to the insurance provided by the Federal Deposit Insurance Corporation, deposits held by banking institutions are fully collateralized. The Township requires all of its banking partners to pledge collateral held by an independent third-party institution, not in the Township's name, in the amount of at least 102% of the deposit value.

**RESOLVED AND ADOPTED**, this 12<sup>th</sup> day of May, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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B. NEW BUSINESS  
F.  
1pg

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 09-50**

**A RESOLUTION AUTHORIZING PARTICIPATION IN  
THE WEST CHESTER AREA REGIONAL EMERGENCY  
MANAGEMENT GROUP.**

WHEREAS, the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. section 7501 mandates that all Commonwealth municipalities provide emergency management in order to plan for, respond to and recover from major emergencies or disasters within their communities; and

WHEREAS, the National Incident Management System has created the standards by which emergency management is to be provided by all levels of government; and

WHEREAS, Act 93 of 2008 amends Title 35 to create a system of intrastate mutual aid between participating political subdivisions within this Commonwealth, whereby each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets; and

WHEREAS, East Goshen Township strives to meet the challenges of protecting citizens during times of major emergencies or disaster;

BE IT RESOLVED THAT the East Goshen Township Board of Supervisors doES hereby approve for East Goshen Township to actively participate as a member of the West Chester Area Regional Emergency Management Group.

**RESOLVED AND ADOPTED**, this 12<sup>th</sup> day of May, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
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B. NEW BUSINESS  
G.  
1pg

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 09-104**

**A RESOLUTION APPOINTING DELEGATES TO THE  
CHESTER COUNTY TAX COLLECTION COMMITTEE**

**WHEREAS**, Act 32 § 505 (b) requires governing bodies of school districts, townships, boroughs, and cities to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives.

**BE IT RESOLVED THAT** the East Goshen Township Board of Supervisors hereby appoints the following:

**Voting Delegate: Joe Gill**

**1<sup>st</sup> Alternate Delegate Don McConathy**

**2<sup>nd</sup> Alternate Delegate Marty Shane**

**RESOLVED AND ADOPTED**, this 12<sup>th</sup> day of May, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



WOOLDRIDGE CONSTRUCTION OF PA., INC. 1pg

1389 East Boot Road  
West Chester, PA 19380  
(610) 436-8900 Phone  
(610) 436-5162 Fax

May 7, 2009

East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Attn: Mr. Mark Gordon – Zoning Officer  
RE: Sullivan's Grove – Extension period

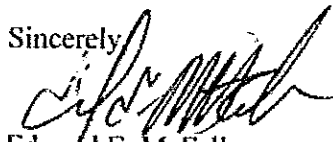
Dear Mark:

Please accept this letter as the grant by Wooldridge Construction of PA, Inc. of an extension for the review period of the subdivision plans for Sullivan's Grove out to and through August 31, 2009.

I believe all the engineering and landscaping issues are resolved. I owe you a revised Declaration. We just got another revision request from PennDot to add to Declaration about curbing. I know Rick Smith just sent a letter to DEP on the Planning Module issue.

Thank you for your usual cooperation and consideration.

Sincerely,

  
Edward E. McFalls  
Vice President

# BOARD OF SUPERVISORS EAST GOSHEN TOWNSHIP

CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

## FIRE MARSHAL'S REPORT ---- APRIL 2009

8 CALLS CONSISTING OF 4 FIRES, 2 AUTOMATIC ALARMS, 1 FEUL SPILL and 1 SMOKE INVESTIGATION: PLUS 12 INSPECTIONS, 2 FOLLOW-UPS, 1 COMPLAINT, 1 SEMINAR, 1 AUTOMOBILE ACCIDENT, 1 FIRE EQUIPMENT DISPLAY, 1 FIRE SAFETY PROGRAM and 1 MEETING:

4/1/09 INSPECTION: annual: 1385 Enterprise Drive: TNS Media Intelligence.

4/2/09 INSPECTION: annual: 1380 Enterprise Drive: TNS Media Intelligence.

4/2/09 Fire: 2419 Pondview Drive: appliance.

4/5/09 AUTOMATIC FIRE ALARM: Pheasant Run Road: Erenner.

4/5/09 FIRE: with Mark: 978 Kennett Way, Hershey's Mill: Delores Costantine: discarded smoking material: heavy fire damage to 978 and smoke and water damage to 976.

4/6/09 FEUL SPILL: Paoli Pike & Route 352.

4/6/09 FOLLOW-UP: 978 Kennett Way, Hershey's Mill.

4/8/09 AUTOMATIC FIRE ALARM: Genuardi's: 1375 Boot Road.

4/9/09 INSPECTION: 1342 West Chester Pike, Bicycle Center: fire extinguishers need updating.

4/9/09 INSPECTION: 1342 West Chester Pike, Summerset Studios: fire extinguishers need to be updated.

4/9/09 COMPLAINT: burning: 959 Cornwallis Drive: burning leaves and brush creating a lot of smoke: Hershey's Mill residents complained.

4/13/09 INSPECTION: with Mark: 1373 Enterprise Drive, CTDI: ansol suppression system in kitchen.

4/14/09 SEMINAR: Emergency Management Response Recovery at Wagontown Fire Company.

4/15/09 INSPECTION: annual: 1301 Wilson Drive, Mars Drinks.

4/15/09 INSPECTION: follow-up: with Mike & Gary: 1373 Enterprise Drive: CTDI kitchen for U & O.

2007

BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP

PAGE "2"

4/15/09 FIRE SAFETY PROGRAM: 1308 West Chester Pike, Racquet Club Apartments for Holcomb Associates group: hazards of smoking.

4/22/09 INSPECTION: open Knox Box for West Goshen at 1207 West Chester Pike: Citadel.

4/22/09 INSPECTION: annual: 1373 Enterprise Drive: CTDI.

4/23/09 FIRE EQUIPMENT DISPLAY: with Goshen Fire Company at Comcast for Take Your Child To Work Day.

4/23/09 INSPECTION: final: 2 Waterview Road, Jumbo Pizza for U & O.

4/27/09 FIRE: Ridley Creek Lane: brush.

4/27/09 FIRE: Boot Road & Paoli Pike: mulch.

4/28/09 INSPECTION: annual: 1305 Goshen Parkway: CTDI.

4/29/09 MEETING: with maintance supervisor for Bellingham reviewing plans for evacuation in case of an emergency.

4/29/09 SMOKE INVESTIGATION: 1316 West Chester Pike, Rose Hill 1: Apt. A 2: Wien Derick: odor from collection of garbage in the apartment: apartment is a potential fire hazard; there will be a follow-up.

4/29/09 AUTOMOBILE ACCIDENT: 1182 Princeton Lane.

4/30/09 INSPECTION: after a complaint from Ms. Marovick, 8 Brookmont Drive concerning brush piled up around trees on Malvern Institute property: I found no violations: suggested she post NO Trespass signs on her property.

4/30/09 FOLLOW-UP: Rose Hill 1, Apartment A 2: the apartment has been cleaned up.

Ralph F. Brown

Fire Marshal

*Ralph Brown*

3087

**Fire Police Statistics  
for  
Apr, 2009**

**Report Created  
5/5/2009 21:00**

**Calls** 39

**Hours in Service** 157

**Calls 2 Hours Or Longer** 3

**NATURE**

Amb Assist 3

Appliance Malfunction 1

Automatic Alarms 2

Brush 2

Building 1

Dwelling 1

Fire 1

Fuel Spill 2

Mutual Aid to East Whiteland 1

Mutual Aid To Malvern 1

Mutual Aid To West Chester 2

MVA 17

Odor Investigation 1

Rescue 1

Trees & Wires 2

Vehicle Fire 1

**TASKS**

A - Closed Road 13

B - Ran with Single Lane 7

C - Used Cones 14

D - Needed Crowd Control 4

F - Used Flares 2

G - Recall 7

H - Closed Turn Lane 9

I - Blocked Access 20

M - Cone Signs 3

O - No Services Required 11

P - LED Arrow Sign 6

**MUNICIPALITIES**

East Goshen 13

East Whiteland 1

Thornbury (Chesco) 1

West Chester 1

West Goshen 13

Westtown 3

Willistown 7

**Day Calls** 30

**Night Calls** 9

**Crew**

Abel, Bill 2

Grothmann, Jason 4

Guarino, Rich 1

Harlan, Bruce 6

Heist, Stan 12

Herman, Ralph 19

Herr, Vickie 10

Jackson, Greg 9

Jorgensen, Robert 3

Keslick, Bill 7

Manley, John 11

Molnar, David 26

Myers, Charlie 24

Pentek, Alex 1

Salas, Phil 3

Sherbourne, Scott 3

Smith, Jack 25

Verno, Ralph 16

Wentzel, Jill 1

**Total Crew Responding** 183

**Traffic 54**

Responded 6

Miles Traveled 39

**Fire Police Year-to-Date Statistics**  
for  
2009

Report Created  
5/5/2009 21:00

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
<b>Calls</b>	37	47	61	39									184
<b>Hours in Service</b>	81	138	136	157									512
<b>Calls 2 Hours or Longer</b>	2	4	3	3									12
<b>NATURE</b>													
Amb Assist	3	6	5	3									17
Appliance Malfunction	1		1	1									3
Assist PD			2										2
Automatic Alarms	2	2	7	2									13
Brush	2	2	1	2									7
Building	2		1	1									4
CO Detector Activation	1	2	3										6
Dwelling	1	3	3	1									8
Fire		3	2	1									6
Fuel Spill		1	1	2									4
Gas Leak	1	1	5										7
Mutual Aid	1	1											2
Mutual Aid to East Whiteland	2			1									3
Mutual Aid To Malvern	1	2	1	1									5
Mutual Aid To West Chester		3	4	2									9
Mutual Aid to West Whiteland			1										1
MVA	16	14	18	17									65
Odor Investigation	1	2	2	1									6
Ped Struck	1		1										2
Rescue				1									1
Smoke in Building	1												1
Transformer		1											1
Trash		1	1										2
Trees & Wires		3		2									5
Vehicle Fire	1		2	1									4
<b>TASKS</b>													
A - Closed Road	11	11	18	13									53
B - Ran with Single Lane	8	8	14	7									37
C - Used Cones	14	18	20	14									66
D - Needed Crowd Control	3	4	4	4									15
F - Used Flares	8	2	8	2									20
G - Recall	8	6	8	7									29
H - Closed Turn Lane	5	5	10	9									29
I - Blocked Access	20	25	26	20									91
J - Be Prepared to Stop Sign			3										3
L - Emerg. Scene Ahead Sign			2										2
M - Cone Signs	2	1	3	3									9
N - NightScan on Traf54	4		2										6
O - No Services Required	5	8	5	11									29

Goshen Fire Company

507

P - LED Arrow Sign	5	3	3	6	17
<b>MUNICIPALITIES</b>					
East Goshen	12	22	20	13	67
East Whiteland	2			1	3
Edgemont	1				1
Malvern		1			1
Thornbury (Chesco)				1	1
West Chester		3	2	1	6
West Goshen	14	14	20	13	61
West Whiteland		1	2		3
Westtown	6	2	12	3	23
Willistown	2	4	5	7	18
<b>Crew</b>					
Abel, Bill	7	11	10	2	30
DeBello, Tony		4			4
Grothmann, Jason	9	1	17	4	31
Guarino, Rich	4		3	1	8
Harlan, Bruce	1	2	4	6	13
Heist, Stan	1		7	12	20
Herman, Ralph	11	22	28	19	80
Herr, Vickie	2	9	14	10	35
Jackson, Greg	9	11	14	9	43
Jorgensen, Robert				3	3
Keslick, Bill		5	3	7	15
Keslick, Nancy		1			1
Manley, John	16	15	21	11	63
Molnar, David	18	27	38	26	109
Myers, Charlie	23	22	24	24	93
Pentek, Alex	1			1	2
Rennard, Steve		1	1		2
Salas, Phil	7	7	3	3	20
Sherbourne, Scott	3	2	2	3	10
Smith, Jack	28	37	35	25	125
Smith, Sue		1			1
Verno, Ralph	14	23	22	16	75
Wentzel, Jill	2	5	1	1	9
<b>Crew Totals</b>	<b>156</b>	<b>206</b>	<b>247</b>	<b>183</b>	<b>792</b>
<b>Day Calls</b>	<b>27</b>	<b>33</b>	<b>43</b>	<b>30</b>	<b>133</b>
<b>Night Calls</b>	<b>10</b>	<b>14</b>	<b>18</b>	<b>9</b>	<b>51</b>
<b>Traffic 54</b>					
Responses	7	5	19	6	37
54 Mileage	54	22	88	39	203
<b>Traffic 56</b>					
Responses	2		4		6
56 Mileage	22		13		35

**Ambulance Year-to-Date Statistics  
for  
2009**

	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>TOT</b>
<b>Calls</b>	316	254	242	223	1035
<b>Career Only Crews (62%)</b>	193	160	148	136	637
<b>Blended Crews (4%)</b>	20	4	13	4	41
<b>Volunteer Only Crews (34%)</b>	103	90	81	83	357
<b>Calls To:</b>					
<b>Type Calls</b>					
<b>Patients Treated</b>					
<b>Patients 65 and Over</b>					
<b>Patients Treated by ALS Units</b>					
<b>Township Statistics</b>					
<b>Number of Patients Transported</b>					
<b>Calls from 6AM to 5PM</b>	190	150	142	123	605
<b>Calls from 5PM through 11PM</b>	81	55	63	65	264
<b>Calls from 11PM to 6AM (Night Crew)</b>	45	49	37	35	166



7087

# Goshen Fire Company

## Fire Report April 2009

	Month	YTD		
<b>Incident Responses (Total)</b>	35	212	<b>Calls by Type</b>	
<b>Station 54 (Park Avenue)</b>	25	153	Assist Police	
<b>Station 56 (Boot Rd.)</b>	10	59	Auto Accident	3
			Auto Accident	1
<b>Calls by Township</b>			Brush Fire	2
East Goshen	15	94	Building / Dwelling	3
West Goshen	7	51	Chimney	
Westtown	5	33	CO Incident	
Willistown	7	20	Cooking Fire	1
Malvern	1		Electrical Utility	3
West Chester	1		False Fire or CO Alarm	7
			Good Intent Call	7
			Hazmat	2
			Heater / Furnace	
<b>Total Firefighters Responding</b>	340	2019	Helicopter LZ	
<b>Average Turnout</b>	10	10	Medical Assist	3
<b>Staff-hours</b>	195.5	5460	Overpressure/Rupture	
<b>Total Time In Service</b>	20h	2278	Rescue	
<b>Property Value</b>	\$500k	\$3.98M	Relocate	
<b>Property Loss</b>	\$500k	\$592k	Service Call	3
<b>Property Saved</b>		\$3.38M	Trash Fire	
			Vehicle Fire	1
			<b>Civilian Injury</b>	
<b>Firefighter Injuries</b>	0		<b>Civilian Fatality</b>	

04/05 17:56	978 Kennett Way, East Goshen	Building Fire
04/13 17:52	173 Grubb Rd., Willistown	Building Fire
04/29 11:01	1182 Princeton Lane, East Goshen	MVA w/entrapment

**BOARD OF SUPERVISORS MEETING**

**WORKSHOP**

**May 12, 2009**

**7:00 PM**

1. Review meeting agenda
2. Review invoices
3. BOS Pending Actions List
4. Metered Billing Update
5. Any Other Matter
6. Liaison Reports
7. Subdivisions/Land Developments/ZHB Applications
8. Public Comment
9. FYI
  - a. Dept. of Community and Economic Development

**EXECUTIVE SESSION - Police**

*Reminder –*

**NEWSLETTER ARTICLE SUBMISSION DUE DATES:**

August 12, 2009

November 10, 2009

**DELIVERY DATE:**

October 1, 2009

January 1, 2010



# FYI

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
HARRISBURG, PA 17120

OFFICE OF SECRETARY

April 30, 2009

Dear Fellow Pennsylvanian:

The big topic around the state is the federal stimulus bill (the American Recovery and Reinvestment Act [ARRA])—more specifically, what money is available and how can I or my agency or company participate? We thought it might be helpful to summarize the type and amount of funds coming into or passing through the Department of Community and Economic Development (DCED) so you can determine whether any of those funds could be used by you or your constituents.

DCED will receive, or be responsible for monitoring or disbursing, the following ARRA funds:

**Weatherization** – DCED will be responsible for administering \$252.8 million of weatherization funds pursuant to a state plan based on existing Department of Energy weatherization guidelines. A draft of the state plan has been posted on our web site and is available for comment through May 5. Funds will be allocated initially within the current weatherization network, which consists of local governments and non-profits. Eligible clients are low income (less than or equal to 200 percent of federal poverty income guidelines). It is anticipated that approximately 25,000 residential units may be weatherized throughout Pennsylvania with these funds. If you have any questions about this program or the proposed plan, please contact JamesEtta Reed (DCED) at (717) 787-1984.

**Community Development Block Grant (CDBG)** - \$46.4 million of ARRA funds have been allocated to "federal entitlement communities," with project approval directly by the U.S. Department of Housing and Urban Development (HUD). \$10.6 million have been allocated to "state entitlement communities" through DCED, and \$1.6 million will be disbursed by DCED on a competitive basis per existing DCED guidelines to non-state entitlement and state entitlement communities with populations under 10,000 *if* 75 percent of their entitlement funds are being used for the project for which discretionary funds are sought. The uses of these funds include infrastructure, community facilities, rehab of low/moderate income housing, demolition of blighted structures, job training and placement, housing counseling, food pantries, meals-on-wheels and nutrition education. Final guidance from HUD is anticipated by early May. Feel free to contact Donna Enrico (DCED) at (717) 787-5327 for additional information. If you have a specific project proposal, please contact your local municipal officials.

April 30, 2009

Page two

**Neighborhood Stabilization Program** - \$2 billion are to be awarded nationally on a competitive basis. There is no funding guaranteed for Pennsylvania, but we are hopeful of being successful in securing some of these funds through the competitive process. Moreover, it is assumed that the NSP direct allocation communities of Philadelphia, Allentown, Pittsburgh, and Allegheny and York counties will receive NSP allocations. Permitted uses include the purchase, rehabilitation and financing of foreclosed properties. HUD anticipates issuing selection criteria very soon. Please contact Donna Enrico (DCED) at (717) 787-5327 for additional information.

**Homelessness Prevention and Rapid Re-housing Program** - \$66.6 million are to be disbursed to communities receiving a direct allocation from HUD, and \$23.4 million are to be disbursed by DCED pursuant to guidelines that are being developed. The permitted uses for the funds are short and medium-term rental assistance, housing relocation, credit repair, security and utility deposits, homelessness prevention, rapid re-housing assistance for homeless people and data collection/evaluation. Final guidance is anticipated by early May. Please contact Mary J. (M.J.) Smith (DCED) at (717) 787-5327 for additional information.

**Community Services Block Grant** - \$41.5 million have been allocated to the existing Community Action Agency network, with a focus on employment-related services and activities that create and sustain economic growth. ARRA funds also may be used to support the regular CSBG program to provide services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services and/or health to combat the central causes of poverty. For further information, please contact JamesEtta Reed (DCED) at (717) 787-1984.

**Broadband** – Broadband Technology Opportunities Program (BTOP). \$4.7 billion are to be awarded nationally on a competitive basis, with a 20 percent match required. Permitted used include infrastructure deployment and technical assistance, development and maintenance of broadband industry map, construction of broadband infrastructure (shovel-ready), broadband education, and expansion of public computer center capacity.

**Broadband** – Distance Learning, Telemedicine and Broadband Program. \$2.5 billion are to be awarded nationally on a competitive basis. Permitted uses include infrastructure deployment and technical assistance, benefiting areas where at least 75 percent of the area served is rural and lacking sufficient access to high speed broadband service to facilitate rural economic development, as determined by the U.S. Secretary of Agriculture.

The Pennsylvania Office of Administration (OA) is spearheading, with DCED involvement, our state's strategy and federal application for both broadband programs. OA and DCED are in the process of identifying un-served and under-served areas, planning public meetings around the state for input on broadband initiatives, and holding individual meetings with providers and industry association members. You may contact Tony Marsico (DCED) at (717) 214-5828 for additional information.

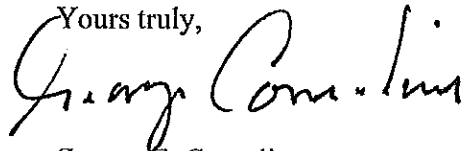
April 30, 2009

Page three

We appreciate the interest in ARRA and will work to provide you with the most current information as we receive it. Please continue to access our website [www.newpa.com](http://www.newpa.com) and the Governor's website at [www.recovery.state.pa.us](http://www.recovery.state.pa.us) for updates. If you have specific questions that do not fall under one of the categories above, please contact DCED's ARRA Coordinator, Bryce Maretzki, at (717) 787-3003.

Our objective is to make the process simple and straight-forward and to disburse ARRA funds into qualified applicants' hands as quickly as possible so that, hopefully, we can jumpstart our economy. If there is any uncertainty in your mind about your eligibility or any other aspect of the programs, please don't hesitate to reach out to us.

Yours truly,

A handwritten signature in black ink, appearing to read "George E. Cornelius". The signature is fluid and cursive, with a large initial "G" and a distinct "E" and "C".

George E. Cornelius  
Acting Secretary