

**AGENDA**  
**EAST GOSHEN TOWNSHIP**  
**BOARD OF SUPERVISORS**  
**WORKSHOP**  
**Tuesday, July 14, 2009**  
**7:00 PM**

1. Invoices
2. Minutes – July 7, 2009
3. Property Tax Relief
4. Review items for 7/21/09 meeting
  - a. Decisions
  - b. National Bank of Malvern
  - c. Interest Ordinance
  - d. Metro PCS
5. Request from Body One Wellness to hold an event at the Goshen Corporate Park
6. Red Flag Rules
7. Action List
8. Any Other Matter
9. Subdivisions/Land Developments /ZHB Applications – no new applications
10. Public Comment
11. Acknowledge

1% Sales Tax

Property Tax Relief WORKSHOP 3. 5pgs



COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA | PA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS |  
PA LEAGUE OF CITIES AND MUNICIPALITIES | PA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS | PA STATE ASSOCIATION OF BOROUGHES

## COUNTY AND MUNICIPAL PROPERTY TAX RELIEF AND COLLABORATIVE SERVICES ACT KEY ELEMENTS

The County and Municipal Property Tax Relief and Collaborative Services Act permits counties to levy a 1% sales, use and occupancy tax, to be shared with municipalities in the county. The legislation is designed to reduce local reliance on the real property tax and to find local solutions to the fiscal and service delivery crisis that also faces local government. It includes provisions for mandatory property tax and homestead reductions, it recognizes municipalities with difficult financial conditions, it recognizes the tax exempt property burden, and it provides meaningful funding for municipal collaborative services.

### Optional County Levy

- Optional 1% sales, use and occupancy tax, on the same base as the state
- Enacted by the governing body of the county
- Collected by the Department of Revenue and redistributed by the Treasurer

### Distribution of Funds

- 50% of proceeds distributed to levying county
- 40% of proceeds distributed to qualified municipalities within the county, half based on tax effort and half based on relative population *60% prop or tax relief or 40% other tax relief*
- 10% of proceeds deposited in a Municipal Collaborative Efforts Fund within the county

### County Use of Proceeds

- Minimum of 60% must be used for dollar-for-dollar homestead and property tax reductions
- No more than 40% may be used for general fund purposes

### Municipal Use of Proceeds

- Minimum of 60% must be used for dollar-for-dollar homestead and property tax reductions or to offset property tax revenue lost to exempt property
- No more than 40% may be used for general fund purposes

### Municipal Collaborative Efforts Fund

- Funds municipal services provided pursuant to Intergovernmental Cooperation Act agreement or other multi-municipal contractual relationship
- Governed by a Municipal Collaborative Efforts Board of three to seven voting members and one non-voting member, all elected officials from within the county appointed by the county commissioners, with a minimum of one voting member from each class of municipality
- Board awards funds by grant based on annual application

### Other Provisions

- Municipalities qualify for their share by adopting, in advance, an ordinance supporting county enactment of the tax
- Where a county has not acted, the county may be required to levy the tax by municipal initiative adopted by municipal governing bodies representing 60% of the population of the county
- Any county or municipality may allocate a portion of its share to municipal collaborative efforts
- First class and second class counties excluded from the act

Barb + Andy

County and Municipal Property Tax Relief and Collaborative Services Act  
Revenue Estimates

Municipality	Revenue Estimate*	Municipality	Revenue Estimate*	Municipality	Revenue Estimate*
Allentown	9,127,653	Lancaster	5,789,467	Sunbury	877,425
Altoona	4,468,578	Latrobe	406,449	Titusville	333,111
Arnold	501,327	Lebanon	1,742,387	Tobyhanna	271,629
Bethlehem	3,524,432	Lock Haven	359,358	Uniontown	No data at DCED
Bloomsburg	625,740	Lower Burrell	557,441	Upper St. Clair	Not applicable
Bradford	1,130,952	Malvern	250,792	Warren	565,224
Butler	1,514,109	Mansfield	129,023	Warrington Township	840,855
Carbondale	411,053	McKeesport	Not applicable	Washington	935,407
Carlisle	1,866,994	Meadville	503,045	West Chester	1,639,095
Chalfont	193,172	Middletown	769,193	Wilkes-Barre	3,759,724
Chambersburg	955,902	Millersville	557,629	Williamsport	1,792,746
Clairton	Not applicable	Monessen	439,332	York	4,003,421
Coatesville	1,537,330	Monongahela	494,772		
Connellsville	1,128,376	Mt. Lebanon	Not applicable		
Corry	304,113	Murrysville	749,407		
DuBois	365,739	Nanticoke	No data at DCED		
East Vincent	302,828	New Castle	1,726,129		
East Stroudsburg	549,704	New Freedom	124,815		
Easton	1,235,049	New Kensington	772,423		
Ebensburg	93,288	Newtown	898,546		
Edinboro	196,518	North York	91,525		
Erie	6,185,387	Oil City	624,002		
Farrell	206,726	Philadelphia	Not applicable		
Ferguson	573,757	Pittsburgh	Not applicable		
Franklin	335,560	Pittston	477,559		
Gettysburg	446,627	Pottsville	660,391		
Green Tree	Not applicable	Reading	8,552,723		
Greensburg	954,024	Red Lion	284,853		
Harrisburg	5,782,695	St. Marys	413,215		
Heritage	449,271	Scranton	4,382,402		
Indiana	675,529	Sewickley	Not applicable		
Jeanette	602,141	Shamokin	1,519,073		
Johnstown	1,822,587	Sharon	1,275,718		
Kingston	293,914	Shippensburg	444,235		
Kutztown	225,489	State College	1,814,314		
		Steelton	770,584		

\*Revenue estimates are based on 2006 data available through DCED's web based database. In some cases 2005 data was used if there was no 2006 data available.

These estimates are subject to change as new data becomes available.

These estimates are also subject to change as tax revenues fluctuate.

These figures reflect the estimated revenue coming into a municipality after 10% for the collaborative efforts fund and before any property tax reduction is applied.

County and Municipal Property Tax Relief and Intergovernmental Collaboration Act  
Revenue Estimates

Municipality	Revenue Estimate*	Municipality	Revenue Estimate*	Municipality	Revenue Estimate*
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Connellsville	1,128,376	Mt. Lebanon	Not applicable		
Corry	304,113	Murrysville	749,407		
DuBois	365,739	Nanticoke	No data at DCED		
East Vincent	302,828	New Castle	1,726,129		
East Stroudsburg	549,704	New Freedom	124,815		
Easton	1,235,049	New Kensington	772,423		
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These estimates are subject to change as new data becomes available.

These estimates are also subject to change as tax revenues fluctuate.

These figures reflect the estimated revenue coming into a municipality after 10% for the collaborative efforts fund and before any property tax reduction is applied.

**Summary of County and Municipal Property Tax Relief  
and Intergovernmental Collaboration Act  
House Bill 1682**

**Generally**

A county shall have the power and may by ordinance levy, assess and collect the sales and use tax on tangible personal property and services at a rate of 1%. The tax shall be imposed on each separate sale at retail of tangible personal property or services and levied on the same base as the Commonwealth. The tax shall be collected by the vendor and paid over to the Commonwealth.

**Levy Procedure**

A county desiring to impose the sales and use tax shall give 60 days written notice to every municipality located in the county and shall adopt an ordinance after the 60 day notice period. Prior to adoption the county shall give public notice and conduct at least one public hearing. In order to share in the revenue, each municipality must adopt an ordinance supporting the county levy; these municipalities are termed "qualified" under the act. A municipality that does not enact an ordinance may not receive any distribution from funds collected for the first 36 months immediately following the imposition of the tax. Municipalities that do not support the county levy are termed "nonqualified" by the act and their share of revenue will revert to the county.

After one year following the effective date of the act, if the governing body of a county has not elected to impose the tax, municipalities in the county may require the county to act through an initiative process. Municipalities representing 60% of the population of the county can present ordinances in support of a county levy. The rest of the municipalities will then have the opportunity to pass ordinances to receive their share of the revenue.

**Disbursement**

On or before the tenth day of every month, the state treasurer shall make disbursements on behalf of the county imposing the tax out of the moneys which are contained in the respective county sales and use tax fund.

The state treasurer shall disburse 50% of the tax collected revenue to the county; 40% to the qualified municipalities under the formulas explained below; and 10% to the Municipal Collaborative Efforts Fund within each county.

**Formula for Municipal Share**

The state treasurer shall compute the individual municipal allocations as follows:

50% shall be distributed pro rata based on each municipality's weighted tax revenues as a percentage of the total weighted tax revenues of all municipalities located in the county.

50% shall be distributed pro rata based on each municipality's population as a percentage of the sum of the population of all municipalities in the county.

Calculations of the above formulas shall be made by the Department of Community and Economic Development annually and certified by the state treasurer.

“Weighted Tax Revenues” is defined as – total tax revenues from all sources of a municipality divided by the per capita market value of that municipality.

### **Stipulated Uses for Revenue**

#### **Counties:**

In the first year of implementation, no less than 60% of the revenue shall be used to offset the revenue lost as a result of the prohibition against levying certain “nuisance” taxes, then to reduce county real property taxes by means of a homestead exclusion and then if the maximum exclusion is attained by means of a reduction in the millage rate.

Revenues received and retained by a county from the tax shall be expended for public purposes authorized by statutes governing counties.

#### **Municipalities:**

In the first year of implementation, no less than 60% of the revenue shall be used to offset the real property tax first by means of the homestead exclusion and then if the maximum homestead exclusion is attained by means of a reduction in millage rate or to offset lost municipal revenue based on the value of tax exempt property.

If in the first year of implementation, 60% of the amount of revenues received by a qualified municipality exceeds the sum of the amount of property tax and tax-exempt offsets available then the excess revenue shall be used to offset any municipal tax or fee or to make a supplemental appropriation to the Collaborative Efforts Fund.

Revenues received and retained by a qualified municipality for the tax shall be expended for public purposes of health, safety, and welfare as provided in the municipal governing statutes.

### **Municipal Collaborative Efforts Program**

Upon levy of the sales tax within a county, a Municipal Collaborative Efforts Board shall be established. The purpose of which is to provide grants to collaborative municipal projects within the county that meet criteria established by the Board.

Membership on the Board shall be comprised of three to seven voting members and one non-voting member all of whom shall be elected officials from qualified municipalities in the county. The Board shall include at least one representative from each class of municipality within the county.

The board of county commissioners of the county shall appoint members to the Collaborative Efforts Board from nominations made by the qualified municipalities in the county. The commissioners shall appoint members in reasonable proportion to the number of municipalities within each class of municipality within the county. Prior to appointment, the commissioners shall submit the nominees to the councils of governments and county associations of municipalities, if any, for review and comment. Initial appointments shall be made within 60 days of a county levying the tax.

Disbursement of funds shall be made at the discretion of the Board to one or more qualified municipalities or groups of qualified municipalities organized for the purpose of providing collaborative government services. Nonqualified municipalities are ineligible for funds under this section unless the funding is pursuant to an agreement with qualified municipalities.

This act shall not apply to Philadelphia and Allegheny counties.

Decisions

WORKSHEET  
4.  
6 pgs

EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
1580 PAOLI PIKE  
WEST CHESTER, PENNSYLVANIA  
19380

June 15, 2009

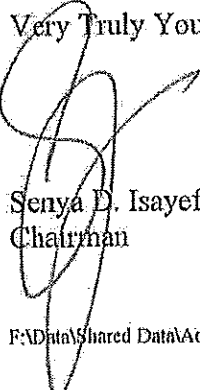
Board of Supervisors  
East Goshen Township  
1580 Paoli Pike  
West Chester, Pa 19380

Re: Zoning Amendment  
Sections 240-31, 240-55 and 240-59

Dear Board Members:

At our meeting on May 6, 2008 the Planning Commission unanimously passed a motion to recommend that the Board of Supervisors approve the amendments to Sections 240-31, 240-55 and 240-59 of the Township Code.

Very Truly Yours,



Senya D. Isayeff  
Chairman

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TOWNSHIP OF EAST GOSHEN  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF EAST GOSHEN TOWNSHIP, CHAPTER 240, TITLED "ZONING", TO BE CONSISTENT WITH ACT 39 OF 2008, SPECIFICALLY SECTION 240-31 TO SPECIFY NOTICE PROCEDURES REGARDING FINAL DECISIONS BY THE BOARD OF SUPERVISORS ON CONDITIONAL USE APPLICATIONS; SECTION 240-55 TO REMOVE FROM THE JURISDICTION OF THE ZONING HEARING BOARD APPEALS WHICH CHALLENGE THE PROCEDURAL VALIDITY OF A ZONING ORDINANCE AMENDMENT AND SECTION 240-59 REGARDING FINAL DECISIONS BY THE ZONING HEARING BOARD ON ZONING APPLICATIONS.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of East Goshen Township, Chester County, Pennsylvania, that Chapter 240 of the East Goshen Township Code, titled "Zoning" is amended as follows:

**SECTION I.** Section 240-31, titled "Conditional uses; additional standards for specific principal uses," Subsection B(6)(g) is deleted in its entirety and shall be replaced by the following:

"(g) Notice of decision.

[1] A copy of the final decision, or where no decision is called for, a copy of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all persons who have filed their names and addresses by the last day of the hearing with the Board of Supervisors, the Supervisors shall provide (in person, by mail or otherwise), not later than the day following the date of the decision, a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined."

**SECTION II.** Section 240-55, titled "Zoning Hearing Board," Subsection E.(1)(b) shall be deleted in its entirety and marked "Intentionally Omitted."



**SECTION III.** Section 240-59, titled "Hearings and procedures" Subsection D(11) is deleted in its entirety and shall be replaced by the following:

"(11) Notice of decision.

[a] A copy of the final decision, or where no decision is called for, a copy of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all persons who have filed their names and addresses by the last day of the hearing with the Zoning Hearing Board, the Board shall provide (in person, by mail or otherwise), not later than the day following the date of the decision, a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined.

[b] When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within 10 days in the same manner as provided in Subsection 240-59D(1)."

**SECTION IV. SEVERABILITY.** If any provision, 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 provision, sentence, clause, section or part thereof not been included herein.

**SECTION V. 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 VI. EFFECTIVE DATE.** This Ordinance shall become effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP**

ATTEST: \_\_\_\_\_  
Joseph Gill, Secretary

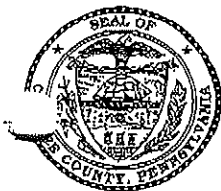
\_\_\_\_\_  
E. Martin Shane, Chairman

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

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

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

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



# THE COUNTY OF CHESTER

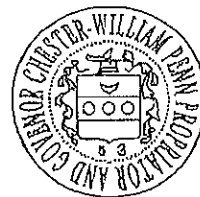
**COMMISSIONERS**

Terence Farrell  
Carol Aichele  
Kathi Cozzone

RONALD T. BAILEY, AICP  
Executive Director

**PLANNING COMMISSION**

Government Services Center, Suite 270  
601 Westtown Road  
P.O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax: (610) 344-6515



March 5, 2009

Louis F. Smith, Jr., Manager  
East Goshen Township  
1680 Paoli Pike  
West Chester, PA 19380-6199

Re: Proposed Zoning Ordinance Amendment:  
Conditional Use Procedures and Procedural  
Challenges to Zoning Ordinances  
# 4493 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed a proposed amendment to the East Goshen Township Zoning Ordinance, submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code (MPC), Section 609(e). We received this referral for review on February 6, 2009. We offer the following comments to assist in your review of the proposed ordinance amendment:


**DESCRIPTION OF THE AMENDMENT:**

The first part of the amendment includes provisions for issuing conditional use decisions to applicants and to persons who have filed as parties to the hearing or who have requested to be notified of the decision. The second part of the amendment deletes the Zoning Hearing Board's responsibility for hearing procedural challenges to a zoning ordinance, to be consistent with Pennsylvania Act 39 of 2008 (which gives this responsibility to the Court of Common Pleas).

**RECOMMENDATION:** The Chester County Planning Commission recommends that the Township act on the proposed amendment according to the recommendations of the Township Solicitor.

We request an official copy of the adopted ordinance be sent to the County Planning Commission as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

  
Ronald T. Bailey, AICP  
Secretary

RTB/WSB



# THE COUNTY OF CHESTER



## COMMISSIONERS

Terence Farrell  
Carol Aichele  
Kathi Cozzone

RONALD T. BAILEY, AICP  
Executive Director

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P.O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax: (610) 344-6515

May 14, 2009

RECEIVED  
BY: \_\_\_\_\_

MAY 15 2009

Louis F. Smith, Jr., Manager  
East Goshen Township  
1680 Paoli Pike  
West Chester, PA 19380-6199

Re: Proposed Zoning Ordinance Amendment:  
Conditional Use Decision Procedures and  
Procedural Challenges to Zoning Ordinances  
# 4524 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed a proposed amendment to the East Goshen Township Zoning Ordinance, submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code (MPC), Section 609(e). We received this referral for review on April 16, 2009 and received grammatical changes to it on May 1, 2009. We offer the following comments to assist in your review of the proposed ordinance amendment:

### DESCRIPTION OF THE AMENDMENT:

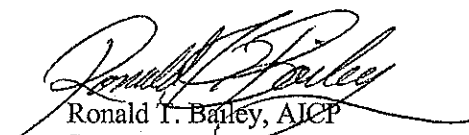
The first and third parts of the amendment include provisions for issuing conditional use and special exception decisions to applicants and to persons who have filed as parties to the hearing or who have requested to be notified of the decision. The second part of the amendment deletes the Zoning Hearing Board's responsibility for hearing procedural challenges to a zoning ordinance, to be consistent with Pennsylvania Act 39 of 2008 (which gives this responsibility to the Court of Common Pleas).

We initially received this amendment for referral on February 6, 2009, and our comments were forwarded to the Township in a letter dated March 5, 2009 (refer to CCPC # 4493). The current submission contains minor grammatical changes. We have no further comments on the amendment.

**RECOMMENDATION:** The Chester County Planning Commission recommends that the Township act on the proposed amendment according to the recommendations of the Township Solicitor.

We request an official copy of the adopted ordinance be sent to the County Planning Commission as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

  
Ronald T. Bailey, AICP  
Secretary

RTB/WSB

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

BANK

WORKSHOP  
4.  
7 pgs

July 7, 2009

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

Re: National Bank of Malvern  
Conditional Use Application  
53-3-1.9A

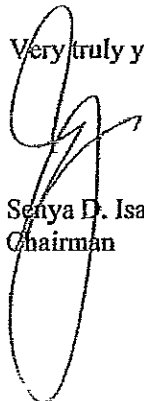
Dear Board Members:

At our meeting on July 1, 2009 the Planning Commission passed the following motion with a 4 to 2 vote and 1 abstention:

"I move that we recommend that the Board of Supervisors approve the Conditional Use Application for the National Bank of Malvern to construct a Bank use with additional shared parking in accordance with §240-31 of the Township Zoning Ordinance, with the following conditions:

1. Pedestrian walkways shall be provided on the plan, to be installed at later date if determined necessary by the Township.
2. The shared parking agreement between the YMCA and the Applicant shall be reviewed and approved by the Twp. Solicitor prior to land development approval."

Very truly yours,

  
Senya D. Isayeff  
Chairman

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

July 6, 2009

Board of Supervisors  
1580 Paoli Pike  
West Chester PA 19380

Re: National Bank of Malvern, Conditional Use Application

Dear Mr. Chairman:

The Planning Commission has forwarded the Board a recommendation to approve the Conditional Use application for the National Bank of Malvern. To address comment # 4 of the Township Engineer's letter dated July 1, 2009; I offer the following:

The ordinance states:

240-27.A.(4) Yard requirements for new lots on existing streets. For all new lots that abut an existing street which has a right-of-way less than that specified in Subsection A(3), the front and/or side street yard requirements shall be increased by the difference between the existing right-of-way and the right-of-way specified in Subsection A(3). It is the intention of this requirement to provide for a reasonable setback to accommodate the potential widening of the existing street.

The National Bank of Malvern's property is not a newly created lot therefore this requirement is not applicable. The plan does show the existing 80' right-of-way and the future right-of-way width of 100' for Paoli Pike. The design has incorporated the future right-of-way width into the parking lot and monument sign locations which provide adequate front yard separation for a widening of Paoli Pike, if that should occur.

Please contact me if you have any question regarding this matter.

Sincerely,

Sincerely,

Mark A. Gordon  
Township Zoning Officer



Yerkes Associates, Inc.

Consulting Engineers / Site Planners / Land Surveyors

July 1, 2009

Planning Commission  
East Goshen Township  
1580 Paoli Pike  
West Chester, Pennsylvania 19380

RECEIVED  
BY: \_\_\_\_\_

JUL - 2 2009

Re: National Bank of Malvern - Paoli Pike  
Conditional Use Plan Review

Commission Members:

The following plan and supporting documents prepared by Stantec Consulting Services, Inc. has been submitted to this office for review:

Revised Sketch Plan, sheet 1 of 1, last revised June 10, 2009  
Traffic Impact Assessment, dated June 2009  
June 15, 2009 Plan Submission Letter

The plan depicts the proposed site layout of tax map parcel 53-3-1.9A for the construction of a bank building with a drive-thru window canopy, 32 parking spaces, and an auxiliary 103 space parking area to be leased to the YMCA. The parcel consists of 4.56 acres with frontage on Paoli Pike and Airport Road. A tributary stream to the East Branch of Chester Creek flows across the east side of the parcel. The plan notes that the parcel is to be served by public water and sewer. The parcel is situated within the BP Business Park Zoning District.

All comments from my previous review letter of June 3, 2009 have been satisfactorily addressed except for the following that are numbered as they appeared previously:

Zoning Ordinance

1. Section 240-21.C.14 - Conditional use approval is required for banks or other financial institutions within the BP Zoning district. Compliance with the general standards for conditional uses as outlined by section 240-31.C must be demonstrated to the Board of Supervisors' satisfaction. Any conditions of conditional use approval will need to be incorporated into the land development plan.
4. Sections 240-27.A.4 & .6 - Paoli Pike is classified as an Arterial Highway. Arterial Highways require a minimum future right-of-way width of 100 feet. For all new lots that abut an existing street which has a right-of-way less than the required future right-of-way width, the front yard requirements shall be increased by the difference between

NOT APPLICABLE

Professional services since 1874

1444 Phoenixville Pike, P.O. Box 1568, West Chester, PA 19380-0078 / Tel: 610-644-4254 / Fax: 610-640-0771

National Bank of Malvern  
 July 1, 2009  
 Page 2 of 2

the existing right-of-way width and the future right-of-way. The front yard building setback line should be shown to be 100 feet from the future right-of-way line or a variance appears to be required to permit the proposed building setback from Paoli Pike as shown on the plan.

5. Section 240-27.C.1 – Existing trees of four inch caliper or greater shall be preserved where possible and be incorporated into the landscape plan. The plan notes that a complete landscape plan will be provided during land development. The plan should also identify the location, species, and size of four inch caliper or greater trees within the proposed parking areas. The location of parking stalls and landscape islands should be adjusted as necessary to allow tree preservation.
7. Section 240-27.C.5 – The plan submission letter notes that access to Paoli Pike is limited to right-in/right-out only and also notes that the traffic impact study has been sent directly to Dean Kaiser at Orth Rodgers. Comments and recommendations from Orth Rodgers will need to be considered as part of the conditional use application.
9. Section 240-27.E.11 – Pathways and walkways shall be provided to link building entrances, any open spaces, other pathways and walkways, and nearby pedestrian destinations to the maximum extent possible. Although the plan indicates a sidewalk to be installed along the parcel's frontage with Airport Road, a complete pedestrian connection between the YMCA and the Paoli Pike and Airport Road intersection needs to be addressed.

Ordinance 129-M-03

13. Section 404.A.2 – If a perennial stream passes through the site, the applicant shall create a riparian buffer extending a minimum of 50 feet to either side of the top of bank of the channel. The buffer area shall be maintained with appropriate native vegetation. The plan notes that a waiver will be requested to allow the location of the proposed Paoli Pike entrance driveway. Mitigation measures to enhance the existing riparian buffer should be presented as part of the waiver request.

The plan should be in proper order for conditional use approval once the above comments have been satisfactorily addressed. Please contact me if you have any questions concerning this review.

Sincerely,  
 YERKES ASSOCIATES, INC.



Michael Conrad, P.E.

cc: Mark Gordon  
 Stantec Consulting Services, Inc.





June 30, 2009

Mr. Mark A. Gordon, Zoning Officer  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

**RE: National Bank of Malvern  
Conditional Use Plan Review**

Dear Mark:

**Orth-Rodgers & Associates, Inc. (ORA)** is in receipt of Stantec Consulting Services Inc. June 2009 Traffic Impact Assessment Report (TIA) for the above referenced project. The report details the traffic impact of a 3,025 square-foot (GFA) banking facility to be located on Paoli Pike east of Airport Road adjacent to the existing Penn Liberty Bank. The following constitutes our review of the report and site plan:

*Introduction*

1. ORA concurs with the building size, lot size and lot use presented in this section.

*Existing Conditions*

2. ORA concurs with the description of the intersections of Paoli Pike with Airport Road and Ellis Lane. One minor comment would be that the Airport Road intersection technically is not operating as a "master controller" since the interconnect construction project has not been started to date.
3. Existing traffic counts at the requested intersections of Airport Road and the YMCA driveway, Airport Rd & Paoli Pike and Paoli Pike & Ellis Lane look to be consistent with area growth and traffic counts conducted for the YMCA back in April & May 2005. One note, traffic to/from East High School is significantly higher now than back in 2005.

*Site Access*

4. We have concerns about the accessibility to/from the site along Paoli Pike at this time. The western most right-only exit is only located 60' from the existing Penn Liberty Bank access. As this section of Paoli Pike sees westbound weaving traffic due to the right lane turning into a right-only at Airport Road, we know many drivers still get confused after passing Ellis Lane from the east and make abrupt movements in the vicinity of the proposed driveways. Any possibility of locating the western exit further east would be beneficial.

*Trip Generation*

5. The latest Edition of the Trip Generation Manual was issued in 2008 and should be used accordingly. Values have changed for trip rates per 1,000 sf of drive-in banking. The following compares the values of the 7<sup>th</sup> Edition to the 8<sup>th</sup> Edition:

	<u>Ave. Rate</u>	<u>Enter</u>	<u>Exit</u>
Weekday			
7 <sup>th</sup> Edition	246.49	447	447
8 <sup>th</sup> Edition	148.15	224	224
AM PEAK			
7 <sup>th</sup> Edition	12.34	21	17
8 <sup>th</sup> Edition	12.35	21	17

PM PEAK

7 <sup>th</sup> Edition	45.74	83	83
8 <sup>th</sup> Edition	25.82	39	39

This revision benefits the bank in that impact fees will be based only on the 78 trips (less the 47% pass-bys). This new rate is based on the fact that more "on-line" banking is done versus actually going to banks. Impact fee will be assessed on the 41 new PM Peak Hour generated trips.

*Leased parking and YMCA Access*

6. 32 parking spaces are provided for the bank facility (two more than per ordinance). 102 parking spaces are being provided for the YMCA overflow parking. Has it been determined that this amount will significantly help the parking situation for the YMCA, or is this just the amount that can meet the impervious coverage requirement in the ordinance?
7. Circulation of the proposed YMCA lot looks acceptable. We agree that approximately 25% of YMCA bound traffic will utilize the Paoli Pike access (as 42% was originally proposed from the east on Paoli Pike and Ellis Lane).

*Conclusion*

8. We concur that the bank facility will have little impact to the adjacent roadway network. We know the Paoli Pike closed loop system project is forth-coming and will help to improve coordination between Airport Road and Ellis Lane.
9. We do feel that the driveways need to be staged depending on the time frame that the bank is built compared to the YMCA parking lot (as it has been explained that the lot may be built in advance). The right-in, right-out would be preferable for the YMCA lot access.
10. Due to their location between Airport Road and Ellis Lane intersections, it is recommended that neither access allow left turns entering or exiting. The traffic flow on Paoli Pike between the two traffic signals is such that weaving occurs regularly at higher travel speeds and left turns would have to cross at least three lanes of traffic
11. The western most driveway should be relocated to gain as much distance as possible between itself and the existing Penn Liberty Bank access.

I can be reached at (610) 407-9700 or [dkaiser@orth-rodgers.com](mailto:dkaiser@orth-rodgers.com) if you have any questions or comments.

Sincerely:

ORTH-RODGERS & ASSOCIATES, INC.



DEAN J. KAISER, PE, PTOE  
Director of Traffic Signal Operations

DJK:djk

F:\2009\_116\_EGT\_BankRev\Documents\Correspondence\Letters\06-30-09\_National Bank Review.doc

cc: Rick Smith – EGT Manager



WORKSHOP  
4.  
13 pgs  
INTEREST  
ORD

July 7, 2009

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

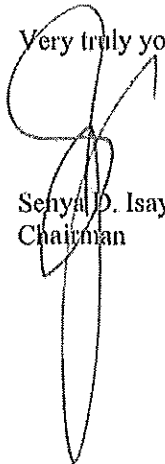
Re: Ordinance Amendment to Ch. 205 and 240

Dear Board Members:

At our meeting on July 1, 2009 the Planning Commission unanimously passed the following motion:

"I move that we recommend that the Board of Supervisors approve the ordinance amendments as presented to us, to Chapters 205 and 240 of the Township code, which outline requirements for charging interest on debts owed."

Very truly yours,



Senya D. Isayeff  
Chairman

EAST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_ - \_\_\_\_ - 09

AN ORDINANCE OF EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 100 OF THE CODE OF EAST GOSHEN, TITLED, "BUILDING CONSTRUCTION"; CHAPTER 124 OF THE CODE, TITLED "CONTRACTORS"; CHAPTER 128 OF THE CODE, TITLED "ELECTRICAL CODE"; CHAPTER 131 OF THE CODE, TITLED, "EROSION AND SEDIMENT CONTROL"; CHAPTER 133 OF THE CODE, TITLED "EXISTING BUILDING CODE"; CHAPTER 145 OF THE CODE, TITLED "FUEL GAS CODE"; CHAPTER 150 OF THE CODE, TITLED, "MECHANICAL STANDARDS"; CHAPTER 160 OF THE CODE, TITLED "ONE- AND TWO-FAMILY DWELLINGS"; CHAPTER 175 OF THE CODE, TITLED "PLUMBING"; CHAPTER 205 OF THE CODE, TITLED "SUBDIVISION AND LAND DEVELOPMENT"; AND CHAPTER 240 OF THE CODE, TITLED "ZONING" TO AUTHORIZE THE TOWNSHIP TO COLLECT INTEREST IF VARIOUS FEES IMPOSED BY THE CODE ARE NOT PAID WITHIN 30 DAYS FROM THE DATE OF BILLING.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township that the East Goshen Township Code is amended as follows:

**SECTION I.** Chapter 100, titled "Building Construction," Section 100-2, titled "Additions, insertions and changes to standards," Subsection C, shall be amended as follows:

"C. Section 108.2 is amended to read as follows:

**Section 108.2 Fee Schedule.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary by the Board of Supervisors. All fees shall be paid upon billing from the Township but in no case later than 30 days from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of

billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION II.** Chapter 124, titled "Contractors," Section 124-3, titled "Fees," shall be amended by the addition of the following subparagraph C:

"C. All registration fees shall be paid upon billing from the Township but in no case later than 30 days from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the registration fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION III.** Chapter 128, titled "Electrical Code," Section 128-2, titled "Additions, deletions and modifications to Code," Subsection D, shall be deleted and replaced with the following:

"D. Section 404.2 shall be amended to state as follows:

**Section 404.2. Permit Fees.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary by the Board of Supervisors. All fees shall be paid upon billing by the Township but in no case later than 30 days from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION IV.** Chapter 131, titled "Erosion and Sediment Control," Section 131-10, titled "Fees," shall be deleted and replaced with the following:

**"§ 131-10. Fees.**

- A. The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary by the Board of Supervisors. The fee is required upon initial submission of an application under this chapter except as provided by § 131-3F. Cost of inspections will be billed to the applicant as inspections are completed. Payments shall be made within 30 days of the receipt of a bill and no occupancy permit will be issued until all payments have been made. If the applicant has paid a fee under another Township ordinance which is applicable to the requirements of this Chapter, such as Chapter 205, Subdivision and Land

Development, the Zoning Officer may waive any or all of the fees under this Chapter as he determines to be equitable. If an application involves less than one acre, no fee will be required. The permittee shall also be responsible for reimbursement to the Township of the cost of review of the plans and application charged to the Township by the Township Engineer.

B. All fees outlined in Subsection A of this §131-10 shall be paid within 30 days of billing by the Township. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION V.** Chapter 133, titled "Existing Building Code," Section 133-2, titled "Additions, insertions and changes to standards," Subsection D, shall be deleted and replaced with the following:

"D. Section 108.2 shall be amended to state as follows:

**108.2 Fee Schedule.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary by the Board of Supervisors. All fees shall be paid upon billing by the Township but in no case later than 30 days from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION VI.** Chapter 145, titled "Fuel Gas Code," Section 145-2, titled "Additions, insertions and changes to standards," Subsection D, shall be deleted and replaced with the following:

"D. Section 106.5.2. shall be deleted and replaced with the following:

**Section 106.5.2. Fee Schedule.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary by the Board of Supervisors. All such fees shall be paid upon billing by the Township but no later than the 30<sup>th</sup> day from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of

the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION VII.** Chapter 150, titled "Mechanical Standards," Section 150-3, titled "Additions, insertions and changes to standards," Subsection E, is deleted and replaced with the following:

"E. Section 106.5.2 shall be deleted and replaced with the following:

**Section 106.5.2. Fees and Inspections/reinspections.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file in the Department of Code Enforcement and revised as necessary by the Board of Supervisors. All such fees shall be paid upon billing by the Township but no later than the 30<sup>th</sup> day from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION VIII.** Chapter 160, titled "One- and Two-Family Dwellings," Section 160-3, titled "Additions, deletions and modifications to code," Subsection D, is hereby deleted and replaced with the following:

"D. Section R108.2 shall be amended to state as follows:

**R108.2. Fee Schedule.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file in the Office of the Secretary of East Goshen Township and revised as necessary by the Board of Supervisors. All fees under this Chapter shall be paid upon billing by the Township but no later than the 30<sup>th</sup> day from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION IX.** Chapter 175, titled "Plumbing," Section 175-3, titled "Additions, insertions and changes to standards," Subsection F, is deleted and replaced with the following:

F. Section 106.6.2. shall be deleted in its entirety and replaced with the following:



**106.6.2. Fee Schedule.** The Board of Supervisors shall, by resolution, adopt a schedule of fees and collection procedure which shall be kept on file with the Township Secretary and revised as necessary by the Board of Supervisors. All fees under this Chapter shall be paid upon billing by the Township but no later than the 30<sup>th</sup> day from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION X.** Chapter 205, titled "Subdivision and Land Development," Section 105-15, titled "Fees," is hereby deleted and replaced with the following:

"§ 205-15. Fees.

A. Applicants for subdivision or land development approval shall pay a filing fee to cover the administrative cost for the Township's review of plans and a fee to be placed in escrow to cover the Township's professional consultants' costs relating to the review of the application and any supporting documents and materials, and report to the Township on the same. The term "professional consultants" shall include any persons who provide expert or professional advice, including but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners. The Board of Supervisors shall by resolution establish the filing fee and the amount to be escrowed.

The escrowed money shall be placed in an account held by the Township and monies shall be disbursed from this account to pay the actual costs of the professional consultants. The Township shall provide the applicant with a breakdown of all monies disbursed from the account. If the account balance goes below an amount specified by the Board of Supervisors the applicant shall deposit additional monies sufficient to bring the account balance back up to the original amount within 30 days of notification. Upon approval or denial of the land development or subdivision application and payment of the final invoices from the professional consultants the balance of funds in the account shall be returned to the applicant.

B. Applicants who receive subdivision and land development approval shall, if applicable, reimburse the Township for the costs incurred by the Township for the inspection of improvements depicted on the approved plan. The applicant shall be billed by the Township on a monthly basis for such inspections, and applicant shall pay the amount due within 30 days of such billing.

C. When the 30<sup>th</sup> day from the date of billing for the Township's professional consultants' review and inspection costs falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall

be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION XI.** Chapter 240, titled "Zoning," Section 240-53, titled "Filing fees and costs," shall be deleted in its entirety and replaced with the following:

**"§ 240-53. Fee schedule.**

The Board of Supervisors shall adopt, by resolution, a schedule of fees and a collection procedure relating to all applications filed pertaining to this Chapter. No application shall be considered filed until all fees are paid. All fees shall be paid upon billing by the Township but no later than the 30<sup>th</sup> day from the date of billing. When the 30<sup>th</sup> day from the date of billing falls on either a weekend or a holiday on which the Township building is closed, payments that are received before the close of business the next business day immediately following the 30<sup>th</sup> day shall be deemed to be paid on time and no interest shall be applied. If the fee is not paid within 30 days of the date of billing, the Township shall charge and be entitled to collect interest equal to  $\frac{3}{4}$  of 1% of the unpaid balance per month, or fraction thereof, until paid."

**SECTION XII. 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 XIII. 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 XIV. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

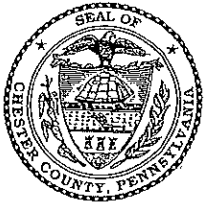
\_\_\_\_\_  
E. Martin Shane, Chairman

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

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

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

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



# THE COUNTY OF CHESTER



## COMMISSIONERS

Terence Farrell  
Carol Aichele  
Kathi Cozzone

RONALD T. BAILEY, AICP  
Executive Director

Louis F. Smith, Jr., Manager  
East Goshen Township  
1680 Paoli Pike  
West Chester, PA 19380-6199

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P.O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax: (610) 344-6515

May 14, 2009

RECEIVED  
BY:

Re: Proposed Ordinance Amendments:  
Municipal Fees and Procedures for Late  
Payments, Construction Regulations  
# M-185 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed proposed amendments to various East Goshen Township ordinances. We received this referral for review on April 16, 2009. We offer the following comments to assist in your review of the proposed ordinance amendments:

### DESCRIPTION OF THE AMENDMENTS:


The amendments include provisions for the charging fees and of penalties when Township invoices are unpaid after a specified date (i.e., an additional three-quarters of one percent of the unpaid balance is to be paid after 30 days after the billing date). The amendments also include changes to Township ordinances related to erosion and sedimentation control, contractors, the electrical code, the fuel gas code, the existing building code, mechanical standards, one-and two-family dwellings, and plumbing (i.e., primarily relating to the Pennsylvania State Construction Code as modified by the Township). The Chester County Planning Commission previously received an earlier version of these amendments, and our comments on the initial submission were forwarded to the Township in a letter dated February 25, 2009 (refer to CCPC # M-178).

In addition, the Chester County Planning Commission concurrently received an amendment to the Township Zoning Ordinance relating to provisions for the charging of, and payment of, municipal fees and procedures for addressing the late payment of such fees. Our review of that Zoning Ordinance amendment will be forwarded to the Township in a separate letter (refer to CCPC # 4526, dated May 14, 2009). The submission was also accompanied with a related amendment to the Township Subdivision and Land Development Ordinance relating to fees. Our review of that amendment will be forwarded to the Township in a separate letter (refer to CCPC # 900, dated May 14, 2009).

### COMMENT:

These amendments are not proposed to be adopted under the provisions of the Pennsylvania Municipalities Planning Code (MPC), and we have no official recommendations. However, we suggest that the Township Building Codes Official review and comment on the amendments.

Sincerely,

  
Ronald T. Bailey, AICP  
Secretary

RTB/WSB

10 of 13



# THE COUNTY OF CHESTER

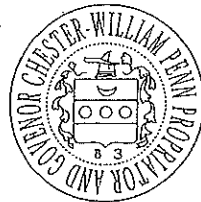
## COMMISSIONERS

Terence Farrell  
Carol Aichele  
Kathi Cozzone

RONALD T. BAILEY, AICP  
Executive Director

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P.O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax: (610) 344-6515



May 14, 2009

RECEIVED  
BY: \_\_\_\_\_

Louis F. Smith, Jr., Manager  
East Goshen Township  
1680 Paoli Pike  
West Chester, PA 19380-6199

Re: Proposed Subdivision and Land Development  
Ordinance Amendment: Municipal Review  
Fees and Procedures for Late Payments  
# 900 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed a proposed amendment to the East Goshen Township Subdivision and Land Development Ordinance, submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code (MPC), Section 505(a). We received this referral for review on April 16, 2009. We offer the following comments to assist in your review of the proposed East Goshen Township Subdivision and Land Development Ordinance amendment:

### DESCRIPTION OF THE AMENDMENT:

The amendment includes provisions for reimbursing the Township for expenses relating to its review of subdivision and land development plans, and the charging of, and payment of, municipal fees and procedures for addressing the late payment of such fees. The Chester County Planning Commission reviewed an earlier version of this amendment and our comments on the initial submission were forwarded to the Township in a letter dated February 25, 2009 (refer to CCPC # 889).

In addition, the Chester County Planning Commission concurrently received a related amendment to the Township Zoning Ordinance, which also addressed fees. Our review of that amendment will be forwarded to the Township in a separate letter (refer to CCPC # 4526, dated May 14, 2009).

The submission was also accompanied with associated amendments to Township ordinances pertaining to erosion and sedimentation control, building construction, cable television, the electrical code, the existing building code, the fuel gas code, mechanical standards, one-and two-family dwellings, plumbing, and sewers (i.e., primarily relating to the Pennsylvania State Construction Code as modified by the Township). Our review of those amendments will be forwarded to the Township in a separate letter (refer to CCPC # M-185, dated May 14, 2009).

### COMMENT:

The East Goshen Township Subdivision and Land Development Ordinance amendment includes provisions for the charging of permit fees and for the charging of additional fees if payment is delayed (i.e., an additional three-quarters of one percent of the unpaid balance is to be charged starting 30 days after the billing date). The Township's current amendment is similar to the previous submission that was reviewed by the Chester County Planning Commission (CCPC # 889, dated February 25, 2009), but language relating to the charging of additional interest upon unpaid balances is clarified. The Planning Commission has no further comments on this amendment.

Page: 2

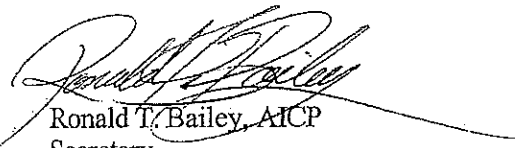
May 14, 2009

Re: Proposed Subdivision and Land Development Ordinance Amendment:  
Municipal Review Fees and Procedures for Late Payments  
# 900 - East Goshen Township

**RECOMMENDATION:** The Chester County Planning Commission recommends that the Township adopt the proposed amendment.

We request an official copy of the adopted ordinance be sent to the County Planning Commission as required by Section 505(b) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

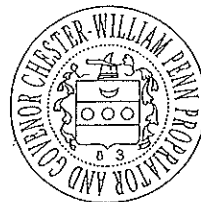
  
Ronald T. Bailey, AICP  
Secretary

RTB/WSB

12013



# THE COUNTY OF CHESTER



## COMMISSIONERS

Terence Farrell  
Carol Aichele  
Kathi Cozzone

RONALD T. BAILEY, AICP  
Executive Director

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P.O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax: (610) 344-6515

May 14, 2009

RECEIVED  
BY: \_\_\_\_\_

Louis F. Smith, Jr., Manager  
East Goshen Township  
1680 Paoli Pike  
West Chester, PA 19380-6199

Re: Proposed Zoning Ordinance Amendment:  
Municipal Fees and Procedures for Late  
Payments  
# 4526 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed a proposed amendment to the East Goshen Township Zoning Ordinance, submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code (MPC), Section 609(e). We received this referral for review on April 16, 2009. We offer the following comments to assist in your review of the proposed East Goshen Township Zoning Ordinance amendment:

### DESCRIPTION OF THE AMENDMENT:

The amendment includes provisions for the charging of, and payment of, municipal fees and procedures for addressing the late payment of such fees. The Chester County Planning Commission initially reviewed an earlier version of this amendment and our comments were submitted to the Township in a letter dated February 25, 2009 (refer to CCPC # 4489).

The submission was accompanied with related amendments to the East Goshen Township Subdivision and Land Development Ordinance. Our review of those amendments will be forwarded to the Township in a separate letter (refer to CCPC # 900, dated May 14, 2009).

Additionally, the submission was accompanied with related amendments to East Goshen Township ordinances pertaining to erosion and sedimentation control, contractors, building construction, the electrical code, the existing building code, the fuel gas code, mechanical standards, one-and two-family dwellings, and plumbing (i.e., primarily relating to the Pennsylvania State Construction Code). Our review of those amendments will be forwarded to the Township in a separate letter (refer to CCPC # M-185, dated May 14, 2009).

### COMMENT:

This East Goshen Township Zoning Ordinance amendment includes provisions for the charging of permit fees and for the charging of additional fees if payment is delayed (i.e., an additional three-quarters of one percent of the unpaid balance is to be paid after 30 days after the billing date). The Township's current submission is similar to a previous submission (CCPC # 4489, dated February 25, 2009) except for grammatical changes. The Chester County Planning Commission has no further comments on this amendment.

**RECOMMENDATION:** The Chester County Planning Commission recommends that the Township adopt the proposed amendment.

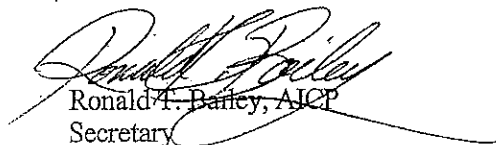
Page: 2

May 14, 2009

Re: Proposed Zoning Ordinance Amendment:  
Municipal Fees and Procedures for Late Payments  
# 4526 - East Goshen Township

We request an official copy of the adopted ordinance be sent to the County Planning Commission as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Ronald T. Bailey, AICP  
Secretary

RTB/WSB



EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

METRO

workshop  
4.  
10/9

July 7, 2009

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

Re: Metro PCS  
Conditional Use Application  
53-2-41.1

Dear Board Members:

At our meeting on July 1, 2009 the Planning Commission passed the following motion:

"I move that we recommend that the Board of Supervisors approve the Conditional Use Application for Metro PCS for the installation of a new Wireless Communications Facility within the United Church of Christ steeple, located at 1201 North Chester Rd. being TPN 53-2-41.1, as indicated on the plans and as outlined in §240-31.C.(3.)(h.) of the Township Zoning Ordinance with the following conditions:

1. The proposed plantings for screening are approved by the Conservancy Board.
2. The installation to be carried out with strict conformity to the plan unless revisions are resubmitted for review and approval by the Township.
3. The applicant will follow all applicable federal, State and Local ordinances and secure all proper permits prior to installation of the facility.
4. The applicant shall provide the township with a Pre and Post installation noise study to determine the impact of the noise from mechanical equipment in accordance with the township noise ordinance standards.
5. Appropriate signage as outlined in page two of the Kenneth R. Foster and Associates letter dated June 7, 2009, be posted within the steeple area."

ATTACHED

ATTACHED

Very truly yours,

Senya D. Isayeff  
Chairman

**Smith, Rick**

---

**From:** Merwin, Mike  
**Sent:** Thursday, July 09, 2009 8:21 AM  
**To:** Smith, Rick; Gordon, Mark  
**Cc:** 'Mark Miller'  
**Subject:** conservancy

Conservancy Meeting 7/8/09

- 
1. Angelini subdivision planting substitute list was accepted by the board.
  2. Metro Pcs was asked to use a variety of plants instead of one type because of different diseases.
  3. The board rejected the idea of a waiver for the driveway in the Riparian buffer.
  4. The board is support Mr. Mummert's request for a variance.

A big issue at the meeting was the tree planting of the YMCA trees. The company doing the work has stopped working and is not returning phone calls or E-mails. They have also stopped watering. The conservancy board and Supervisor Battavio have asked me to look into this. Can anyone help with this?

Mike

# Kenneth R. Foster & Associates

*Electromagnetic Safety Consulting*

June 7, 2009

Mr. Lee Peart  
MetroPCS  
Site Acquisition Manager  
510 Virginia Drive  
Fort Washington, PA 19034

Re: MetroPCS Site PH0715A (United Church of Christ)

Dear Mr. Peart:

This is in response to your request for an estimate of the levels of radiofrequency (RF) electromagnetic energy associated with a proposed MetroPCS radio installation. The antennas will be mounted within the steeple of the United Church of Christ, 1201 N. Chester Rd., East Goshen PA. I provide an opinion regarding the compliance of the site with FCC limits for human exposure to radiofrequency energy.

**Summary of Findings** The maximum exposure at any location of public access from the proposed MetroPCS base station will be far below the relevant FCC exposure limit. The site meets FCC regulations related to RF energy exposure as stipulated in Part 24 of the FCC Rules and this site has been evaluated based on methods prescribed by the FCC (as contained in FCC Document OET Bulletin 65). The site remains in compliance considering the combined emissions from the existing and proposed communications antennas inside the steeple. Antennas for additional low-powered communications systems could be mounted on the structure without exceeding exposure limits.

**Technical Data** My report is based on plans for the proposed MetroPCS base station that were provided to me on 6/5/09 by Mr. Grady Jones on behalf of MetroPCS, as well as information about the MetroPCS system that I have obtained on several occasions from the company itself.

The proposed MetroPCS system will include six panel antennas (Kathrein 742 215 or equivalent) mounted to the tower with their centers at a height of 51 ft. above grade (approximately 20 ft. above the top of the main roof). The antennas will be grouped into three sectors, with two antennas per sector. I base my analysis on the highest operating level that the company indicates would be considered for the site, with a cumulative ERP of 2500 W in each sector, summed over all radios operating in a sector. Sometimes MetroPCS makes minor changes in the configuration of the antennas, for example by adding additional antennas or by substituting equivalent antennas. Such changes would not affect the conclusions of this report.

## **Environmental Levels of RF Energy**

Outside the church. I have calculated the power densities of RF energy from the MetroPCS base station, at ground level and at an elevation of 26 ft, at all distances from the transmitting antennas.<sup>1</sup> The calculations are based on upper-limit assumptions: that the base station is broadcasting at maximum power, and that there is constructive interference as the wave reflects from the ground. In practice there is also substantial attenuation of the energy as it passes through buildings, which I do not take into account in my calculations. I base my analysis on the antennas being directed at an angle of 5 degrees below the horizon, a conservative value. Therefore, my calculations represent upper-limit values. The actual levels of RF signals near the cell site will be below my calculated values.

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<sup>1</sup> Calculations were done in accordance with FCC Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Washington DC 1997.

4089

Mr. Lee Peart  
June 7, 2009  
Page 2 of 4  
Re: MetroPCS Site PH0715A (United Church of Christ)

The results of my analysis are shown in the table below.

**Calculated RF Exposure Levels From the Proposed MetroPCS Base Station Installation**

Distance From Base of Tower, ft	Height Above Ground, ft. (Assuming Level Terrain)	Power Density, $\mu\text{W}/\text{cm}^2$ From MetroPCS Base Station
Any distance	Ground level	< 4.5 (maximum field intensity) (< 0.45 % of FCC limits*)
Any distance	26 ft. above ground (representative of rooftop level of a two story building)	< 15 (maximum field intensity) (< 0.15 % of FCC limits)
More than 300 ft from antennas	Any distance above ground (including in the direct beam of the antenna)	< 10 (< 1 % of FCC limits)

\*FCC exposure limits for the general population are  $1000 \mu\text{W}/\text{cm}^2$  at PCS frequencies. Signal levels are calculated on the basis of the maximum foreseeable buildout on the site, not on present design information. Limits apply to any member of the population, for any duration of exposure.

Inside the church The proposed facility will employ directional antennas mounted within the steeple, facing away from the building. Antennas of this type transmit significant energy only from their front surfaces, and transmit very little energy in the downward or backward directions. Consequently, RF signal levels at any location within the church or on its roof will be very low, and certainly far below FCC limits. Likewise, the RF signal levels at all places inside the steeple itself behind the transmitting antennas will be below FCC limits.

Close approach to the antennas As with any cellular or PCS transmitting antenna, RF field levels might exceed FCC exposure limits within a few feet (typically within 10 ft) directly in front of the transmitting surfaces of the antennas if the exposure is sustained for sufficiently long times (several minutes or more). Because of the location of the antennas, within the steeple and more than head height above the church roof, it would be highly unlikely that personnel would be located in front of the transmitting surfaces of the antennas. That might be possible, however, during certain maintenance operations on the steeple. Appropriate signage or other measure is recommended to ensure that RF exposure levels to personnel working on the steeple are kept below FCC limits.



Mr. Lee Peart  
June 7, 2009  
Page 3 of 4  
Re: MetroPCS Site PH0715A (United Church of Christ)

**Co-Location of Multiple Transmitters on a Structure** To minimize the visual impact of wireless communications on the community, it has become standard practice to co-locate multiple transmitters on the same structure. When multiple transmitters are present, FCC regulations stipulate that the RF signal levels from each transmitter should be added as a fraction of FCC limits at the respective frequency. If the cumulative exposure is below 100% of the FCC limits, the site is deemed to be in compliance. Given the low power levels at which conventional communications systems operate, a number of other transmitting antennas could be located on the structure without exceeding FCC exposure limits.

Presently within the steeple are antennas for a T-Mobile base station at 60 ft. above grade. Base stations that carrier operate at generally similar power levels and use directional antennas of generally similar design as those of the proposed MetroPCS facility, and their emissions at any place of public access will likewise be far below FCC limits. Consequently, based on my experience and analysis, I can reliably assume that the cumulative signal levels from both sets of communications antennas on the structure will be far below FCC exposure limits at any place of public access.

**Discussion** The RF signal levels from the proposed MetroPCS base station will be far below FCC exposure limits at any place of public access. To put matters in perspective, base stations from communications systems, including those of MetroPCS, operate at power levels comparable to those from many other low-power communications facilities, such as police, fire, ambulance, and other municipal communications systems. These power levels are far below those used by many commercial TV and radio broadcast transmitters, and the levels of RF signal they produce in publicly accessible areas are characteristically very far below pertinent exposure limits.

The biological effects of RF energy have been extensively studied, and there are several thousand reports in the scientific literature on this subject. These reports have been critically reviewed by numerous independent panels, most recently the IEEE (formerly Institute of Electrical and Electronics Engineers) and the International Commission on Nonionizing Radiation Protection. These groups have affirmed existing health standards, or have developed and proposed health standards for exposure to RF energy, which are broadly similar to the FCC limits cited in the table above.

**National Telecommunications Act of 1996** This Act provides that "no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] commission's regulations concerning such emissions." That is certainly the case with the installation considered here.

**For Further Information** The Federal Communications Commission (FCC) maintains a World Wide Web site at <http://www.fcc.gov>. A general information sheet about possible health and safety issues regarding radiofrequency energy is at: <http://www.fcc.gov/oet/rfsafety/cellpcs.html>.

Sincerely yours,

*Kenneth R. Foster*

Kenneth R. Foster, Ph.D., P.E.

609

## SUMMARY RESUME

NAME Kenneth R. Foster

DATE/PLACE OF BIRTH July 21, 1945  
Baltimore, Maryland

NATIONALITY United States Citizen

EDUCATION 1967 B.S.(Honors) Physics  
Michigan State University  
1971 Ph.D. (Physics)  
Indiana University  
Professional Engineer in the State of Pennsylvania  
(Certificate Number: PE-030018-E).

### EMPLOYMENT

Lieutenant, Medical Service Corps, USNR 1971-6  
Department of Bioengineering  
University of Pennsylvania 1976-present  
Postdoctoral Fellow (1976-7)  
Assistant Professor (1977-83)  
Associate Professor (1983-present)  
Professor (1999-)  
Consultant, World Health Organization EMF Project, Geneva, Switzerland 2000  
(sabbatical leave from the University of Pennsylvania)

### HONORS/DISTINCTIONS

Indiana University Physics Department Award for Excellence in Teaching, 1970.  
Defense Nuclear Agency Certificate of Achievement, 1976.  
Fellow, Institute of Electrical and Electronics Engineers, 1988.  
Fellow, American Institute of Medical and Biological Engineering, 1991

### PROFESSIONAL SERVICE

AdCom, IEEE Engineering in Medicine and Biology Society, 1984-6, 1988-  
Associate Editor, IEEE Transactions on Biomedical Engineering, 1985-1989  
Program Chair, 1987 IEEE EMBS Annual Meeting (1200 papers presented)  
Conference Chair, 13th Annual Northeast Bioengineering Conference, 1987  
Chair, IEEE Committee on Man and Radiation 1997-9  
Chair, IEEE EMBS Ethics and Professional Responsibility Committee, 1989-1993  
President, IEEE Society on Social Implications of Technology 1996-8  
President, Philadelphia Society for Risk Analysis 1996-7  
President, IEEE Society on Social Implications of Technology, 1996-8  
Member, IEEE/ANSI C95.1 (sets exposure standards for RF energy) 1998-  
Member, National Council on Radiation Protection and Measurements 2000 - 2004

### RESEARCH EXPERIENCE AND DIRECTION

Since receipt of the Ph.D. in 1971, Dr. Foster has been engaged in studies on the interaction of nonionizing radiation and biological systems, with more than 100 papers in peer-reviewed journals on topics including biophysical mechanisms of interaction, electrical properties of biological materials, and medical applications. In addition he has written widely about the public controversy surrounding these issues. He is coauthor or coeditor of two books on risk assessment and the law.



Yerkes Associates, Inc.

Consulting Engineers / Site Planners / Land Surveyors

June 29, 2009

East Goshen Township  
1580 Paoli Pike  
West Chester, Pennsylvania 19380

RECEIVED  
BY: \_\_\_\_\_

JUN 30 2009

Attn: Mark Gordon, Township Zoning Officer

Re: Metro PCS -- 1201 North Chester Road  
Conditional Use Plan Review

Dear Mark:

The following plans prepared by CMX have been received by our office for review:

Metro PCS Site No. PH0715A, last revised June 18, 2009

- Sheet T-1: Title Sheet
- Sheet Z-1: Site Plan
- Sheet S-1: Compound Plan & Elevation
- Sheet ES-1: Erosion & Sedimentation Control Plan & Details

The plan submission also included the following supporting documents:

- June 19, 2009 Plan Submission Letter prepared by Debra Shulski
- June 7, 2009 Radiofrequency letter prepared by Kenneth R. Foster & Associates
- June 12, 2009 Shared Site Interference Analysis prepared by RF Studies LTD
- June 18, 2009 letter prepared by Master Locators, Inc.

The parcel owner is United Church of Christ. The parcel is located on the east side of the North Chester Road (S.R. 0352) intersection with Greenhill Road and is situated within the R-2 Low Density Suburban Residential Zoning District. The plans depict a proposed 12 foot wide by 15 foot long lease area located at the northeast corner of the Church. The lease area will contain equipment cabinets on a 10 foot square concrete pad which will serve six antennas to be attached to the inside of the Church steeple at a height of approximately 51 feet above ground level.

All comments from my previous review letter of May 22, 2009 have been satisfactorily addressed except for the following that are numbered as they appeared previously:

## **Zoning Ordinance**

### **Wireless Communications Facilities**

1. Section 240-31.C.3.h.2.e – within the R-2 Zoning District, Conditional Use approval is required to locate communication antennae on an existing steeple and to install support equipment on the ground. The requirements for Conditional Use approval as outlined by section 240-31.C.1 and .2 must be addressed to the Board's satisfaction.
  
6. Section 240-31.C.3.h.g.ii – When antennae are to be located on an existing structure, the applicant shall provide engineering details showing what steps have been taken to prevent "microwave bonding" to wiring, pipes, or other metals. "Microwave Bonding" refers to the coupling or joining of microwave energy to electrical circuits during which process the transfer of energy from one circuit to another occurs. The plan submission letter notes that the applicant's civil engineer and radio frequency engineer are not aware of any issue relating to microwave bonding and do not believe that microwave bonding is relevant to the proposed antenna installation. The analysis summary for the Shared Site Interference Analysis states that "The site analysis was completed using RF Studies Software and no interference was predicted." The requirement to address "microwave bonding" appears to be satisfactorily addressed.
  
8. Section 240-31.C.3.h.2.n: Where antenna(e) are proposed to be attached to an existing structure, a structural engineer shall certify that both the structure and the antenna(e) and their appurtenances meet minimum industry standards for structural integrity. General note 13 on sheet S-1 states that a structural analysis shall be performed by the owner's agent to certify that the existing / proposed communication structure and its components are structurally adequate. The preparation of a structural analysis and inspection report should be a condition of Conditional Use approval.
  
10. Section 240-31.C.3.h.2.q: The plan shall comply with requirements of Chapter 205, Subdivision and Land Development Ordinance as follows:
  - d. Section 205-33.B.17: The certification of ownership and plan acknowledgment on sheet Z-1 must be signed and notarized by the parcel owner.
  
11. Section 240-31.C.3.h.2.t: A description of the anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and noise impacts of such maintenance should be provided with the application. The plan submission letter notes that the Applicant has agreed to undergo a noise study and the results of this study will be submitted under separate cover.



959

Metro PCS  
June 29, 2009  
Page 3 of 3

The plans should be in proper order for conditional use approval once the above comments have been satisfactorily addressed. Please call if you have any questions concerning this review.

Sincerely,  
YERKES ASSOCIATES, INC.



Michael Conrad, P.E.

Cc: Phillip A. Burtner, P.E., CMX  
Debra Shulski, Riley, Riper, Hollin, & Colagreco

**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:** July 9, 2009  
**To:** Board of Supervisors  
**From:** Rick Smith, Township Manager  
**Re:** Body 1 Wellness Event

We are in receipt of a request from Chris Mazzio who operates Body1 Wellness to utilize the Goshen Corporate Park for an event that would raise money for The Alzheimers Foundation and the SIDS/SUDC Foundation.

The event is proposed for Saturday October 3, 2009 and it would last 2 hours (7:00 AM to 9:00 AM). He anticipates that about 100 people will attend.

He intends to contact CDTI to see if he can use their parking lot for registration, parking and the lifting event.

In the past we have allowed the SPCA to utilize the roads in the Goshen Corporate Park for their "Walk for Paws" event with the condition that they provide traffic control and that they notify the business owners in the Park.

I would suggest that, assuming that he is able to utilize CTDI's parking lot for parking and the lifting event, you approve his request under the aforementioned conditions.

RECEIVED  
BY: \_\_\_\_\_

6/07/'09

JUN 23 2009

## Body 1 Wellness

---

359 Lancaster Ave., Exton, PA.

Proposal for 1<sup>st</sup> Annual Pump and Run. Sponsored and Hosted by Body 1 Wellness of Exton, PA.. This event will benefit 2 organizations, The Alzheimer's Foundation and The SIDS/SUDC Foundation.

The Purpose of this Proposal is to be able to involve the local community, people and businesses, in creating and supporting revenue for the previously mentioned organizations but also to secure a venue for the Pump (lifting) and 5k (running) event. This event is very dear to not only the Owner (Chris Mazzio and Family) of Body 1 Wellness but also a number of other people in all of the local and surrounding communities.

Where Your organization steps in is by allowing; through discussion – the use of your roads and parking lots for us to hold the event. In our discussion we (Body 1) will layout just what is prescribed to help the event be successful. Not much is needed but without the use of your roads and lots this particular Fund Raiser for Alzheimer's and SIDS/SUDC cannot take place.

The Proposed Event Date is Saturday October 3<sup>rd</sup> 2009. The time to start the running race would be 7:30 A.M. but would last until approximately 8:30 A.M. Reason for the 1 hr. time frame is due to the fact that the runners will be going off in waves. People will run while others are lifting and vice versa.

Time is of the essence in getting everything organized for this event. The sooner we can secure a venue the sooner advertising and every other administrative tasks can be finalized. We certainly hope that we can come together on this so both The Alzheimer's Foundation as well as The SIDS/SUDC Foundation can realize a quicker cure for all involved.

I, Chris Mazzio – Owner of Body 1 Wellness – can be reached by Cell: 610-547-8462 or by Email: [info@body1wellness.com](mailto:info@body1wellness.com)



## Issue Brief: Red Flag Rules

*Updated April 2009*

7-10-09  
KRISTIN DRAFTED

THE ATTACHED Policy

TRICK

WORKSHOP  
6.  
3pgs

### New "Red Flag" Requirements for Municipalities – Six Month Enforcement Delay

In order to combat the growing problem of identity theft, the Federal Trade Commission (FTC) has issued new "Red Flag" rules which apply to all municipalities that have utility accounts, such as water, sewer or electricity, and other operations that defer payment for services on a recurring basis. **In accordance a decision by the FTC to delay enforcement of these new rules for six months, the rules now require that by May 1, 2009 such municipalities have in place written programs to identify, detect and respond to patterns, practices or specific activities - known as "Red Flags" - that could indicate identity theft.** Legal counsel should be consulted immediately regarding compliance with the FTC rules, including what types of operations and transactions are covered, as there may be significant consequences for noncompliance. The rules can be found at <http://www.ftc.gov/os/fedreg/2007/november/071109redflags.pdf>. Information on the enforcement delay can be found at <http://ftc.gov/opa/2008/10/redflags.shtm>.

In particular, the new rules apply to all municipal utility and other operations that **provide a service for which payment is deferred until a future date.** For example, when water, sewer or electricity is provided by a city and then paid for by the consumer at the end of a billing cycle, the city has extended credit for the purpose of the FTC rules. The definition of a "creditor" in the rules includes "utility companies" and a "covered account" (those accounts to which the rules apply) is defined to include an account that a creditor "offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions, such as a ... utility account."

The FTC rules mandate that creditors (like municipal utilities) that offer or maintain "covered accounts" develop and implement a written Identity Theft Prevention Program that helps protect consumer identity by responding to possible signals of identity theft known as "Red Flags." Red Flags are warnings of identity theft and are defined in the rules as a "pattern, practice or specific activity that indicates the possible existence of identity theft." Examples Red Flags include alerts, notifications or warnings from a consumer reporting agency, forged or inconsistent customer identifying information, as well as many other examples set forth in the FTC rules.

According to the FTC, each Identity Theft Prevention Program should be tailored to the needs of the municipality creating the program, taking into account such issues as its size and complexity, as well as the nature of its operations.

For questions about compliance with the rules, you may contact the FTC at [RedFlags@ftc.gov](mailto:RedFlags@ftc.gov), or visit the FTC Web site at [www.ftc.gov](http://www.ftc.gov). In addition, many state municipal leagues have extremely helpful information on their Web sites, including the Kentucky League of Cities (<http://www.klc.org/>) and the North Carolina League of Municipalities (<http://www.nclm.org>).

## **EAST GOSHEN TOWNSHIP IDENTITY THEFT PREVENTION POLICY**

### **I. Background:**

Pursuant to the Fair and Accurate Credit Transaction Act of 2003 (the "Act"), the Federal Trade Commission and other federal agencies have issued regulations that require creditors to develop, adopt and implement written identity theft prevention programs. The regulations require that creditors, which includes a municipality or utility company that provides utility service where the payment for the utility service is deferred to a future date, must identify, detect and respond to patterns, practices or specific activities known as "red flags" that could indicate identity theft. Because the Township bills commercial property owners for sewer service in arrears pursuant to Section 188-10(b) of the East Goshen Township Code, the Township is defined as a "creditor" under the Act and must adopt a written Identity Theft Protection Policy.

### **II. Determination of Risk of Identity Theft.**

The Township is at a low risk for identify theft because of the following factors: (1) there are a relatively small number of accounts that apply given the limited number of commercial properties which are billed for sewer service in arrears; (2) the Township has never had any reports or complaints concerning identity theft from a commercial sewer account; (3) the only information that the Township obtains in order to establish or open a new sewer account for a commercial property is the name of the property owner and the address of the property owner which is given to the local taxing authorities and is public information; (4) the Township does not acquire any other personal information concerning the property owner, such as a social security number, EIN number or any other information that may be subject to identity theft; and (5) the

Township is unaware of any other surrounding municipalities that have experienced identity theft with regard to utility accounts.

III. **Identification of Red Flags.**

The Township receives notice from a customer, a victim of identity theft or a law enforcement agency that an account has been opened or used fraudulently.

IV. **Detecting the Red Flags.**

If the Township receives notice that a customer's identity may have been stolen by using the information obtained by the Township in opening or processing a sewer account, the Township Utility Coordinator or Manager will contact the complaining customer and perform an investigation to determine the basis for the complaint.

V. **Responding to Red Flags.**

The Township Utility Coordinator or Manager will prepare a report of his or her investigation and file the report with the Board of Supervisors and if necessary the Township Police Department.

VI. **Administering the Program.**

The Board of Supervisors shall adopt this program by Resolution. The Township Manager shall annually review the policy to determine if it continues to be in compliance with the Act. Appropriate revisions will be made based on changes in federal law or if there are changes in the way that the Township administers utility accounts where fees are collected in arrears.