

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP
Tuesday, August 11, 2009
7:00 PM

1. Invoices
2. Minutes
 - a. July 28, 2009
3. Ordinance for Commercial Parking
4. Action List
 - a. King George Court
 - b. Tennis Courts
 - c. RCSTP Update
 - d. Safety Glasses
 - e. Web Site Status
 - f. DPW Garage Door Expense Detail
5. Park Benches Expense Follow Up
6. DCNR Applebrook Path
7. Traditions Development (WGT)
8. Hershey Mill Dam Update
9. Open Space & Invasive Species
10. Any Other Matter
11. Subdivisions/Land Developments /ZHB Applications – no new applications
12. Public Comment
13. Acknowledge

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
JULY 28, 2009 9 A.M.**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Joe McDonough, Don McConathy and Thom Clapper. Also present were Assistant Township Manager Joe Gill, Finance Director Deb Beury and Accounting Associate Brian McCool.

WORKSHOP

Call to Order & Pledge of Allegiance

Chairman Marty Shane called the meeting to order at 9:00 a.m. and led everyone in the Pledge of Allegiance to the Flag.

Moment of Silence

Carmen called for a moment of silence to honor the men and women serving their country in the armed forces, and their families.

Minutes

The draft minutes of July 21 were reviewed and corrected. Don moved to approve the minutes as corrected. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Bills

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

Treasurer's Report & Expenditure Register Report

The Treasurer's Report for July 23, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 26,671.24	Accounts Payable \$ 24,655.48
LST	\$ 11,000.00	Electronic Payments \$ 1,792.42
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec (2009)	\$ 6,296.86	Payroll \$ 46,000.00
Total Receipts	\$ 43,968.10	Total Expenditures \$ 72,447.90
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 162,369.67	\$ 140,542.66
Refuse	\$ 36,908.53	\$ 5,456.13
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report and Expenditure Register Report dated July 23 as recommended by the Treasurer in her July 23, 2009 memo to the Board, to accept the receipts and to authorize payment of the invoices just reviewed. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Greenhill Sewer Association

Carmen motioned to authorize the Chairman to sign the Operations and Maintenance agreement with Greenhill Sewer Association as amended. Joe seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Goshen Fire Company substation access right of way

The Supervisors agreed to notify East Goshen Township residents within 1,000 feet of the Goshen Fire Company substation of the upcoming West Goshen Township's Conditional Use Hearing regarding the proposed Traditions development and the impact to the easement on the property of the firehouse and other related potential impacts.

2nd Quarter 2009 Financial update

The first part of the financial review was a discussion of follow up items from the June 25 Board meeting. The Board reviewed Deb Beury's memo dated July 25 which listed the status of items previously requested by the Board. The responses below are for the action items from the June 25 meeting. (Answers are in bold.)

1. Determine the Township's options with costs for the collection of monies owed for the property at 1419 Center Street. **We will proceed to Sheriff Sale. Open**
2. A report on the past due sewer bill for 1306 Goshen Parkway. **Bill was paid. Closed**
3. All future newsletters should include a block ad for "Constant Contact". **Yes. Closed**
4. The Township should continue to publicize in the Newsletter the dates that the utility bills and tax bills are mailed and due. **Yes. Closed**
5. Check with the Township Solicitor on whether or not utility billing data, specifically the property owner's name, address, and past due balance are a public record. **Yes, they are. Closed**
6. Complete the report on the Real Estate Taxes that have been turned over the County Tax Claim Bureau for the Board's review on July 28th. **Included with Financial Reports. Reformat by year/address. Provide quarterly. Open**
7. Reformat the sewer operating and refuse budget reports to show the variance from budget. **Included with Financial Reports. Closed**
8. The reports for all funds should utilize the same format. **Included with Financial Reports. Closed**
9. Develop a master list of all items that have been cut or reduced, for the Board's consideration when the economic situation improves. **Draft presented by Deb; will be consolidated with previous report from Rick. Show annual cuts done for the past two years and all years going forward. Include item description and budget value. Open**
10. A recommendation from staff on whether or not to publish the newsletter 3 or 4 times a year. **Open**
11. A report on the proposed \$22,000 expense for the tennis courts. **Open**

12. A report on the cost effectiveness of preparing payroll in house. **No apparent savings. Closed**
13. A report on visiting nurses contribution. **Submitted but more information requested by the Board. Open**
14. A recommendation on the contribution to the Malvern Library. **Submitted but more information requested by the Board. Open**
15. Check on the Utility Account for Leake (account # 2544L) - is it a wrong account # or mis-filed in the report? **Issue with account resolved: 'L' indicator will no longer be used. Closed**
16. A report listing options to improve the billing process for sewer and refuse bills - follow-up phone calls, change the format of the bill, etc. **Resolution will be edited and re-presented to the Board. Follow up process to be detailed. Open**
17. Revise 2008 Final "Marty" Report in the format as discussed during the meeting. **Closed.**
18. A report on the debt service to see if any loans make sense to be prepaid. **Open.**
19. Check with the solicitor on the length liens remain with a property - 7 years or forever or somewhere in-between? **Liens attach to property and do not expire. Do they have to be renewed to maintain position for payment? Open**
20. Check with the solicitor on whether a better collection process is possible for non-escrowed accounts receivable (i.e. engineering recharges). **New Report format in Financial Reports but may be incomplete. Open**
21. Revise utility billing reports so that the reports track the quarterly billing cycle. **Open**
22. Update District Court report to show 2008 year end data. **Closed.**
23. Add a "bad debt" line item to General Fund, Sewer and Refuse fund budgets. **Bad Debts are not booked under cash basis accounting. Net amounts are used for budgeting. Closed**
24. Joe Gill to provide an assessment of the Capital Reserve Fund. **Open.**

Additional items developed by staff after the June 25 meeting discussed were:

25. Rental of Snow Loader. **Rental period reduced but can more savings be had? Look at on-demand rental option. Open**
26. Quarterly Summary of Pending Legal Cases. **Draft submitted, will be revised. Open**
27. Is Labor Included in Applebrook Path & Line Road Project Estimates? **For Applebrook, labor is not included in the budget line item. For the Line Road path, labor is included in the budget line item. Closed**
28. Omega Settlement Summary Report. **Summary of settlement proceeds and expenses to date for property submitted. Provide final report once all expenses are known. Open**
29. Policy on Letters of Credit. **Open.**
30. DPW Legal Expense Detail. **Legal Expense charged to DPW was for Resolution 09-36 and HVAC bids. Closed**
31. Breakout Legal in Permits & Zoning Accounts. **Will appear in future financial reports. Open**
32. Revise Variance Summary Report. **Included with Financial Reports. Closed**
33. Memo on Budget Adjustments. **Adjustments accepted by Board. Closed**
34. Add Lien & Interest Lines to Sewer & Refuse Accounting. **Consider for 2010 Budget. Open**

35. Policy for Sewer & Refuse Delinquent Accounts Payment Application. **Open.**
 36. Can We Charge Interest Retroactively if not done in Sewer & Refuse? **Lien balances accrue statutory interest of 6%. Pre-lien interest (9%) must be included in lien. Closed .**
 37. Reformat Capital Reserve Fund Report. **Open.**
 38. Revise Fund Balance Report. **Open.**
 39. Process improvement for non-escrow A/R – recharges will be reviewed for 2010. **Open**

The second part of the financial review was discussion of the 2nd Quarter Operating Results:

Currently, an operating deficit of \$322,521 is projected. This is about \$640,000 better than the 2009 Budget deficit of \$958,690. Significant positive impact items are Police General Expense, Capital Reserve contribution, and the Earned Income Tax.

New items requested by the Board were:

- 40. Status of Monies owed by Westtown for Barkway and Ashbridge pump stations..
- 41. Status of new trees at Line Rd and Paoli Pike. (Move this to BOS Action List)
- 42. Submit Grant for circle path at Applebrook Park. (Move this to BOS Action List)
- 43. Add appropriate YTD budget column to Summary Operating Reports.
- 44. Generate Memo to ABC's requesting 2010 budget input – response due by Sept 15.
- 45. Prepare Master Calendar of Finance deadlines, important dates and reporting dates.
- 46. Prepare Master Calendar of Administration deadlines and important dates
- 47. Update Escrow list with missing items.

Supervisor Clapper left the meeting at _____ and Supervisor McDonough left the meeting at _____.

Action List

The Board reviewed the action list and made recommendations for changes. The Board asked that the action list be subdivided into various categories as was done previously.

Public Comment

Public Comment: Howard Jones, 1048 Kennett Way – questioned whether committee meetings are open to the public. Marty advised him they are not.

Adjournment

There being no further business, the public meeting adjourned at 2:00 P.M.

Respectfully submitted,

Deborah Beury
 Director of Finance

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

3. Ordinance
3pgs.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 225 OF THE
EAST GOSHEN TOWNSHIP CODE, TITLED "VEHICLES
AND TRAFFIC", SPECIFICALLY SECTIONS 225-1 AND
225-22 TO PROHIBIT PARKING OF COMMERCIAL
VEHICLES ON ALL STREETS WITHIN THE TOWNSHIP
BETWEEN THE HOURS OF 6:00 P.M. TO 6:00 A.M.

WHEREAS, the Board of Supervisors of East Goshen Township (the "Board") has authority pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. §3353(d), to prohibit, limit or restrict parking of vehicles on any highway within the Township's boundaries where engineering and traffic studies indicate that parking would constitute a safety hazard or where the parking of vehicles would unduly interfere with the free movement of traffic; and

WHEREAS, pursuant to the Pennsylvania Code, Title 67, Chapter 212 §212.114, the Board may restrict parking of vehicles along the curb or edge of a roadway within the Township's boundaries if the distance between the center or the center line pavement markings and the curb or edge of roadway is less than 18 feet; and

WHEREAS, pursuant to the Pennsylvania Code, Title 67, Chapter 212 §212.114, the Board may prohibit certain kinds and classes of vehicles from parking on roadways within the Township's boundaries for safety, capacity or environmental reasons; and

WHEREAS, the Board retained Orth-Rodgers & Associates, Inc. ("Orth-Rodgers") to perform an engineering and traffic study to determine whether or not parking of commercial vehicles on the roadways within the Township constitutes a safety hazard; and

WHEREAS, Orth-Rodgers prepared a traffic study dated July 17, 2009, which indicated that parking of commercial vehicles on all Township roads where the width of the road is 36 feet or less causes site distance restrictions and limits free movement of traffic in both directions and thus causes a safety hazard; and

WHEREAS, based on the results of its traffic study, Orth-Rodgers has recommended that the Board restrict commercial vehicles from parking on all roads in the Township between the hours of 6:00 p.m. and 6:00 a.m.; and

WHEREAS, based on the authority specified in the Motor Vehicle Code and the in the Pennsylvania Code, the Board desires to impose such parking restrictions in order to further the health, safety and welfare of the community.

NOW, THEREFORE, the Board of Supervisors of East Goshen Township, Chester County, Pennsylvania, does hereby enact and ordain as follows:

SECTION I. Section 225-1 of the East Goshen Township Code, titled "Definitions and Interpretations", shall be amended by adding a new subparagraph (d) which shall state as follows:

"(d) Commercial vehicles as used in this chapter shall be defined as any vehicle which has a gross vehicle weight rating (GVWR) either solely or in combination, which exceeds 8,000 pounds or which is in excess of 18 feet in length, regardless of how the vehicle is used."

SECTION II. Section 225-22 of the East Goshen Township Code, titled "Parking Prohibited At All Times", shall be revised by renumbering the existing paragraph to be Section 225-22.A.

SECTION III. A new Section 225-22.B shall be added which shall state as follows:

"B. No commercial vehicle or part thereof having a gross vehicle weight rating (GVWR) either solely or in combination, which exceeds 8,000 pounds or which is in excess of 18 feet in length shall be parked, stored or maintained on any street, road or right of way within the Township between the hours of 6:00 p.m. and 6:00 a.m."

SECTION IV. 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 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 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

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

4. ACTION LIST
A
1 pg

To: Board of Supervisors
From: Mark Miller
RE: Revised Paving Cost for King George Court

Driveway Cuts (11) 16.5 yards x \$110 =	\$1,815.00
Clean & Tac 383 gallon x \$2.75 =	\$1,053.00
Base Repair 20 tons x \$42.25 =	\$ 845.00
Wearing Course 270 tons x \$47.20 =	\$12,744.00
Rental Equipment	<u>\$5,200.00</u>
Total	\$21,657.00

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

4 ACTION LIST

B.

1 pg.

August 6, 2009

To: Board of Supervisors

From: Mark Miller

RE: Tennis Courts

The Tennis Courts are in very good condition. The front three courts have some cosmetic cracks that can be repaired in-house.

The back three courts that have the Premier Finish are also in very good condition and do not require any repairs.

I would ask that you consider replacing 3 sections of fence around the front courts.

Materials:	\$3,302.00
Labor:	\$3,698.00
Total:	\$7,000.00

This would come out of the capital reserve fund. The fence that needs to be replaced is 30 years old.

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

4. ACTION LIST

C,
1 pg

August 6, 2009

To: Board of Supervisors
From: Mark Miller
Re: Ridley Creek Plant Update

The footers were poured for the screen building. The Disc Filters arrived on Tuesday and were put into place.

The SBR Tanks were water tested during the test, two wet areas were found. The Dutchland Company has recommended applying a material known as CIM. This product would be applied on both sides of the dividing walls.

The Municipal Authority will meet in executive session to discuss the Dutchland Company's request on Monday night.

**EAST GOSHEN TOWNSHIP
MEMORANDUM**

TO: BOARD OF SUPERVISORS
FROM: JOE GILL, ASSISTANT MANAGER
SUBJECT: SAFETY GLASSES
DATE: 8/6/2009
CC: RICK SMITH, MANAGER;

A recent reimbursement request for prescription safety glasses, which was honored, has raised the issue of policy going forward.

Review of Township manuals did not reveal any Policy directly addressing the costs associated with safety glasses. Indirectly, the Personnel Manual, "Chapter 17: Expense Reimbursement", suggests that substantiated and reasonable expenditures would be reimbursed. Also, the Township's Workers Compensation policy mentions that employees should be outfitted with proper safety equipment. (No distinction between regular safety glasses and prescription safety glasses is made.)

In practice, prior to the recent case, the Township has provided regular, non-prescription safety glasses for employees whose assigned duties may include an eye-hazardous work environment.

Internet research yields a consensus that employers pay some level of reimbursement but not the entire cost for prescription safety glasses. In particular, OSHA's directive for its own employees (attached) allows for a reimbursement not to exceed \$65 where "available field office equipment cannot be used".

I recommend the Board adopt a policy for reimbursement of prescription safety glasses in keeping with that of OSHA's partial reimbursement for its employees and that such policy includes Procurement Procedures similar to those outlined on page 4/4 of the OSHA directive.



UNITED STATES DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

www.OSHA.govA-Z Index: [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)**Directives****PRO 02-00-001 - PRO 4.3 - Procurement of Safety Glasses and Safety Shoes**[Directives - Table of Contents](#)

• Record Type:	Instruction
• Directive Number:	PRO 02-00-001
• Old Directive Number:	PRO 4.3
• Title:	Procurement of Safety Glasses and Safety Shoes
• Information Date:	10/30/1978
• Standard Number:	<u>1910.133</u> ; <u>1910.136</u>

PRO 4.3 OSHA Instruction October 30, 1978

OSHA ADMINISTRATIVE DIRECTIVE

To: National Office Executive Staff, Division Chiefs, Regional, Administrators, Area Directors, and CSHO's

Subject: Procurement of Safety Glasses and Safety Shoes

Attachments: 1. Procurement Procedures 2. SF 1034

1. Purpose. To implement policies, standards, and procedures for the procurement of safety glasses, safety shoes, *and caulked logging boots.*

2. Explanation. Certain OSHA personnel are required, in the course of their assigned duties, to enter designated "eye hazardous" or "foot hazardous" areas. For their protection, and to set a proper example for others, when entering these areas the appropriate personal protective equipment should be worn. To ensure their meeting DOL safety requirements, and in order to obtain prompt reimbursement, the equipment shall be purchased following the policies, standards and procedures described below.

3. Safety Glasses.

a. Justification: The individual will prepare a "Statement of Justification" in which his need for the safety glasses and any modifications to them is demonstrated.

(1) A major criterion for the supervisor's approval of an individual's request is that the safety glasses are required to perform routine work assignments. OSHA personnel regularly assigned to office duties should justify in their statement why available field office equipment (e.g. , "plano" glasses and safety goggles) cannot be used.

3065

NOTE: Asterisks precede and follow changes.

OSHA PRO 4.3 OSHA Instruction October 30

(2) *New glasses must have side shields.*

(3) Tinted lenses will not be allowed unless specifically required as a part of the prescription eye correction (i.e., the individual has a specified eye defect or weakness), or required by the individual's working condition, e.g., entering hazardous areas in which welding occurs.

b. General Policy.

(1) Employee's reimbursement for the purchase of safety glasses cannot exceed \$65.

(2) In order to obtain reimbursement, an individual requiring prescription safety glasses will be required to submit to his immediate supervisor a lenses prescription issued within the last year. The individual must have his eye examination performed by an optometrist or ophthalmologist at no expense to the Government.

(3) Safety glasses will be replaced or repaired when determined necessary by the individual's immediate supervisor.

c. Standards. Occupational and Educational Eye Protection ANSI-Z87.1 requirements must be met:

(1) Safety spectacles require special frames. Safety lenses meeting this standard in combination with street-wear frames are not acceptable. Frames must bear the manufacturer's identification trademark on both fronts and temple. See ANSI-Z87.1 for detailed requirements.

(2) Lenses must be 3 millimeters thick and distinctly etched with the manufacturer's monogram. The marking must be placed so as not to interfere with the wearer's vision.

(3) Tinting, if required, should be in accordance with ANSI-Z87.1 requirements and be a shade appropriate to the "eye hazardous" areas to be entered. Each lens must be marked with the shade designation.

(4) Glass lenses must be marked with the letter "H" to indicate treatment for impact resistance.

OSHA Instruction October 30, 1978 PRO 4.3

d. Procedures. See Attachment 1 for procedures to be followed

when procuring safety glasses.

4. Safety Shoes *and Caulked Logging Boots.*

a. Justification: The individual will prepare a "Statement of Justification" in which his need for the safety shoes *or caulked logging boots* is demonstrated. A major criterion for the supervisor's approval of an individual's request is that the safety shoes *or caulked logging boots* are required to perform routine work assignments. OSHA personnel regularly assigned to office duties should justify why available field office equipment cannot be used.

b. General Policy.

(1) The regional safety representative will determine the types of protective footwear to be worn in "foot hazardous" areas.

(2) Authorized employees are initially entitled to the purchase of two pairs of safety shoes *and/or one pair of caulked logging boots* at agency expense. Thereafter, each authorized employee is entitled to the reimbursement purchase of only one pair of safety shoes in any twelve month period *or one pair of caulked logging boots in any 36 months period.* Maximum reimbursement is limited to *\$40.00* for each pair of safety shoes *or \$150 for a pair of caulked logging boots.*

(3) Repair and maintenance will be the individual's responsibility.

c. Standards. ANSI Z41.1 Standards for Men's Safety Toe Footwear must be met: At least one of each pair of shoes must be clearly and legibly stamped: "USAS" followed by the designation "Z41.1-1967/75" or "Z41.1-1967/30" depending on the results of the impact and compression testing. The stamp may be placed on the inside quarter, or shank of the insole, or tongue.

Example:

USAS Z41.1-1967/75

OSHA Instruction PRO 4.3 October 30, 1978

d. Procedures. See Attachment 1 for procedures to be followed when procuring safety shoes *or caulked logging boots.*

5. Scope. The procedures described in Attachment (1) will also be followed when procuring other personal protective equipment required in accordance with field manuals. 6. Action. All OSHA employees will comply with the policy, standards, and procedures described by this directive.

5 of 5

7. Filing Instructions. Retain this directive until further notice.

John W. Ready Deputy Director Administrative Programs

Administrative Programs

DISTRIBUTION: A-1, B-2, C-2, D-4&5, E-2

Originator: OAAM

Attachment #1 OSHA Administrative Directive
#PRO 4.3

PROCUREMENT PROCEDURES

1. Procedures to request and obtain reimbursement for personal protective equipment.

- a. The employee prepares a "Statement of Justification" and forwards it to the immediate supervisor.
- b. The immediate supervisor reviews the statement. If approval is granted, the immediate supervisor signs the "Statement of Justification" and returns it to the employee.
- c. The employee obtains the personal protective equipment and returns to the supervisor:
 - (1) SF 1034 (Public Voucher for Purchases and Services other than Personal),
 - (2) The "Statement of Justification",
 - (3) The eye prescription (if Prescription safety glasses).
- d. The supervisor confirms that the policies and standards applicable to the protective equipment are met. That official then forwards SF 1034 and the "Statement of Justification" to the Management Officer (or at the National Office level to the Office of Financial Management) for requestor's reimbursement action.

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Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, DC 20210

**EAST GOSHEN TOWNSHIP
MEMORANDUM**

TO: BOARD OF SUPERVISORS
FROM: JOE GILL, ASSISTANT MANAGER
SUBJECT: TOWNSHIP WEB SITE
DATE: 8/6/2009
CC: RICK SMITH, MANAGER;

The current status of the Township Web Site upgrade:

Triton has installed the new Content Management Software (CMS) onto the server to run parallel with our current website. This will allow for simultaneous operation of the current site and the development and transfer of pages to the new site.

Triton expects to forward some format concepts within the next week and then arrange for a meeting to discuss the components we find appealing.

EAST GOSHEN TOWNSHIP
GARAGE DOOR DISBURSEMENTS
2007 THROUGH 2009

Budget	Sub#	Description	Check Date	Amount	Description
01409	3740	GARAGE DOOR FOR BLDG COLD SALT BINS	3/7/2007	2,906.50	New door - not insulated
01409	3740	SERVICE CALL	3/7/2007	261.00	Maintenance
01409	3740	COMMERCIAL SERVICE CALL	4/30/2007	314.90	Maintenance
05422	3700	SERVICE CALL - LABOR & PARTS	6/28/2007	149.70	Maintenance
01409	7450	INSULATED GARAGE DOOR & OPENER	12/27/2007	4,125.00	New door - insulated
01409	3740	SERVICE CALL AND REPAIR GARAGE DOOR	1/24/2008	986.33	\$413 is for remotes for trucks, \$573 is for maintenance
01409	7400	INSULATED GARAGE DOOR & OPENER	2/22/2008	4,125.00	New door - insulated
01409	3740	TORSION SPRINGS FOR RAMP DOOR	3/11/2008	617.47	Parts to be kept on hand
01409	3740	REPAIR DOOR 4-5	4/9/2008	2,895.00	New electric opener \$1110, maintenance \$1407, parts \$378
01409	3740	SERVICE CALL - LUBRICATE DOOR	5/27/2008	174.70	Maintenance
01409	3740	SERVICE CALL - TRUCK MAINTENANCE	8/18/2008	422.85	Maintenance
01409	3740	REPAIR GARAGE DOOR	5/22/2009	1,080.90	Repair
				18,059.35	

4 ACTION LIST
F.
1 pg.

PURCHASE OF WOOD FOR REPAIR OF PARK BENCHES

Joe

The Attached pictures are what the benches currently look like. There are 13 of these benches located throughout the park. They were put in service 16 or 17 years ago.

Mark



6. APPLEBROOK
2pgs

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

August 7, 2009

To: Board of Supervisors
From: Mark Miller
Re: Applebrook Pathway

We received a letter from DCNR regarding the pathway along Line Road asking for the return of their grant money.

Because the path will not go to East Boot Road, they feel the project is incomplete.

See attached letter.

202



Pennsylvania Department of Conservation and Natural Resources

Rachel Carson State Office Building
P.O. Box 8475
Harrisburg, PA 17105-8475
July 24, 2009

RECEIVED
BY: _____

JUL 29 2009

Bureau of Recreation and Conservation

717-783-4735

atatanish@state.pa.us

Mr. Louis F. Smith - Project Coordinator
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380-6107

**RE: East Goshen Township (Chester)
Applebrook Path
BRC-PRD-14-130**

Dear Mr. Smith:

We acknowledge receipt of your letter of March 9, 2009. Per review of your Grant Application and Grant Agreement and discussion with your project manager, John Earl, we are providing the following response to your letter:

As per Appendix 'A' in the Grant Agreement, the scope of work is for the "Development of Applebrook Path, East Goshen Township, Chester, County. Work to include the construction of approximately 1.0 mile of path between East Goshen Township Park and Willistown Township athletic fields; ADA access, landscaping, project sign, and other related site improvements."

Per review of your request it appears that the project does not represent a complete pedestrian trail/path connecting recreational facilities. It appears to be improvements to Line Road in the Township's public right of way. It appears based upon review of the photographs included in your Grant Application the project is ineligible for our funding reimbursement.

If we do not hear from you by August 24, 2009 we will follow up with a second letter requesting the original partial payment and interest be returned to the Commonwealth.

Sincerely,

Alex Tatanish
Chief, Development Section
Grants Project Management Division

cc: Fran Rubert, Regional Recreation and Parks Adviser
John Earl, Project Manager

ALT:lar

COPY TO MARK MILLER 8/4
[Handwritten signature]

Stewardship

Partnership

Service

Degnan, Diane

From: Joe Gill [jgill@eastgoshen.org]
Sent: Friday, August 07, 2009 8:22 AM
To: Tarsi, Joyce; 'Stephanie Witt'; 'Diane Degnan'
Subject: FW: Purple Loostripe

Put this with the agenda item.

Joe Gill

Assistant Township Manager
East Goshen Township
1580 Paoli Pike
West Chester PA 19380
610.692.7171 ext: 3029

From: Jane Fava [mailto:janejava@verizon.net]
Sent: Thursday, August 06, 2009 5:40 PM
To: EMShane@aol.com; vsnewlin@aol.net; Wujcikwalt@aol.com; ssnyder7385@comcast.net; SHADYTREEINC@aol.com; bryandelmonte@comcast.net; mek380@comcast.net
Cc: JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmccconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org; 'Mark Miller'
Subject: RE: Purple Loostripe

The amount of invasive and noxious weeds in the township open space is atrocious. I believe we have an ordinance that could require residents to remove state designated noxious weeds from their property but we do not do anything about our township space. We have huge stands of canada thistle, multiflora rose, mile-a-minute & poison ivy just to name a few. Fortunately the purple loosestrife is not the problem here that it is further north – yet. I believe this is the job of public works to manage the properties that are owned by the township. Also, the open space is under the park and rec board. I would be thrilled to see these areas cleaned up but I felt this is not in our purview. I would love to have a clarification of what our focus should be out side of landscaping plans, maintaining the areas that we have done work on, and recycling. If you would like us to take on the open space land management I think we could help but with the okay & cooperation from Park and Rec. and Public Works. In our areas of concern such as the Reservoir Rd. wetland and the Blacksmith Shop wetland we have a professional come in every year to manage the invasive plants. We are having a meeting on Wednesday and would love to hear from you all.

.Jane

Jane Fava
Red Streams Blue Program
Brandywine Valley Association
Red Clay Valley Association
626 Meadow Drive
West Chester, PA 19380
janejava@verizon.net
610-429-0109
fax 610-431-5783
www.brandywinewatershed.org

From: EMShane@aol.com [mailto:EMShane@aol.com]

8/7/2009

Sent: Thursday, August 06, 2009 3:49 PM

To: vsnewlin@aol.net; Wujcikwalt@aol.com; ssnyder7385@comcast.net; SHADYTREEINC@aol.com; bryandelmonte@comcast.net; janefava@verizon.net; mek380@comcast.net

Cc: JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmccconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org

Subject: Fwd: Purple Loostrife

FYI

E. Martin (Marty) Shane

14 Line Road

Malvern, PA 19355-2865

Tel: (610) 647-8873

Cell: (610) 405-4305

E-mail: emshane@aol.com

Fax: (610)647-8873 (call before faxing)

From: jsbabiecjr@verizon.net

To: mshane@eastgoshen.org

Sent: 8/6/2009 12:14:22 P.M. Eastern Daylight Time

Subj: Purple Loostrife

Marty:

I happened to pass by the Township Building the other day in daylight and saw across the street in the marshy area the large amount of Purple Loostrife (SP?). This is a very invasive plant introduced to the US a number of years ago, I believe from one of the Scandinavian countries.

When I moved from Massachusetts in 2001, it had already spread extensively, killing all the native plants and invaded all the marsh and lake areas ruining the natural ecology. Last year I happened to notice it in Hershey's Mill and Mike Neale, Hershey's Mill Landscaping, knew about it and would spray to control it.

Perhaps you already know about the invasion and things are being done to control the spread. Unfortunately, birds feed on the seeds and help spread the problem.

Regards,
John Babiec

8/7/2009

Comprehensive Plan Actions Planning Commission

Sub #	Primary Responsibility	MEG	SUE	GM	AL	SDI	PGM	CWP	Timeframe for Completion	Priority	Recommendations and Actions	Method of Implementation	Status 1/09
3A-2	Planning Commission	X	X	X	X	X	X	X	1 - On-going	2 - Medium	Encourage redevelopment of existing housing stock and development of vacant sites in older neighborhoods by providing for flexibility in the types of residential uses permitted.	Zoning Ordinance	On-going
2A-2	Planning Commission	X		X	X	X	X	X	2 - Immediate	1 - High	Establish a shared parking strategy that reduces the number of total parking spaces required for adjacent commercial and noncommercial uses.	Zoning Ordinance, reference to Subdivision and Land Development Ordinance; Shared parking should incorporate a calculation that identifies peak hours of operation of adjacent uses to identify the number of adjacent parking spaces that could be shared.	On-going
8E-1	Planning Commission	X	X	X		X	X		1 - On-going	2 - Medium	Work with adjacent townships and the West Chester Region to continually plan for implementation of improvements along corridors of mutual interest.	Road Corridor Studies done on a multi-municipal level with adjacent townships and with WCRPC. An example is the current Paoli Pike corridor study with West Goshen and Willistown.	On-going
3B-1	Planning Commission	X		X	X	X	X	ZHB	2 - Immediate	1 - High	Provide a density bonus for increased open space.	Zoning Ordinance	
2E-2	Planning Commission		X	X	X	X			1 - On-going	2 - Medium	Support development of other regional initiatives of interest to East Goshen.	Special Study, Zoning Ordinance revisions	On-going
2C-1	Planning Commission		X	X			X	X	2 - Immediate	1 - High	Consider an increase in structure height in commercial districts to reduce impervious coverage and increase open space.	Zoning Ordinance	On-going
2A-2	Planning Commission	X			X			X	2 - Immediate	1 - High	Re-examine existing minimum parking requirements and, using the most recent available parking generation data, reduce the amount of parking required.	Zoning Ordinance	No Action
													On-going

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Comprehensive Plan Actions Planning Commission

Sub #	Primary Responsibility	MEG	SUE	GM	AL	SDI	PGM	CWP	Timeframe for Completion	Priority	Recommendations and Actions	Method of Implementation	Status 1/09
2A-2	Planning Commission	X			X	X		ZHB	2 - Immediate	1 - High	Encourage alternative paving of parking areas to include the use of porous paving systems.	Zoning Ordinance	
2C-1	Planning Commission					X	X	X	3 - Short-term	2 - Medium	Evaluate the restriction allowing only one principal use per commercial lot and revise C-4 district area and bulk standards to reflect additional potential uses and multi-use development.	Zoning Ordinance	On-going
2A-2	Planning Commission					X	X	X	4- Long-term	2 - Medium	Develop and approve a sign plan in accordance with a Corridor Design Plan.	Sign Plan – defines a common design theme and parameters to implement along designated Corridors. Zoning Ordinance for consistency with the Sign Plan.	No Action
2D-1	Planning Commission		X			X	X		4- Long-term	3 - Low	Hold a workshop to invite members of the public, design professionals, business owners, community leaders, and public officials to develop a common design concept and parameters for the Town Center.	Public Design Workshop incorporating: Small group sessions with design professional to identify existing assess and concerns; Potential design solutions to unify the Town Center; Ordinance amendments to address design recommendations; A growth plan to maintain economic viability of the Goshen Village Shopping Center.	To be addressed
8F-2	Planning Commission	X		X				CB/PR	1 - On-going	1 - High	Coordinate the construction of new sidewalks with the development of a potential trail network. See Recommendation 6D-2.	Should a trail network be advocated relative to Recommendation 6D-1, then coordinate with sidewalk improvements to avoid duplication of improvements.	No Action
8F-2	Planning Commission	X					X		1 - On-going	1 - High	Consider sidewalk improvements in all future development proposals.	Coordination of sidewalk improvements should include contributions through new development proposals on roadways specifically linking developments on Township roads classified as collector or arterial; Subdivision and Land Development Ordinance.	On-going

Comprehensive Plan Actions Planning Commission

Sub #	Primary Responsibility	MEG	SUE	GM	AL	SDI	PGM	CWP	Timeframe for Completion	Priority	Recommendations and Actions	Method of Implementation	Status 1/09
8E-1	Planning Commission	X		X					1 - On-going	2 - Medium	Monitor transportation improvements in adjacent townships and through the WCRPC.	Monitor all roadway improvements and other initiatives of adjacent townships and the WCRPC.	On-going
4A-3	Planning Commission		X		X	CB			2 - Immediate	1 - High	Update Subdivision and Land Development Ordinance Definitions section.	Subdivision and Land Development Ordinance	On-going
2A-2	Planning Commission		CB		X	CB		X	3 - Short-term	1 - High	Review landscaping regulations to provide more flexibility in the design and improvement of nonconforming and combined sites.	Incorporate into Subdivision and Land Development Ordinance	On-going
2A-2	Planning Commission		X		X				3 - Short-term	1 - High	Provide greater flexibility in the use of common driveways, including providing design or use incentives that allow for business owners to redesign existing parking areas to create greater driving and access safety.	Subdivision and Land Development Ordinance, references to Zoning Ordinance; incentives should be tied to reductions in landscape buffer requirements, setbacks, or parking.	No Action
8D-3	Planning Commission		X					X	3 - Short-term	2 - Medium	Communicate with local businesses and institutions that may have ideal locations for park and ride lots.	Negotiate with local businesses/institutions for use of parking areas, fees, liability, etc.	On-going
8D-3	Planning Commission		X					X	3 - Short-term	2 - Medium	Identify possible locations for park and ride lots and support park and ride lots already in existence.	Field survey of local parking lots and already existing park and ride lots. Evaluate commuting patterns to determine effective future locations depending on transit availability.	No Action
2B-2	Planning Commission						X	X	3 - Short-term	2 - Medium	Encourage cluster development of Low Density Residential (LDR) areas that protects existing historic structures and natural resources.	Zoning Ordinance, Subdivision and Land Development Ordinance	No Action
													Completed

Comprehensive Plan Actions Planning Commission

Sub #	Primary Responsibility	MEG	SUE	GM	AL	SDI	PGM	CWP	Timeframe for Completion	Priority	Recommendations and Actions	Method of Implementation	Status 1/09
3B-1	Planning Commission		CB	X		CB		CB	1 - On-going	1 - High	Ensure common open space includes natural resources that connect to form natural corridors for wildlife habitat.	Zoning Ordinance	On-going
4B-1	Planning Commission		CB	X				ZHB	1 - On-going	1 - High	Promote the use of porous paving materials.	Zoning Ordinance	On-going
4D-2	Planning Commission				X	CB		ZHB	2 - Immediate	1 - High	Revise the Subdivision and Land Development Ordinance to include wetlands margins, permitted uses, and setbacks.	Zoning Ordinance, Subdivision and Land Development Ordinance	On-going
2E-1	Planning Commission		X						3 - Short-term	1 - High	Review the Zoning Ordinance for provisions to address incompatible land uses along the borders, and adopt revisions as needed.	Zoning Ordinance	To be addressed
2B-1	Planning Commission							X	3 - Short-term	2 - Medium	Develop and adopt cluster design regulations appropriate to the Business Park (BP) district.	Zoning Ordinance	Completed
4D-1	Planning Commission							X	3 - Short-term	2 - Medium	Revise the Subdivision and Land Development Ordinance to include standards to limit or prohibit disturbance within a specified distance from the stream or water body.	Subdivision and Land Development Ordinance	No Action
2B-1	Planning Commission	X							4- Long-term	3 - Low	Consider raising the minimum common open space requirement to 50% for residential development, with a smaller percentage for commercial and industrial cluster development.	Zoning Ordinance	Completed
													On-going

Comprehensive Plan Actions Planning Commission

Sub #	Primary Responsibility	MEG	SUE	GM	AL	SDI	PGM	CWP	Timeframe for Completion	Priority	Recommendations and Actions	Method of Implementation	Status 1/09
4C-2	Planning Commission					X			4- Long-term	3 - Low	Consider the creation of a Scenic Road Overlay District.	Update of Scenic Road inventory, Zoning Ordinance	No Action
2B-2	Planning Commission							ZHB	3 - Short-term	2 - Medium	Review and revise the existing lot area, width, and yard regulations of the R-3 district to reflect the existing lot sizes within the district.	Zoning Ordinance (R-3 District)	No Action
3C-1	Planning Commission							ZHB	3 - Short-term	2 - Medium	Review area and bulk regulations in the residential districts.	Zoning Ordinance (prior to amendments, a study of area and bulk regulations in the residential districts)	No Action
3C-1	Planning Commission							ZHB	3 - Short-term	2 - Medium	Review impervious coverage requirements in all residential districts.	Zoning Ordinance	No Action
4B-1	Planning Commission							ZHB	3 - Short-term	2 - Medium	Review impervious coverage regulations.	Zoning Ordinance	No Action
4D-1	Planning Commission	CB	CB			CB		CB	3 - Short-term	2 - Medium	Require the establishment and maintenance of riparian forest buffers.	Zoning Ordinance, Subdivision and Land Development Ordinance	On-going
8D-2	Planning Commission								3 - Short-term	2 - Medium	Investigate and, if warranted, support the establishment of a subscription bus service.	Study the parameters for a subscription bus service, including total costs, interviews with employers re costs and contributions opportunities, and survey employees for interest in alternative commuting choice.	No Action

**Comprehensive Plan Actions
Planning Commission**

Sub #	Primary Responsibility	MEG	SUE	GM	AL	SDI	PGM	CWP	Timeframe for Completion	Priority	Recommendations and Actions	Method of Implementation	Status 1/09
2B-1	Planning Commission								4- Long-term	3 - Low	Consider cluster design as a by-right development, with the current conventional design converted to a conditional use approval.	Zoning Ordinance (R-2 and R-4 Districts only)	No Action

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

FYI

August 4, 2009

Mr. & Mrs. Robert and Dorthyanne Plummer
1339 Park Ave.
West Chester PA 19380

Re: 1339 Park Ave.
T.P.N. 53-6-39
Unauthorized Home Occupation / Home-Related Business
SENT VIA: CERTIFIED MAIL (# 7005 3100 0002 2762 9207)
FIRST CLASS MAIL

Mr. & Mrs. Plummer:

The East Goshen Township Zoning Ordinance prohibits the operation of commercial businesses in residential zoning districts, without a permit. The Township has no record of an approved Home Occupation or Home Related Business permit being issued for your business. Therefore the seal coating business you are operating at your property is not a permitted use as per §240-32 of the Township Zoning Ordinance.

My prior attempts to contact you about this matter have gone unanswered therefore this letter shall constitute the official Zoning Ordinance enforcement notice as required by §240-54 of the East Goshen Township Zoning Ordinance.

You have ten (10) days from the date of this letter to begin to bring your property into compliance and thirty (30) days to have the aforesaid completed.

If the property is not in conformance within thirty (30) days of the date of this letter, the Township will take legal action in accordance with §240-54 of the Zoning Ordinance.

This action shall be in the form of a civil enforcement proceeding before the District Justice. In the event you are found liable in this proceeding, you could be required to pay a judgment of not more than five hundred dollars (\$500.00), plus all costs, including reasonable attorney fees incurred by the Township. In addition, each day shall constitute a separate violation, unless the District Justice determines otherwise.

You have the right to appeal the issuance of this enforcement notice to the East Goshen Township Zoning Hearing Board. If you wish to do this, you must send a check payable to East Goshen Township in the amount of \$350.00 along with a completed Zoning Hearing application to:

East Goshen Township
ATTN: Ms. Joyce Tarsi, Zoning Hearing Board Secretary
1580 Paoli Pike
West Chester, PA 19380

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

Ms. Tarsi must receive your complete Zoning Hearing Board application and check within thirty (30) days of your receipt of this letter in order to begin the appeal process.

Enclosed are copies of the relevant sections of the Zoning Ordinance for your information and use. Should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Gordon', with a long horizontal flourish extending to the right.

Mark A. Gordon
Township Zoning Officer

cc: Board of Supervisors
Kristin Camp, Esq., Township Solicitor

Enclosures

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

FYI

August 6, 2009

Mr. Phillip Mollichella
Ms. Dawn Gill
1604 Margo Lane
West Chester, PA 19380

**Re: T.P.N. 53-6C-16
NOISE ORDINANCE VIOLATION NOTICE #2
SENT VIA FIRST CLASS AND CERTIFIED MAIL (7005 3110 0002 2762 9191)**

Dear Mr. Mollichella and Ms. Dawn Gill:

It has been brought to the Township's attention again that vehicle repairs, testing and operation of vehicle engines on your property are creating noise disturbances in the neighborhood.

The Township Noise Ordinance, §156-5.A.(7), prohibits the testing, repairing or modifying vehicles in a manner which causes a noise disturbance across a property boundary. Future notifications of this violation will result in Enforcement actions in the form of summary proceedings before the district justice as per §156-8 of the Township Code.

Enclosed is a copy of the relevant section of the Township Code for your information and use. Should you have any questions, please contact me.

Sincerely,



Mark A. Gordon
Township Zoning Officer

CC: Board of Supervisors
Rick Smith, Township Manager
Chief Dumond, Westtown-East Goshen Police Department (Via Email)
Kristin Camp, Esq., Township Solicitor

Enclosure

**CODE OF THE TOWNSHIP OF EAST GOSHEN PENNSYLVANIA, v53 Updated
05-15-2009 / PART II GENERAL LEGISLATION / Chapter 156, NOISE / § 156-5.
Noise disturbances prohibited.**

§ 156-5. Noise disturbances prohibited.

No person shall unreasonably make, continue or cause to be made or continued any noise disturbance.

A. Specific prohibitions. By way of example, but not by way of limitation, the following acts and the causing thereof are declared to be in violation of this chapter.

- (1) Radios, television sets, musical instruments and similar devices operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
 - (a) Between the hours of 10:00 p.m. and 8:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by the NCO according to criteria set forth in § 156-6);
 - (b) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters; or
 - (c) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.
 - (d) This section shall not apply to noncommercial spoken language covered under Subsection A(2).
- (2) Loudspeakers/public address systems. Using or operating for any commercial or noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day such that the sound therefrom creates a noise disturbance across a real property boundary, within a noise sensitive zone or on a public right-of-way or public space.
- (3) Street sales. Offering for sale or selling anything by shouting or outcry except by permit issued by the NCO according to criteria set forth in § 156-7.
- (4) Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise

sensitive zone.

- (5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, trash dumpsters or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary, or within a noise sensitive zone, except for the township-approved municipal waste and recycling contractor. [Amended 4-20-1999 by Ord. No. 129-B-99]
- (6) Construction/demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
 - (a) Between the hours of 10:00 p.m. and 7:00 a.m. prevailing time the following day such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work of public service utilities or by special permit issued pursuant to § 156-7. [Amended 4-20-1999 by Ord. No. 129-B-99]
 - (b) At any other time such that the sound level at or across a real property boundary exceeds an LEQ of 60 dBA for the daily period of operation.
 - (c) This section shall not apply to the use of domestic power tools subject to Subsection A(15).
- (7) Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.
- (8) Motor vehicle idling. Idling of motor vehicles (in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone) at any time in excess of 10 minutes in a two-hour period.
- (9) Airport and aircraft operations.
 - (a) The NCO shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise disturbance which the airport owner may have authority to control in its capacity as proprietor.
 - (b) Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.
- (10) Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public

entertainment at a sound level greater than 90 dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT.

- (11) Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise sensitive zone between the hours of 10:00 p.m. and 8:00 a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential land use in Table I of Subsection B and shall be measured at a distance of 50 feet from any point on the path of the vehicle.
- (12) Stationary nonemergency signaling devices.
 - (a) Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device, intended for nonemergency purposes which do not conform to the regulations set forth for residential land use in Table I of Subsection B.
 - (b) Devices used in conjunction with places of religious worship shall be exempt from this provision.
- (13) Emergency signaling devices.
 - (a) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection A(13)(b).
 - (b) Testing.
 - [1] Testing of a stationary emergency signaling device and equipment shall occur at the same time of day each time such a test is performed, but not before 8:00 a.m. or after 10:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time of a signaling device exceed 30 seconds.
 - [2] Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 10:00 p.m. The time limit specified in Subsection A(13)(b)[1] shall not apply to such complete system testing.
 - (c) All outdoor burglar alarms, sirens, whistles or similar stationary emergency signaling devices (with the exception of civil defense and fire alarms subject to applicable

state regulations) must have an automatic shutoff switch limiting a maximum operational time of 10 minutes.

- (14) Noise sensitive zones. Creating or causing the creation of any sound within any noise sensitive zone designated pursuant to § 156-4B(9), so as to disrupt the activities normally conducted within the zone, provided that conspicuous signs are displayed indicating the presence of the zone.
- (15) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn mower, garden tool or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary. Exception: public and/or private golf courses can commence mowing operations at 6:00 a.m. prevailing time, provided that their mowing equipment utilizes the latest available technology in sound reduction. [Amended 4-20-1999 by Ord. No. 129-B-99]
- (16) Tampering. The following acts or the causing thereof are prohibited:
 - (a) The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement of any noise control device. The NCO may, by regulation, list those acts which constitute violation of this provision.
 - (b) The (intentional) moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the NCO, provided that such device or the immediate area is clearly labeled.