

**AGENDA**  
**EAST GOSHEN TOWNSHIP**  
**BOARD OF SUPERVISORS MEETING**  
**Tuesday, October 6, 2009**  
**8:00 PM**

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

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

**2. PUBLIC COMMENT (OPTIONAL)**

**3. APPROVAL OF MINUTES**

A. September 22 , 2009

**4. CHAIRMAN'S REPORT**

A.

**5. PUBLIC HEARINGS**

A. The Board will conduct a public hearing to consider the adoption of an ordinance titled "Alarm Ordinance".

B. The Board will conduct a public hearing to consider the adoption of an ordinance amending the pension plan for the paid fire company personnel.

**6. STAFF REPORT**

A. Treasurer's Report -

B. Police – None

**7. OLD BUSINESS**

A.

**8. NEW BUSINESS**

A. Authorize Chairman to execute agreement between Chester County Solid Waste Authority and East Goshen Township.

B. Consider adoption of Resolution No. 09-51 regarding sewer & refuse account collections.

C. Comments from Joe Buonanno regarding placement of a T-Mobile cell Tower and deer program.

D. Comments from Ann Quinne regarding the deer program.

**9. ANY OTHER MATTER**

**10. CORRESPONDENCE, REPORTS OF INTEREST**

A. Acknowledge a Daily Local News article complimenting the Public Works Department.

**11. MEETINGS AND DATES OF IMPORTANCE**

October 6, 2009	Board of Supervisors	7:00 PM
October 7, 2009	Planning Commission	7:00 PM
October 8, 2009	Historical Commission	7:00 PM

October 12, 2009	Municipal Authority	7:00 PM
October 13, 2009	Board of Supervisors <i>ws</i>	7:00 PM
October 14, 2009	Conservancy Board	7:00 PM
October 19, 2009	Deer Committee	7:00 PM
October 20, 2009	Board of Supervisors	7:00 PM
October 21, 2009	Zoning Hearing	7:30 PM
	T- Mobile	
October 27, 2009	Board of Supervisors <i>ws</i>	7:00 PM

## **12. ADJOURNMENT**

**BOARD OF SUPERVISORS MEETING**

**WORKSHOP**

**Tuesday**

**October 6, 2009**

**7:00 PM**

1. Review meeting agenda
2. Review invoices
3. Eagle Scout Presentation – Christopher Moore
4. Review resolution for Eagle Scout Projects
5. Consider Managers recommendation on Non-Utility Accounts receivable.
6. Loader replacement
7. Consider recommendation to purchase video detection at West Chester Pike and Goshen Meadows/intersection.
8. Metered Billing Update – Don
9. Park ordinance restriction on firearms
10. Workshop on Oct 29<sup>th</sup> ?
11. Representative Sestak's request for earmarks
12. Administrative Calendar
13. Any Other Matter
14. Liaison Reports
15. Subdivisions/Land Developments/ZHB Applications
  - a. Clearwire LLC – upgrade Sprint equipment on Aqua Water tank.
16. Public Comment
17. FYI

Conti.

**EXECUTIVE SESSION – Police Labor**

*Reminder –*

**NEWSLETTER ARTICLE SUBMISSION DUE DATES:**

November 10, 2009

**DELIVERY DATE:**

January 1, 2010

3. MINUTES  
A.  
4 pgs

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS WORKSHOP  
1580 PAOLI PIKE  
September 22, 2009 – 7:00pm  
Draft Minutes**

**Present:** Chairman Marty Shane, Vice-Chairman Carmen Battavio, Joe McDonough, Don McConathy and Thom Clapper. Also present were Township Manager Rick Smith and Kathryn Yahraes (Historical Commission).

**EXECUTIVE DECISION**

The Board met in Executive Session from 7:00pm to 8:10pm to discuss a legal matter.

**WORKSHOP**

**Call to Order & Pledge of Allegiance**

Chairman Marty Shane called the meeting to order at 8:15pm.

**Recording of Meeting**

No resident indicated they planned to record the meeting.

**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.

**Bills**

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

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

The Treasurer's Report for September 17, 2009:

	RECEIPTS	EXPENDITURES
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 34,892.75	Accounts Payable \$ 58,021.79
LST	\$ 15,000.00	Electronic Payments \$ 0.00
Transfer Tax	\$ 63,710.75	Debt Service \$ 0.00
Codes, Park & Rec	\$ 34,762.07	Payroll \$ 43,000.00
<b>Total Receipts</b>	<b>\$ 148,365.57</b>	<b>Total Expenditures \$ 101,021.79</b>
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 8,118.67	\$ 2,984.20
Refuse	\$ 3,133.50	\$ 67,147.53
Capital Projects	\$ 0.00	\$ 0.00

1 Joe moved to accept the Treasurer's Report of September 17 and the Expenditure Register  
2 Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the  
3 invoices just reviewed. Don seconded the motion. There was no discussion or public comment.  
4 The Board voted unanimously to approve the motion.  
5

#### 6 **Review of Minutes**

7 The minutes of September 15 were reviewed and corrected. Don moved to approve the  
8 September 15 minutes as corrected. Carmen seconded the motion. There was no discussion or  
9 public comment. The Board voted unanimously to approve the motion.  
10

#### 11 **E. Boot Road Plantings**

12 The Board continued the discussion on this topic started during the September 15 meeting.  
13 Carmen believes the plants in this location are a safety hazard to individuals using the walking  
14 trail, and he would like to see them cut down. After discussion, the consensus of the Board was  
15 to do nothing with the plants along E. Boot Road. However, they would like to have some  
16 landscaping work done in front of the Township building. The cost for the plantings should be  
17 capped at \$1,000. Carmen will talk to his friend Justin about creating a landscaping plan.  
18

#### 19 **Loader for Public Works Department**

20 The Board reviewed a September 22 email from Mark Miller on this topic. Carmen said he is in  
21 favor of repairing the loader. Marty said he is in favor of buying a new loader. Thom said he is  
22 in favor of repairing the loader, but he would like to hear Mark Miller's rationale for wanting to  
23 buy a new one before making a final decision. Joe agreed with Marty that the Township should  
24 buy a new loader. Don said he would defer making a decision until the second meeting in  
25 October when Mark Miller will be at the Board meeting.  
26

#### 27 **T-Mobile Site Acquisition Proposal**

28 The Supervisors were all in favor of investigating the possibility of having T-Mobile put in a cell  
29 tower disguised as a tree behind the Township building, and collecting a monthly rental fee from  
30 T-Mobile. Rick will find out the minimum height requirements for such a tower.  
31

#### 32 **Resolution Regarding Sewer & Refuse Account Collections**

33 Don made some editorial changes to the August 27, 2009 draft of this resolution. Rick will make  
34 the changes and redistribute the document to the Board. This item will be on the agenda for the  
35 next formal meeting.  
36

#### 37 **List of Discretionary Budget Items**

38 Joe said he would like to see this document annually.  
39

#### 40 **Non-Utility Accounts Receivable**

41 The Board reviewed a September 18 memo from Rick on this topic, which was sent to them as  
42 an FYI. There was no discussion or comment.  
43

#### 44 **Letter from Resident Anne Quinn Regarding the Deer Program**

45 Marty said he responded to Ms. Quinn directly.  
46

1 Marty noted that at the September 21 Deer Committee meeting, Scott Frederick (Game  
2 Commission) was present, as well as a biologist. No residents attended the meeting, however.

3  
4 *Public Comment: Leo Sinclair, 217 Lochwood Lane* – Said Anne Quinn did not receive Marty's  
5 response. Marty said he will send it again.

#### 6 7 **PSATS Conference in Hershey**

8 Marty said the hotel will now require a 3-night stay to get the CCATO discount. Rick will let  
9 CCATO know that East Goshen tentatively plans to send two Supervisors for 3 nights each.  
10 Marty will be one of them – he is planning to attend due to his CCATO responsibilities.

#### 11 12 **Quote from Gannett Fleming for Hershey's Mill Dam Evaluation**

13 Rick reported that Gannett Fleming said they would charge \$8,300 to evaluate the dam  
14 classification and determine if East Goshen has a chance at appealing DEP's decision. The  
15 consensus of the Board was to go forward with this agreement and have Gannett Fleming start  
16 the work.

#### 17 18 **Hershey's Mill Dam**

19 Marty and Rick briefly shared an alternative proposed by Al Giannantonio of Yerkess which  
20 would involve the installation of sheet pilings which would stick up five feet from the existing  
21 dam level.

22  
23 Rick reported that the RFP was sent out September 18, and is due back by October 14.

#### 24 25 **Alarm Ordinance**

26 Marty said the Alarm Ordinance needs to be modified. Rick will send out a revised copy to the  
27 Board for review.

#### 28 29 **Website Status**

30 Don said he and Joe Gill met with the web designers. The Board can review the latest mockups  
31 at the next workshop.

#### 32 33 **Telephones**

34 The Park & Rec Board have recommended the Township remove the telephone from the  
35 Township Park. Rick will have Mark Miller call the phone company to take it out. The Board  
36 then discussed removing the telephone from outside the front of the Township Building, which  
37 would yield a savings of \$1,000 per year. Joe and Carmen said they prefer to leave the phone in  
38 place. Marty said it should be left in for another year at least. The Board can revisit this issue in  
39 the future.

#### 40 41 **Boy Scout Project Policy**

42 Rick will draft a resolution regarding the Township's policy for funding Boy Scout projects.

#### 43 44 **Public Comment Period**

45 *John Schorn, Larch Lane* – Said he talked to Lauren Mapleton at DEP who told him the  
46 Township is responsible for testing his water. She also told him the Township will have to hire a

1 consultant to interpret the Sunoco report that DEP requested. She told John there is a plume of  
2 contamination moving from the Sunoco site toward CVS, and that DEP is probably going to ask  
3 Sunoco to drill additional monitoring wells. Mr. Schorn said he wants the Township to go to  
4 Sunoco and ask them to test his water. He wants the Township to be more aggressive on this  
5 issue. Marty recommended the Township get Andy Dinniman to intervene with DEP. Carmen  
6 recommended the Township Solicitor get involved in this situation immediately.

7  
8 Thom wants the Township to contact Sunoco to find out what their remediation plans are and if  
9 they plan to test residential wells. Joe noted that no residents have come forward saying their  
10 well has been tested and found contaminated. He told Mr. Schorn that if it was his well in  
11 question, he would have already had it tested and paid for it himself if necessary.

12  
13 Marty said Rick should draft a letter to Sunoco to be reviewed by the Township Solicitor. Rick  
14 will also contact Andy Dinniman's office.

15  
16 *Leo Sinclair, 217 Lochwood Lane* – Made some recommendations to the Board on how they  
17 should approach Sunoco.

18  
19 *Kathryn Yahraes (Historical Commission)* – Reported that Living History Day on September 19  
20 was the most successful ever, with approximately 450-500 visitors.

21  
22 *Paul Comer, 429 Gateswood Drive* – Stated that an East Goshen park regulation appears to be in  
23 violation of state law. He provided a handout of the information to the Board. Joe told him the  
24 Board would review the information and consult with the Township Solicitor if necessary.

25  
26 **BOS Pending Actions Lists**

27 The Board reviewed and edited the latest version of the Pending Actions List.

28  
29 **Adjournment**

30 There being no further business, the meeting was adjourned at 10:20pm.

31  
32 Respectfully submitted,

33  
34  
35  
36 Anne Meddings  
37 Recording Secretary  
38

EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 129 – 09 - \_\_\_\_

AN ORDINANCE OF EAST GOSHEN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA, AMENDING THE  
CODE OF EAST GOSHEN TOWNSHIP, CHAPTER 81,  
TITLED, "ALARM SYSTEMS".

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

**SECTION 1.** Chapter 81 of the East Goshen Township Code, titled, "Alarm Systems" shall be amended to read as follows:

**Chapter 81**  
**ALARM SYSTEMS**

**§ 81-1. Short title.**

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

**§ 81-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **§ 81-3. Permit required for new Alarm System.**

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

- (1) Property Owner's name, address and phone number;
- (2) Address and description of the property where the Alarm System is proposed to be installed;
- (3) Make and model of the Alarm System;

- (4) Name, address and phone number of the contractor or person who will install the Alarm System.
- B. Permit Fee. The application shall be accompanied by the permit fee. The permit fee shall be established from time to time by resolution of the Board of Supervisors.
- C. Exemptions. A permit is not required for the installation of smoke detectors, carbon monoxide detectors, or similar detectors which are installed for the purpose of notifying the occupants of that location of an emergency condition, provided that all of the following conditions are met:
  - (1) The alarm is not connected to an Alarm Monitoring Company;
  - (2) The alarm does not sound outside the location (no external speakers); and
  - (3) The internal signal by the alarm does not exceed 90 decibels.

**§ 81-4. Audible alarm restrictions.**

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

**§ 81-5. Alarm Systems to be Keyed.**

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

**§ 81-6. Operational Requirements.**

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

**§81-7. Disconnection due to malfunctioning.**

- A. When alarm messages are received by Chester County 9-1-1 evidencing failure to comply with the aforementioned operational requirements, and the Township concludes that the Alarm System is malfunctioning, the Township is authorized to demand that the owner, lessee or user of the Alarm System disconnect the Alarm System until it is brought into compliance with the operational requirements.
- B. If disconnection of the defective Alarm System is not accomplished within 48 hours of notification by the Township, this shall be considered a violation of this chapter. The Township shall notify the Chester County 9-1-1 that the Alarm System is malfunctioning. In addition the Township may then take appropriate action to disconnect the defective Alarm System. This remedy shall be in addition to and shall not affect the penalty provisions prescribed in §81-13. For purposes of this provision, two or more false alarms within any thirty-day period shall be sufficient evidence for the Township to determine that the Alarm System is malfunctioning.

**§ 81-8. Conformance with National Electrical Code.**

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

**§ 81-9. Inspections.**

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

**§ 81-10. Testing and Maintenance.**

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

System is back in service and that a response is necessary in the event of an alarm.

- D. Any owner, lessee or user, or their designated contractor or technician, who performs maintenance or testing on an Alarm System without first notifying the Alarm Monitoring Company prior to performing maintenance or testing, which then results in a False Alarm, may be subject to the false alarm fee established in this chapter.

#### **§ 81-11. Notification of Ordinance.**

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

#### **§ 81-12. False alarm fee schedules.**

- A. Establishment of False Alarm fees. For the purpose of defraying the costs to the Police Department and/or Fire Department of responding to false alarms, a false alarm fee shall be imposed in the amount specified herein.
- B. False Alarm Fee Schedule.
  - (1) For the first false alarm, per rolling twelve months: a warning will be issued.
  - (2) For the second false alarm, per rolling twelve months: a warning will be issued.
  - (3) For the third through the fourth false alarm in any rolling twelve months: \$100 for each false alarm.
  - (4) For the fifth through the sixth false alarm in any rolling twelve months: \$200 for each false alarm.
  - (5) For the seventh false alarm and for each false alarm thereafter in any rolling twelve months: \$500 for each false alarm.
- C. Each such payment provided for in §81-12A shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §81-13.
- D. If the owner, lessee or user of any Alarm System fails to pay the false alarm fee within 30 days after receiving an invoice from the Township, the Township shall enforce such fee, together with interest at the legal rate and court costs, in a civil enforcement proceeding brought before a District Justice. Proceedings for collection thereof shall not affect or impair the Township's enforcement of this chapter pursuant to the penalty provisions of § 81-13 hereof.

- D. Violation. It shall be a violation of this chapter for any person to activate or cause to be activated an Alarm System with the intent or for the purpose of sending a false alarm.

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

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

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

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

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

787

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

ATTEST:

EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Secretary

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

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

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

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

\_\_\_\_\_  
Donald McConathy, Member

EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

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

AN ORDINANCE AMENDING THE PROVISIONS OF THE PENSION PLAN FOR THE GOSHEN FIRE COMPANY WHICH WAS ESTABLISHED BY THE BOARD OF SUPERVISORS OF EAST GOSHEN TOWNSHIP (THE "BOARD") ON MAY 5, 1987 IN ORDINANCE NO. 78 AND LATER AMENDED IN A RESOLUTION ADOPTED BY THE BOARD ON JUNE 15, 2004 AS RESOLUTION NO. 04-26.

WHEREAS, on May 5, 1987, the Board enacted Ordinance No. 78 wherein it established a Pension Plan for the Paid Fire Company Personnel of the Goshen Fire Company (the "Pension Plan"); and

WHEREAS, on June 15, 2004, the Board enacted Resolution No. 04-26 to make certain amendments to the Pension Plan; and

WHEREAS, the Board wishes to ratify the changes that were made to the Pension Plan in Resolution No. 04-26 by adoption of this Ordinance;

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

**SECTION I.** The Pension Plan shall be amended as follows:

A. Article 1.06 is amended to read as follows:

"Early Retirement Date" shall mean the first day of any month on or after the Member's 52<sup>nd</sup> birthday.

B. Article 1.12 is amended to read as follows:

"Normal Retirement Date" shall mean the first day of the month coincident or next following the date on which the Member completes five (5) years of service or the date on which the member obtains age 55, whichever is later to occur.

C. A new Article 1.20 is added, which shall read as follows:

Compensation shall include base pay, longevity pay and night differential pay (if any), but shall exclude overtime pay, reimbursed expenses or payments in lieu of expenses, non-salary compensation (including but not limited to, fringe benefits provided by the Goshen Fire Company) or any other payments or allowances. Compensation shall include pickup contributions (if any) paid by

2082

the member by the Goshen Fire Company pursuant to Section 414(h) of the Internal Revenue Code.

D. Article 3.01 is amended to read as follows:

Contributions by Members. Members shall pay into the Fund at the rate of 2.25% of Compensation. The Board reserves the right to increase, reduce, or eliminate the contributions by members. Individual records of contribution by Members shall be maintained. A Member who withdraws from the plan shall be entitled to his or her contribution plus interest at the rate of two percent (2%) compounded annually.

**SECTION II. 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 III. 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 IV. 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

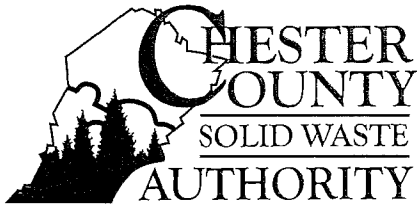
\_\_\_\_\_  
E. Martin Shane, Chairman

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

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

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

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



# MEMORANDUM

P.O. BOX 476 • HONEY BROOK, PA 19344 • 610-273-3771 • FAX 610-273-9870  
7224 DIVISION HIGHWAY • NARVON, PA 17555 • 717-354-4351  
www.chestercountyswa.org

8. NEW BUSINESS  
A.  
9 pgs

To: P&M Contract Participants  
Gregory Prowant – Caln  
Bob Watts – CCSWA  
Judith Walters – Downingtown  
Tag Gathercole – East Fallowfield  
Sandra Kelley – Malvern  
Brian Watson – Phoenixville  
Cheryl Neri – Upper Uwchlan  
Janis Rambo - Valley  
Linda Formica – West Brandywine  
Ray Halvorsen – West Goshen

Barry Gathercole – CCCRA  
Don Wilkinson – Coatesville  
Barb Kelly – East Caln  
✓ Mark Miller – East Goshen  
Ramona Pluck – Modena  
Kevin Zander – South Coatesville  
Lynda Phiel – Uwchlan  
Jack Hines – West Bradford  
Meghan Fogarty – West Chester

From: Nancy Fromnick (NJF)  
Chester County Recycling Coordinator  
(610) 273-3771 ext. 226

Date: September 24, 2009

RE: ACTION REQUESTED  
New Process and Marketing Contract

RECEIVED  
BY: \_\_\_\_\_  
SEP 28 2009

Enclosed:

1. Intermunicipal Agreement between the County and the participating municipalities *which must be signed and returned to me* as soon as possible.
2. Your copy of the letter informing BFI Waste Services of their agreement.
3. Your copy of the proposal.

Cc: Robin Davis, Contracts and Purchasing

9/29/09

To Board of Supervisors

Need To Authorize Chairman To  
Execute Agreement

INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF CHESTER AND  
PARTICIPATING MUNICIPALITIES TO PROVIDE PROCESSING AND  
MARKETING SERVICES FOR RECYCLABLE MATERIALS GENERATED BY  
MUNICIPAL RECYCLING PROGRAMS

**WHEREAS**, Act 180 of July 12, 1972, 53 P.S. § 481 et seq., authorizes municipalities including counties to enter into joint cooperation agreements with other municipalities in the exercise or performance of their respective governmental functions, powers or responsibilities; and,

**WHEREAS**, in carrying out their powers and duties under Act 101 of July 28, 1988, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, counties are to utilize to the fullest extent practicable all available facilities and expertise within the scrap processing and recycling industries for processing and marketing of recyclable material from municipal waste; and,

**WHEREAS**, it is the intent of the County pursuant to receipt of qualified responses to County's Request for Bids and subsequent Bid Award to enter into an agreement with an individual ("Contractor") of a privately owned and/or operated processing facility ("Designated Facility") to process and market recyclable material generated by municipalities participating in this agreement; and,

**WHEREAS**, it is understood by the parties hereto that should implementation of the provisions of this agreement not be forthcoming, the participating municipalities shall have responsibility for the processing and marketing of recyclable materials generated in each participating municipality,

**NOW, THEREFORE**, in consideration of the promises and mutual covenants and agreement herein set forth and of the undertakings of each party to the other and intending to be legally bound, the parties, County of Chester, hereinafter "County" and \_\_\_\_\_, hereinafter "Participating Municipality", do hereby promise and agree as follows:

1. The County of Chester shall provide processing and marketing services for all recyclable materials generated by residential recycling collection programs within the Participating Municipality. Nothing to the contrary withstanding, however, said services provided by County and Contractor<sup>1</sup> for a Designated Facility to process and market recyclable materials generated by the municipalities participating in the Agreement.

2. The Participating Municipality agrees therefore, to deliver or to contract to have delivered all source separated recyclable materials generated by residential recycling collection programs to said Designated Facility, and to no other facility, during the entire term of this Agreement. The type and condition of the materials, including the option for commingling of the materials, must conform to the terms of the County/Contractor Agreement.
3. The Participating Municipality will be paid or invoiced directly by the contractor for any and all such materials accepted at the Designated Facility pursuant to the terms of the County/Contractor Agreement. Said payment or invoice shall be based on fixed per ton prices for each material accepted at the Designated Facility pursuant to the terms of the County/Contractor Agreement

---

<sup>1</sup> County/Contractor Agreement, a copy of which shall be supplied to each participating Municipality upon execution of same.

4. The Participating Municipality shall be paid or invoiced by Contractor for recyclable materials delivered to the Designated Facility by the end of the next month and will be provided monthly itemized receipts for any and all materials.
5. Each participating Municipality agrees to annually report, as required by Act 101, § 304(f), to the Chester County Recycling Coordinator the quantity of any and all recyclable materials delivered to the Designated Facility under this agreement as verified by weight receipts received from the Contractor.
6. The Participating Municipality and the County represent and warrant to one another that:
  - a. Each has all requisite power and authority to enter into this Agreement, to engage in the transactions contemplated herein and to perform its obligations hereunder in accordance of the terms of this Agreement.
  - b. The execution, deliver and performance of this Agreement has been duly authorized by all necessary action and that the undersigned officers of County and each Participating Municipality have been empowered by all necessary action to execute and deliver this Agreement on the party's behalf.

- 409
- c. This Agreement constitutes a valid obligation legally binding upon County and each Participating Municipality and enforceable against them in accordance with the Agreement's terms in the matter in which valid contractual obligations are enforced generally.

7. **TERM OF AGREEMENT**

The term of this Agreement shall commence upon the date upon which the County of Chester and Contractor, Owner or Operator of the Designated Facility execute their Agreement ("effective date") and unless terminated for cause shall be up to one (1) year from said effective date to be renewed annually.

8. **RENEWAL**

Upon the expiration of the original term of this contract, this contract shall automatically be renewed for a similar term up to three (3) years from said effective date to be renewed annually unless terminated by either party according to the termination provisions contained herein.

9. **TERMINATION**

Nothing to the contrary withstanding, either party may terminate this Agreement for the following causes:

- a. the Designated Facility ceases to be operational;
- b. the Designated Facility becomes unable to accept recyclable materials for a period of 1 year;
- c. the Contractor, as identified in the County/Contractor Agreement, for whatsoever reason, does not perform his duties under said Agreement for a period in excess of three months.

Nothing to the contrary withstanding, however, after the expiration of the initial contract term up to one (1) year from said effective date to be renewed annually, either party may terminate said subsequent contract by giving at least ninety (90) days written notice, return receipt requested to the other party, prior to said expiration date. In such case, the contract will terminate on said expiration date.

10. **INSURANCE**

Each Participating Municipality who is a Collector under this Agreement hereby agrees to carry motor vehicle, Workers Compensation and general liability insurance coverage in sufficient amounts to hold the County of Chester harmless from any and all activity hereunder by the Participating Municipality.

11. **INDEMNIFICATION**

The Participating Municipality shall protect, indemnify and hold harmless the County of Chester, its agents and employees, from and against any and all liabilities, actions, damages, claims, demands, judgments, losses, expenses, and/or suits, including payments of attorneys fees, arising from and/or as a result of the action, and/or as a result of failure to act, of the Participating Municipality, its agents and employees in connection with this Agreement.

12. **NOTICES**

All notices required herein to either party shall be in writing by registered mail with return receipt requested, addressed as follows:

COUNTY OF CHESTER:

County Recycling Coordinator  
Chester County Solid Waste Authority  
7224 Division Highway  
Narvon, PA 17555

PARTICIPATING MUNICIPALITY:

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

13. **AMENDMENTS**

This writing represents the entire Agreement of the parties and any modifications or amendments hereto shall be in writing and duly executed by said parties.

Attest:

\_\_\_\_\_

Title

Date

Chester County Commissioners:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attest:

\_\_\_\_\_

Title

Date

Participating Municipality:

\_\_\_\_\_

Title

\_\_\_\_\_

789



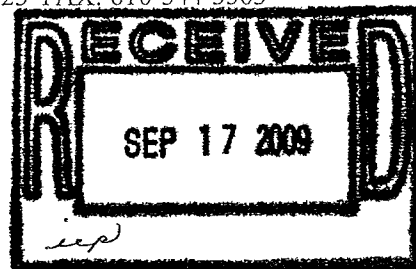
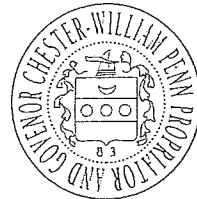
# THE COUNTY OF CHESTER

## COMMISSIONERS

Terence Farrell  
Carol Aichele  
Kathi Cozzone

## DEPARTMENT OF PROCUREMENT & GENERAL SERVICES

Courthouse, 2 N. High St., Suite 145  
P.O. Box 2748  
West Chester, PA 19380-0991  
610-344-6325 FAX: 610-344-5503



September 14, 2009

Mr. Kenneth Anderson  
BFI Waste Services of PA, LLC  
372 Henderson Road  
King of Prussia, PA 19406

RE: Bid #015905-1008A – Processing and Marketing Service for Recyclable Materials

Dear Mr. Anderson:

Enclosed, please find one (1) fully executed copy of the Agreement to provide the County of Chester with Processing and Marketing Service for Recyclable Materials as per the above referenced bid.

We look forward to working with you. Your contact for this contract will be Mrs. Nancy Fromnick, Chester County Recycling Coordinator, her number is 610-273-3771.

Thank you.

Sincerely,

*Robin Davis*

Robin Davis  
Senior Buyer

cc: ~~Nancy~~ Nancy Fromnick, Recycling Coordinator

## AGREEMENT

THIS AGREEMENT, executed this 11 day of September, 2009, by and between the County of Chester, hereinafter called "County", and  
BFI Waste Services of PA, LLC  
372 Henderson Road  
King of Prussia, Pa 19406  
hereinafter called "Contractor".

WHEREAS, the County has advertised for bids as required by law for  
Provide Processing and Marketing Services for Recyclable Materials to the County of Chester  
and has awarded the Bid for Same  
to Contractor who was the lowest responsive and responsible bidder, and

WHEREAS, if required under this Invitation to Bid Contractor has given his bonds to the County with sufficient surety in the sum determined upon by the County for the faithful performance of the terms of this Agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for, and in consideration of the mutual promises, covenants, and agreements by each of the parties hereto to the other made, the parties hereto do covenant, promise, and agree as follows:

FIRST: The Invitation to Bid for the above noted project and the plans (if any) described in said Invitation to Bid are hereby incorporated into and made part of the Agreement to the same extent as if they were herein fully set forth.

SECOND: Contractor agrees to furnish and deliver all materials and to do and perform all labor and superintendence, and to execute and finish in an expeditious, substantial, and workmanlike manner all the work necessary for the completion of the Agreement in accordance with the accepted bid, more specifically shown on the plans (if any) and set forth in this Invitation to Bid to which reference has heretofore been made. All of said work is to be done in strict accordance with the said plans and Invitation to Bid and other terms and conditions of this Agreement to the satisfaction and acceptance of the County.

THIRD: Contractor further covenants and agrees that all of his performance under this Agreement shall be subject to the inspection and approval of the County or its authorized representative, and in case any materials or labor shall be rejected by County or its representatives as defective or unsuitable or not in accordance with this Invitation to Bid, then said performance shall be corrected in accordance with this Invitation to Bid at the cost of Contractor, and the said performance shall be done anew to the satisfaction and approval of the County or its representative.

FOURTH: Contractor agrees to begin performance of the Agreement promptly after notice from the County to proceed and to complete the same to the satisfaction and approval in every respect of the County on or before the time stated in this Invitation to Bid unless time shall be extended in

writing by the County for cause over which the Contractor has no control as provided for in this Invitation to Bid.

FIFTH: No modification or changes of this Agreement shall be made except by written instrument, duly authorized by the County and consented to by the Contractor, but this provision shall not limit or affect the right of the County to order additional work or to cancel or alter certain work as called for under this Invitation to Bid, the total payments under this Agreement being adjusted accordingly as provided for in this Invitation to Bid.

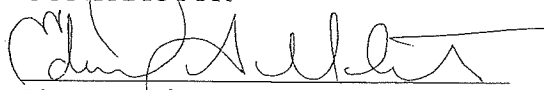
SIXTH: The County agrees in consideration of the completion by the Contractor of the work contemplated in this Agreement in strict accordance therewith to the satisfaction and acceptance of said County, to pay to Contractor based on the unit prices as contained in this Invitation to Bid as awarded by County for purchases made by County during the term of this Agreement.

SEVENTH: Any person or corporation furnishing materials or rendering services to the Contractor or any subcontractor in connection with performance of this Agreement may have a right of action to recover for the same against the Contractor and the surety under the bond given as though such person or corporation had been named as the obligee in such bond.

EIGHTH: This Agreement shall be binding on the parties hereto, their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first written intending to be legally bound by this Agreement.

CONTRACTOR

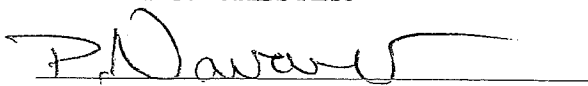


Signature of Authorized Official

Edward Manhertz  
General Manager

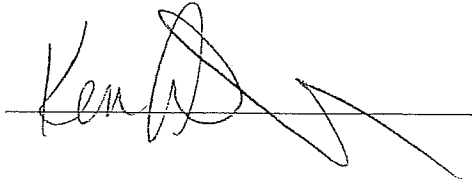
\_\_\_\_\_  
Typed Name & Title of Official

COUNTY OF CHESTER



Authorized Signature

WITNESS FOR CONTRACTOR



CONTRACT ID: 11746

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 09-51**

**A RESOLUTION REGARDING SEWER & REFUSE  
ACCOUNT COLLECTIONS**

**BE IT RESOLVED THAT** the East Goshen Township Board of Supervisors hereby establishes the following collection procedures for delinquent sewer and refuse accounts.

1. According to the East Goshen Township Code (specifically Chapter 188 titled "Sewers" and Chapter 194 titled "Solid Waste") all bills are due within 45 days of the date of the bill. If the quarterly bill is not paid by the 45<sup>th</sup> day after the date of the bill, the Township will send the property owner a late notice and impose a penalty of 10% of the amount owed.
2. If the quarterly bill is not paid by the 60<sup>th</sup> day after the date of the bill, the Township will impose an additional penalty of  $\frac{3}{4}$  of 1% of the amount owed per month.
3. If the property owner fails to pay the quarterly bill for two consecutive quarters, the Township will send the property owner a letter that outlines the collection process, when payment is expected and the options available to the property owner. The property owner has 30 days to make full payment or establish a payment agreement from the date of the letter.
4. If the property owner fails to pay the balance due or enter into a payment agreement with the Township, within 30 days of step 3 above, the account will be turned over to the Township Solicitor who will send the property owner a letter by regular and certified mail return receipt advising them that the account is past due and that they have 30 days from the date that they received the letter to bring the account current or a lien will be filed against the property for the amount that is currently past due including any interest, penalties, attorney's fees, administrative fees and filing costs.
5. If the property owner refuses to accept the certified mail, the Solicitor will send the property owner a letter by regular mail advising them that the account is past due and that they have 10 days from the date of the letter to bring the account current or a lien will be filed on the property for the amount that is currently past due including any interest, penalties, attorney's fees, administrative fees and filing costs.
6. If payment is not received within 30 days of the property owner's receipt of the letter sent pursuant to step 4 above, or within 10 days of the property owner's receipt of the letter sent pursuant to step 5 above, the Solicitor will file a lien for the amount that is currently past due including any interest, penalties, attorney's fees, administrative fees and filing costs. The lien will continue to accrue interest on any past due amount and any additional past due amounts will be added to the lien.

7. When a delinquent account exceeds \$3,000.00, the Board of Supervisors may authorize the Township Solicitor to file a civil complaint with the District Court seeking a judgment against the property owners for the amount that is currently past due including any interest, penalties, attorneys fees, administrative fees and filing fees incurred in the collection of the account. If a judgment is obtained against the property owners, the Township may seek to collect said judgment by executing against the personal property of the defendant/property owners. If the Township is able to collect the judgment, the Township will satisfy the lien.

**RESOLVED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

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

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

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

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

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

**Smith, Rick**

---

**From:** EMShane@aol.com  
**Sent:** Thursday, September 24, 2009 12:06 PM  
**To:** Jpbuonanno@aol.com  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmccconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org; mcree@erols.com  
**Subject:** Re: TMobile Tower

Dear Joe,

You raise some interesting questions. I think it is best if you discuss these items with the entire Board.

I will have this matter put on the agenda for our Oct. 6th meeting for you to discuss with the Board.

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)

In a message dated 9/23/2009 9:43:57 P.M. Eastern Daylight Time, Jpbuonanno writes:

Marty, Thanks for your usual prompt response. Wouldn't a 65 foot tower cover the whole area in the township eliminating the need for numerous micro towers? The school would fall into the 1000 ft rule... of notification.....I think it would be incumbent upon the school administrators to notify the parents whose children attend EG elementary. I realize the fire and rescue company is a shared community service.... but the benefits would also be shared by both communities. It would be a good example of proper community cooperation and interaction. The tower will be an eye sore.... not to mention any health issues it may bring to the table... dressing it up as a tree would be...like... putting lipstick on a pig. It's still a pig. I can't remember where I've heard that before....It shouldn't be the structure that identifies/defines the center of our town.

I'm happy to see Zones A&B in Bow Tree have been closed to the hunt. I hope my suggestion to ask the larger property owners like Al Tegler for greater co operation contributed/ helped to give some quality open space time back to the residents of both BT and Clocktower woods. The problem still remains the children in the southern half of Bow Tree must walk a mile to get to the no hunt zone. The hunt is still too long and consumes too much open space time even during the holidays when everybody is off..hunters and kids. Residents took a count of Deer utilizing the remaining open space and the counts have gone up from last year. In addition, the hunters are killing...sorry... harvesting... Does with juveniles. who remain hidden after the kill but wander out of the brush in search of food..... there was a juvenile emaciated in the back of our property this am but it wouldn't allow us to approach it and wandered off. I'm sure its dead by now some where in the bush. I am going to call Pa wild life to see if this practice is acceptable. Either way...if a doe still has a juvenile by her side the hunter should not be allow to harvest the doe. BT and Marydell had a block party this past weekend and it was a forum..... for some great discussions..... We await your advice. Thanks again for usual courteous and prompt response.  
Best Joe Buonanno

-----Original Message-----

**From:** EMShane@aol.com  
**To:** Jpbuonanno@aol.com  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmccconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org  
**Sent:** Wed, Sep 23, 2009 2:34 pm  
**Subject:** Re: TMobile Tower

Dear Joe,

9/28/2009

Thank you for your e-mail. We are not looking for any State money for Boot Rd between Greenhill Rd. and Wilson Dr. Our Board voted against the Boot Rd. restriping project.

T-Mobile would like to investigate installing a tower at either the Township building or the triangle since they lack coverage in the Paoli Pike area. This is an alternative to installing a number of micro tower installations on utility poles in the Paoli pike area. The Firehouse would not work in this instance.

E. Martin (Marty) Shane, Chairman  
Board of Supervisors  
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)

In a message dated 9/23/2009 2:10:40 P.M. Eastern Daylight Time, jpbuonanno@aol.com writes:

Supervisor Shane, Last night during the Supervisors meeting... the location of the cell tower came up and it appeared the consensus of opinion was... the tower should be located some where behind the township building. I have given this some thought and I suggest a better location for the tower would be located on the fire house property located at Greenhill rd and Boot road. I recommend this location for the following reasons. The center of our village.. town.. township went from a quaint well planned shopping center for community needs and services.... to a hodge podge of commercial properties with specialty stores.....some stores often vacant for long periods of time....and their anchor, magnet consumer focus.... as the center of the town's location... being township government services instead of retail services. Government services tends to be a captive services type operation.....not conducive to commercial retail operations. How or why a supermarket chose to leave the center of town to locate itself in the middle of a commercial office, warehouse light industrial area on the fringe of the township has always puzzled me....but you can't stop enterprise. The tower behind the township building.....I feel would... then...give our little village the appearance and feel of a light industrial area that did not support a thought process in it's planning.

The location of the tower on the fire company's location would best serve the community in the following ways: The location would be on one of the highest points within the township allowing one tower to cover the entire township. The location is next to the 202 corridor and most commercial enterprises are zoned in that particular area. In these commercially zoned areas.. are generally the people that would benefit and need the service. There is a woodsy zone in that area and.... the fake tree like features of the tower would blend into the surrounding area better...not the ridiculous look of a California red wood growing out the back of the township building....alone....in the center of town. In addition the police/ fire company could improve there communications utilizing the tower. The non profit fire company could use the monthly lease rental fees to perhaps off set necessary and worthy funding increases for payrolls capitol costs and training expenses. They would have their own revenue stream to allocate monies wherever needed. It wouldn't solve all their revenue needs only reduce some funding burdens on the township. I think we all agree our first responders need all of our continued support. It's my understanding the board is looking for state/federal funding to widen the road from SS Peter and Paul Church to 202 because of continued traffic heavy traffic flow from the commercial areas. There are many reasons to utilize this location for the communication tower.

Thank You for your time and consideration. I await your advise. Best Joe Buonanno

**Smith, Rick**

---

**From:** EMShane@aol.com  
**Sent:** Wednesday, September 30, 2009 11:07 AM  
**To:** pakogut@comcast.net  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org; mcree@erols.com  
**Subject:** Re: Deer Management Program - Response to Your Recent Letter

Dear Anne,

Please refer to Jim McRee's e-mail dated 9/27/2009 to you. He explained the rationale used for closing a zone and why we do it. Simply put, if one of the hunting groups does not plan to hunt a particular zone, we close it for the season so residents do not have to keep checking to see if hunting is planned. This was done out of concern for the residents.

I encourage you to go to the Township's website and read DMP for this year, we will see that hunting is prohibited over the Thanksgiving weekend and the week during Christmas and New Years. This is in response to suggestions we received from you and other residents.

I will have you placed on the agenda for Oct 6th meeting at which time you can discuss other items in your letter and request that we discontinue the DMP for balance of this year.

E. Martin (Marty) Shane, Chairman  
Board of Supervisors  
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)

In a message dated 9/30/2009 7:37:14 A.M. Eastern Daylight Time, pakogut@comcast.net writes:

Dear Marty,

Thank you for your prompt response. Surely you must consider that the PA state game land rules are unsuited for our residential neighborhoods. We need to discuss the safety risks in your EGT deer hunting program and the gross negligence in your deer hunting program supervision. See the enclosure. Please forward a written copy of the rationale and/or criteria you used to select the hunting zones to close for the season. I will review this and discuss it with you at the 6 October 2009 meeting. I request that you submit this information at least 48 hrs prior to the 6 OCT mtg to allow enough time for review.

In the meantime I request that you halt the EGT Deer Management hunting program immediately and until the safety shortfalls are addressed and rectified.

Respectfully,

Mrs. Anne Kogut Quinn

215 N. Lochwood Lane

9/30/2009

West Chester PA 19380

610-430-0525

[pakogut@comcast.net](mailto:pakogut@comcast.net)

-----  
-----  
  
Enclosure:

Anne Quinn

4 September, 2009

215 N. Lochwood Lane

West Chester PA 19380

610-430-0525

[pakogut@comcast.net](mailto:pakogut@comcast.net)

East Goshen Township Board of Supervisors

East Goshen Township Building

1580 Paoli Pike West Chester, PA 19380

Mr. Shane and Board:

Recently I wrote to you detailing my safety recommendations regarding the East Goshen Township Deer Management Program. You have not responded to my recommendations. I am very concerned that your liberal hunting program is dangerous and risky. I have compiled a list of improvements which I think can greatly improve the safety of all East Goshen residents while having little to no impact on the hunters' convenience. As the hunting season is only a few weeks away I am requesting your prompt response to these safety recommendations.

9/30/2009

The following are my recommended improvements to the DMP:

**Safety Improvement Recommendations**

1. Extend the 50 yard safety zone to 150 yards. Measure the safety zone from the resident's property line. It is currently measured from the house and this does not allow for safety in the backyard and other parts of our properties.

**Rationale:** Many residents have playgrounds and play areas in the backyard. Allowing hunters to shoot weapons 50 FEET from a resident's backyard is reckless and dangerous. Measuring the safety zone from the house/dwelling does not accommodate safety in residential backyards.

2. Disallow hunting during the hours when East Goshen children are boarding and deboarding school buses i.e .7 AM through 9 AM and 2:30 PM through 4:30 PM.

**Rationale:** There are school bus routes adjoining the designated hunting areas. Children walking to and from bus boarding areas are within and next to the designated hunting areas.

3. Disallow hunter activity after dusk and before dawn.

**Rationale:** Commonsense. Allowing hunters to track and kill injured animals in the dark is dangerous to residents and to nearby vehicular traffic.

4. Restrict hunting on Saturdays to the hours between dawn and 8 AM i.e. no hunting after 8 AM on Saturday.

**Rationale:** Children and residents are likely to be in their backyards on Saturdays mornings. Much of this activity is regular property maintenance. Again having armed hunters within 50 feet of one's property as one conducts regular property maintenance is disturbing and unnerving.

5. Extend the 150 yard safety zone to school bus stops.

**Rationale:** Currently the safety zone is 25 yards and is woefully inadequate.

6. Disallow hunting on all school holidays such as Thanksgiving, Christmas week, etc.

**Rationale:** Children and residents are likely to be in and around their yards during this time period. Many children receive new outdoor toys over the holidays and they often enjoy their new toys in their yards over the holidays. Having armed hunters within 50 feet of children playing with new Christmas toys is unthinkable.

7. Cancel Hunting upon school closings such as snow holidays.

**Rationale:** Children and residents are likely to be in their backyards, front yards, and the parks (hunting

areas) during the snow holiday.

The primary responsibility of township supervisors is the health, welfare and safety of the residents. Your EGT Deer Management Plan falls far short of maintaining the safety and welfare of all East Goshen residents. Please respond to my safety recommendations promptly.

Thank you for your time and consideration.

Respectfully,

Anne Quinn

215 N. Lochwood Lane

West Chester PA 19380

610-430-0525

pakogut@comcast.net

---

**From:** EMShane@aol.com [mailto:EMShane@aol.com]  
**Sent:** Tuesday, September 29, 2009 11:56 AM  
**To:** pakogut@comcast.net  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmccconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org; mcree@erols.com  
**Subject:** Re: Deer Management Program - Response to Your Recent Letter

Dear Anne,

I am writing in response to your e-mails of yesterday to Jim McRee and myself. The issues you raise should be discussed with the entire Board in a public meeting rather than in e-mails. Please let me know if you would like me to have you included on the agenda for our October 6th meeting. If you would prefer not to be placed on the agenda, your are welcome to make comments or ask questions during the public

9/30/2009

comment period.

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)

In a message dated 9/28/2009 8:36:56 P.M. Eastern Daylight Time, pakogut@comcast.net writes:

Dear Marty,

Neither you nor Jim have answered my question. My question to you is - What rationale and/or criteria did you use to select the hunting zones to close for the season? Currently you have hunters shooting weapons 50 feet from where my children plan every day. This is reckless and dangerous behavior sanctioned and condoned by the East Goshen Board of Supervisors. Contrary to your and Jim's position an effective program does not equal a safe program.

I request that you stop the hunting in the Township parks immediately and until you address the safety concerns that I have forwarded to you. This is an urgent matter as hunting is currently occurring in our park areas. Hunting is occurring just 50 feet from where children play after school every day!

I am requesting an immediate response. Again, I request that you halt the Deer Management hunting program immediately and until you address and rectify the safety shortfalls.

Respectfully,

Mrs. Anne Kogut Quinn

215 N. Lochwood Lane

West Chester PA 19380

9/30/2009

610-430-0525

pakogut@comcast.net

---

**From:** James Mc Ree [mailto:mcree@erols.com]  
**Sent:** Sunday, September 27, 2009 9:44 AM  
**To:** 'Paul Kogut'; EMShane@aol.com  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org  
**Subject:** RE: Deer Management Program - Response to Your Recent Letter

Ann,

I am responding to your questions to Marty at Marty's request. Marty may clarify my note if I incorrectly state the Board's position.

Closed Zones:

You suggested over the last year or so that we close any zone in which hunting is not planned. We incorporated that change this year to reduce the impact on neighboring residents. Zone closures will be reevaluated on a seasonal basis. The goal of this change is to assure residents there will be no hunting in closed zones for the season, regardless of what occurs with the schedules. This change has minimal safety impact since there would not be hunting in these zones anyway. It does eliminate the need to consult weekly schedules to see if hunting is occurring in closed zones. This is a safety improvement as it allows for easy identification of illegal hunting. Hunters are still allowed to transit the closed zones to reach their stands in other zones and to track and retrieve wounded deer. A closed zone effectively takes on the definition of a safety zone regarding hunting.

Bow Tree zone A and Supplee Valley zones C and D are closed to hunting for the 2009-2010 deer hunting season for this reason. Bow Tree zone B was closed through last week because the stand and line inspections were incomplete as of September 18<sup>th</sup>, the due date for last week's schedule. Bow Tree zone B is now open as these inspections are complete.

Your suggestions in your recent letter to the Board:

9/30/2009

Your letter was substantially identical to the letter Marty responded to earlier this year. The Deer Committee and the Supervisors considered your suggestions when you wrote to us before. We implemented at least two of your prior suggestions, closing zones that won't be hunted and suspending hunting during the Thanksgiving and Christmas holidays. I recall discussing all of your suggestions with you at length in several of our meetings since we began in 2007.

This past Spring, you requested the Supervisors to accommodate your schedule and that of your concerned neighbors due to the high school graduation that was scheduled on the same night as the Board's decision on this year's program. The Board accommodated your schedule by adding another night of discussion the following week before making their decision. I re-presented the prior year's results, plans for this year's program, and recommended changes. The Board opened the floor to all attendees to ask questions and share comments. After taking all questions and comments across two Tuesday nights, the Board made the decision on this year's program. You did not attend either meeting. As I recall, attendance at the second meeting varied by only a few from the first (we did not take attendance – just recollection). Attendance at both meetings was much smaller than we expected. The township did incur additional expense to rent the fire house a second night to accommodate what we thought would be more people, per your request. I think that is an excellent example of the Board's responsiveness. The Township scheduled a meeting just for you and your concerned neighbors. I think you also have an obligation to show up for a meeting you specifically request.

The Deer Committee reviewed the Deer Management Program with representatives from the PA Game Commission at our September 21<sup>st</sup> Deer Committee meeting. Marty attended with us. John Morgan, a PhD Wildlife Biologist, and Scott Fredericks, a Game Warden responsible for this area, attended as our special guests. They answered all questions they were asked and shared their deep expertise in wildlife management in general and deer management in particular with us. They commented that our program was very safe and, when specifically asked if there was anything they would recommend we add or change to improve safety, they said there was nothing. These gentlemen are experts in their field and we respect their opinion. You are welcome to contact John Morgan and Scott Fredericks at the PGC to speak with them directly. We would certainly look closely at anything they recommend we change.

I understand you disagree with the decisions regarding the Deer Management Program and the opinions of these experts. I respect that. We do consider all suggestions, though there are some we disagree with. Disagreement is not non-responsiveness. It is a response.

Taken together, the recommendations in your letter prevent an effective program from operating. The worst thing we could do is create an ineffective program with the negatives some residents are concerned about and no hope of succeeding. Having no program at all would be better than the program with the changes you recommend. For example, we only harvested 5 of the 39 deer in the 2008-2009 program during the timeframes you would allow in your suggestions. That does not include applying the major hunting area restrictions you

suggest. Meanwhile, we would continue to have the problems with deer-vehicle collisions, Lyme disease, and landscape damage the overall deer program is mitigating.

As you know, we make our decisions based on studies and data. We welcome any studies or data you can share that shows we would have an effective program that is materially safer with your suggestions. Thank you for your comments.

Sincerely,

Jim Mc Ree

Chairman – East Goshen Township Deer Committee

---

**From:** Paul Kogut [mailto:pakogut@comcast.net]  
**Sent:** Saturday, September 26, 2009 9:55 AM  
**To:** EMShane@aol.com  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net; dmconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org; mcree@erols.com  
**Subject:** RE: Deer Management Program - Response to Your Recent Letter

Dear Marty,

Your original email response was non-responsive to my safety concerns. Your resubmittal of the same response is still non-responsive. In my recent letter to you, I specifically detailed features of the plan deemed to be unsafe and offered solutions. You have not responded to these safety concerns and risks. Further, I understand that you have closed many Bowtree zones for the hunting season. Please explain the rationale you, the Board of Supervisors, and the Deer Management Committee used in deciding to ban hunting in these select township park areas. This is an urgent matter as hunting is currently occurring in our park areas. Hunting is occurring just 50 feet from where my children play after school every day!

I am requesting an immediate response. Also, I request that you halt the Deer Management program immediately and until you address and rectify these safety shortfalls.

Respectfully,

9/30/2009

Mrs. Anne Kogut Quinn

215 N. Lochwood Lane

West Chester PA 19380

610-430-0525

pakogut@comcast.net

---

**From:** EMShane@aol.com [mailto:EMShane@aol.com]  
**Sent:** Wednesday, September 23, 2009 9:38 AM  
**To:** pakogut@comcast.net  
**Cc:** JMD3031@aol.com; carmenrbattavio@aol.com; psuthom@verizon.net;  
dmconathy@verizon.net; rsmith@eastgoshen.org; jgill@eastgoshen.org; mcree@erols.com  
**Subject:** Deer Management Program - Response to Your Recent Letter

Dear Anne,

Leo Sinclair mentioned at last night's Township meeting that you did not receive my response to your recent letter. This letter is similar to correspondence you sent the Township last June prior to our approving the DMP for this year. Below is a copy of my response to you at that time.

E. Martin (Marty) Shane, Chairman

Board of Supervisors  
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)

Dear Anne,

Thank you for your e-mail. I am sorry that you were unable to attend either the June 9th or the June 16th meetings. Jim McRee presented the Deer Committee's report at both meetings and the Supervisors approved the 2009/2010 Deer Management Program on the 16th after everyone had a chance to speak.

9/30/2009

The Supervisors approved a few changes for the 2009/2010 DMP. Most were either housecleaning or administrative. Two changes were significant. Hunting will not be permitted in any zone that the hunters indicate that they do not anticipate hunting taking place. In addition, hunting is prohibited on the Friday and Saturday following Thanksgiving and well as from Christmas eve through New Years Day. Hunting will otherwise be permitted in accordance with the PA's Game Commission's regulations.

Jim's report is on the Township's website. I encourage you to read it. You will see that, in most cases, hunting took place in any zone only 10% of the time. We harvested 39 deer, which exceeded our goal of 36. All the deer were retrieved without any wandering onto a resident's property. There were no issues involving the safety of our residents, which is our #1 priority.

Not more than 30 residents attended either meeting and only a few asked questions or made comments.

I respect that you do not agree with some of the elements of the DMP or perhaps the entire program. However, the Supervisors believe the DMP is in the best interest of our 18,000 residents and that we have made their safety our highest priority by including provisions that far exceed the requirements of the PMC.

You are welcome to attend any one of our meetings or the DC meetings to further discuss your concerns.

E. Martin (Marty) Shane, Chairman

Board of Supervisors  
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)

In a message dated 6/17/2009 6:35:54 P.M. Eastern Daylight Time, pakogut@comcast.net writes:

Mrs. Anne Quinn

16 JUN 2009

215 N. Lochwood Lane

West Chester PA 19380

610-430-0525

pakogut@comcast.net

9/30/2009

East Goshen Township Board of Supervisors

1580 Paoli Pike West Chester, PA 19380

Mr. Shane and Board:

I am opposed to your change to the EGT DMP that allows hunters to access our parks after dark. This change reduces the safety factors and increases the risk of harm to unsuspecting East Goshen Township residents. Specifically, I am opposed to change

**#12 to specifically state hunters are permitted in the open spaces in the dark to retrieve deer previously shot. Retrieval not permitted 10pm – 4am.**

This change increases the risk of injury to residents and residential private property. By extending the time that recreational hunters are permitted to access our township parks you have increased EGT residents exposure to hunters and their activities. Further you have increased the risk of harm as you are permitting these hunters to access our township parks after dark. The township parks are closed to all activity after dark because it is unsafe. This is unsafe for the hunters and for the residents.

Further I am disappointed that you did not include any of my recommendations to make the DMP safer for township residents. My safety recommendations include:

1. Extend the 150 yard safety zone to playgrounds and play areas in our backyards. Many residents do not know that you allow hunters to shoot weapons just 50 FEET from one's backyard.
2. Disallow hunting during the hours when East Goshen children are boarding and deboarding school buses i.e. 7 AM through 9 AM and 2:30 PM through 4 PM. (this is most relevant to areas where school bus routes adjoin the hunting areas.)
3. Restrict hunting on Saturdays to before 9 AM i.e. no hunting after 9 AM on Saturday.
4. Extend the 150 yard safety zone to school bus stops. Currently the safety zone is 25 yards and is woefully inadequate.
5. Disallow hunting on all school holidays such as Thanksgiving, Christmas week, etc.

9/30/2009

6. Cancel Hunting upon school closings such as snow holidays.

It is unsafe to hunt the open spaces abutting our backyards as we and our children work and play in our backyards. It is unconscionable that the EGT board would ask the township residents to bear the risks of lethal and fatal injuries as well as impinge on our property rights. These costs and risks to our safety far outweigh any conceivable benefit of hunting so close to our backyards. The primary responsibility of township supervisors is the health, welfare and safety of the residents. Your EGT Deer Management Plan falls far short of maintaining the safety and welfare of East Goshen residents. Please respond to my safety recommendations.

Thank you for your time and consideration.

Anne M. Quinn

610-591-8274

and, get on from there. You cut through Merriweather and will be less traffic."

— **Jim of West Chester**

Response to Karen of Chester aren, I wonder if you are the who wrote in her long epistle must be racist if we don't like policies and his attempts to y of life. Let me clue you in — President is fair game for car- res and having jokes made you want to get that techni- lized to President Bush on his s was an absolute disgrace. ur comments then about what President and his caricatures and cartoons? That is the prob- society today. They only see y. They fail to see that there to everything. So now that a, he is fair game. Get used to long way to go."

— **Sue of Caln**

Chester County. Why is it OK media to make fun of Pres- Bush, to draw terrible, terrible and to drag his name through that was not racist? When something bad about Pres- why is it racist when someone g bad about him? I don't un- double standard. I don't are being racist for criticizing . Race has nothing to do with

— **Bill of Downingtown**

Janet Elwood of Glen Mills' editor. She is right. I think the testers should learn from our or unions on how to behave . The labor unions are very they protest. And ACORN, they from ACORN as well and learn est with a certain amount of e liberals are much better at nd don't make a peep when . And, if you believe that, I u a bridge in Kentucky."

— **Jan of Berwyn**

resident (or is it king?) Obama his health reform deal passed , and without allowing the cit- country an opportunity to read tents? What's the hurry? What g to hide? Especially if it's not in effect until the year 2013? be something very wrong about This is a bill that will impact for the rest of their life and the

rassment. Do you mean to tell me that Caln Township and City of Coatesville street de- partments can't get together and send a few men to clean up that mess? It would only take a few hours. And while we are it, how about cleaning all the debris off the grates that cover the storm drains. At one time that was done on a regular basis. Now, it is never done."

— **Original Nick of Coatesville**

"This is about that poor kitty who was wrapped up in duct tape I saw on the news in Philadelphia. I don't understand what is wrong with people who do stuff like that. I am an animal lover and it hurts to see all the abuse taking place. I hope that since they got the guy who did this, that maybe they should tie him up in duct tape. I wish I was a judge. And about Michael Vick, he was not any better. I am upset about all this."

— **Yvonne of Downingtown**

"I wanted to talk about the intersection of Church Street and Lincoln Highway in Coatesville. When I moved to Coatesville, there was a crossing guard because there was a Catholic school there. Now the guard was taken away. Now that intersection is dangerous. I have seen many close calls there. Buses stop right after they turn on Route 82 and they are halfway into the intersection and cars have to ram on their brakes. The students wander across the street. Today I almost hit two students. I encourage the Catholic school to get a crossing guard."

— **Janice of Valley**

"Thank you to East Goshen Township's Public Works Department for the fine paving they did over here in the corporate park and in the manner which they did it. They were professional and did not disrupt our businesses. They did a first-class job! Thank you."

— **Bill of East Goshen**

"I am so tired of Regis and Kelly. I can't for the life of me think what talent he has. It is certainly not to be a good host. His questions to his guests are weak and hollow, and Kelly gets paid to laugh hysterically at anything Regis says. I am also tired of him telephoning people. It is the centerpiece of the show and it is getting old. Lastly, he and Kelly kiss everyone who is a guest. I believe they should kiss every member of the audience. Also, he can make fun of Donald Trump's hair all he wants, but he should take a look at his own dye job!"

— **Pat of Westtown**

They'd rather distract us by focusing 10. CORRESPOND on the slowing rate of loss rather than the losses themselves.

But, New York University economist Mario Rizzo writes, to take credit for this is to imply that "in the absence of fiscal stimulus, the rate of increase in unemployment never falls." That's ridiculous. Should Obama get credit anytime things aren't as bad as they might have been?

"The stimulus apologists are ignoring the original prediction based on a model. By that prediction, the stimulus is doing harm," Rizzo commented.

As Harvard economist Greg Mankiw writes, "In light of the shifting baseline, it is impossible to hold the administration accountable for whether its policies are achieving their intended effects."

"The administration, however, has not been particularly forthright in admitting to this lack of accountability. Indeed, the act of releasing quarterly reports on how many jobs have been 'created or saved' gives the illusion of accountability without the reality."

This lack of accountability — this claim of success no matter what happens — should surprise no one. Many of us warned about it months ago. Remember, Obama didn't promise to create 3.5 million jobs. He promised to create or save that many. There is no way to test that. If you still have your job, does that mean Obama saved it? If an entrepreneur created a new job, in spite of Obama's destructive anti-business regulatory apparatus, does Obama still deserve the credit?

As I wrote in February: "Given time, the economy, unless totally crippled by government intervention, will regenerate itself. That's because an economy is not a machine that needs jump-starting. It is people who have objectives they want to achieve. They will not sit on their hands forever waiting for government to 'fix' things. Instead, they work to overcome obstacles to get what they want. Some banks are struggling, but there are still people who want to lend money and people who want to borrow it. They will find each other without government help."

But I underestimated this administration. I expected it to say, in the face of continued rising unemployment, that the "stimulus" wasn't big enough. Instead, it claims success.

I suppose I should be relieved. Claiming success is far less destructive than another irresponsible "stimulus." I'm grateful for small favors.

(John Stossel writes for *Creators Syndicate*.)

A.  
1pg  
PHILLY LOCAL NEWS  
JULY 30 2011

**BOARD OF SUPERVISORS MEETING**

**WORKSHOP**

**Tuesday**

**October 6, 2009**

**7:00 PM**

1. Review meeting agenda
2. Review invoices
3. Eagle Scout Presentation – Christopher Moore
4. Review resolution for Eagle Scout Projects
5. Consider Managers recommendation on Non-Utility Accounts receivable.
6. Loader replacement
7. Consider recommendation to purchase video detection at West Chester Pike and Goshen Meadows/intersection.
8. Metered Billing Update – Don
9. Park ordinance restriction on firearms
10. Workshop on Oct 29<sup>th</sup> ?
11. Representative Sestak's request for earmarks
12. Administrative Calendar
13. Any Other Matter
14. Liaison Reports
15. Subdivisions/Land Developments/ZHB Applications
  - a. Clearwire LLC – upgrade Sprint equipment on Aqua Water tank.
16. Public Comment
17. FYI

Conti.

**EXECUTIVE SESSION – Police Labor**

Reminder –

**NEWSLETTER ARTICLE SUBMISSION DUE DATES:**

November 10, 2009

**DELIVERY DATE:**

January 1, 2010

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 09-999**

**A RESOLUTION ESTABLISHING THE  
POLICY FOR EAGLE SCOUT PROJECTS**

**WHEREAS**, Boy Scouts attempting to obtain the rank of "Eagle Scout" need to perform a community service project; and

**WHEREAS**, Scouts frequently approach the Township about performing a project for the Township; and

**WHEREAS**, the Board of Supervisors believe that such projects are a benefit to the Township; and

**WHEREAS**, the Board of Supervisors believe it is in the best interest of a Township to adopt a procedure for the implementation of these projects.

**BE IT RESOLVED THAT** the East Goshen Township Board of Supervisors hereby adopts the following procedure for the implementation of an Eagle Scout Project

1. The Scout meets with the Director of Public Works to discuss potential projects.
2. The Scout selects his project and obtains approval from the Troop.
3. The Scout prepares a cost estimates, an estimate of the labor (man-hour's) required and any equipment needs required to complete the project.
4. The Scout makes a presentation to the Director of Public Works.
5. The Scout makes a presentation to the Park and Rec Board, Conservancy Board, or Historical Commission as appropriate for their approval.
6. The Director of Public Works issues a letter giving final approval to the project.

(Signatures on next page)

**RESOLVED AND ADOPTED**, this 6<sup>h</sup> day of October, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

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

WORKSHOP  
5.  
3 pgs

**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: September 24, 2009 ~~September 18, 2009~~

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: Non-Utility Accounts Receivable

At you meeting on 9/22 the question of whether or not we needed a resolution on the collection process for each of these accounts was raised. My comments are as follows:

We currently have several types of Non-Utility Account Receivables and the collection process for each is as listed below.

Site inspection fees associated subdivisions and land developments – There is a line item (generally 3-5% of the construction cost) for site inspections in the escrow. No. Covered under §205-16 of the Subdivision and Land Development ordinance.

Building and Sign permits – the permit is not issued until the fee is paid. No. All of the ICC Codes contain the following statement “Permit is not valid until the fee has been paid.”

Re-Occupancy inspections – the fee is paid in advance for owner occupied units. We invoice the apartment complexes monthly. If they did not pay it would constitute a zoning violation and we would have to file a civil claim against them. No. Covered under §240-53 of the Zoning.

Sewer, Refuse and Tax certifications - the certification is not issued until the fee is paid. Yes. The fee is set forth in the Fee Schedule Resolution 09-34D. While as a matter of practice we do not send out the certification it would make sense to revise the resolution to specify state this. See attached.

Stormwater Management Inspections – we are required to inspect stormwater management facilities when they are constructed, then annually for the first five years, once every three years. We do not issue the Certificate of Occupancy until the inspection fees have been paid. If the homeowner did not pay the fee for the annual inspection we would file criminal proceeding against him. No. §704A of the Stormwater Management Ordinance says that all costs shall be paid for by the applicant or owner of the property where the applicable stormwater facility is located.

Engineer fees for the review of subdivision & land development applications. - The plan is not released for recording until the fees have been paid. No. Covered under §205-16 of the Subdivision and Land Development ordinance.

Sewer Tapping and Lateral Inspection fee – They cannot connect to the sewer system until the fee has been paid. No. Covered under 188-31D of the Township Code.

09-34E

- vi. Other miscellaneous administrative charges.
- vii. The cost for a copy of the transcript if requested by the applicant.
- c. If the monies paid by the applicant pursuant to Section b are insufficient to insure payment of all costs incurred in the disposition of the application, the Township shall require additional deposits in increments of one hundred dollars (\$100). The failure of the Township to demand additional deposits from time to time shall not relieve the applicant from liability for all costs, charges, fees and expenses in excess of deposits.
- d. Monies paid which are in excess of the actual costs shall be refunded to the applicant.
- e. Referring to C and D above; if the total costs exceed the monies paid by less than \$10.00 there will be no additional charge and conversely, there will be no refunds given for amounts under \$10.00

6. **Sewer, Refuse and Real Estate Tax Certification**

- a. Per Certification - \$5.00 – Fee must be paid prior to certification being issued.

7. **Collection Procedures**

- a. The Township Manager is authorized to collect any monies due and payable to the Township under this resolution in the manner prescribed by law.
- b. Any costs associated with the collection of these fees shall be the responsibility of the applicant.

8. **Returned Checks**

- a. Any check received by the Township pursuant to this resolution or any other ordinance shall be deposited in the authorized Township depository (bank).
- b. All checks returned by the Township depository (bank) to the Township, for insufficient funds or other reasons, shall be re-presented by the Township a second time. Any costs associated with this re-presentation shall be the responsibility of the person writing the check.
- c. Any check that is returned to the Township a second time will result in the imposition of a \$25.00 fee in addition to any bank fees, which shall be applied to the appropriate account.

---

To: Board of Supervisors  
From: Mark Miller  
Date: October 2, 2009  
Ref: Loader Replacement

The loader is used in a variety of jobs that the Public Works Department performs. Imagine a large tool box in the Public Works annex. The loader would be an adjustable wrench which can be used for multiple tasks such as back filling trenches, trimming trees, moving bulk materials, loading and stacking salt.

I went back to January's records to get a grasp on the usage of our loader and what we would have spent if we were to rent a loader.

In January, February and March, the loader was used on a daily basis loading materials, stacking salt and clearing snow from intersections and also sewer repairs.

In April and May, the loader was used three to four times a week loading material and shuttling stone back into sewer right- of- ways while doing sewer repairs. We also had week and half of removing debris from the Milltown yard.

In June to October, the loader was used on a daily basis shuttling materials, moving fallen trees from storms, picking up and setting inlet boxes, and road milling preparation.

In summary:

January thru March, the rental costs would have totaled \$3,475.00 a month. The total would have been \$10,425.00.

2024

April and May for weekly rentals :  $\$1,150.00 \times 5.5 \text{ weeks} = \$6,325.00$

June thru October, our heaviest- use months for our road work, storm sewer work and sewer repairs - \$17,375.00

Total yearly rental cost: \$34,125.00

WORKSHOP

6  
384

Date: September 17, 2009  
To: Board of Supervisors  
From: Mark Miller  
Re: Loader Replacement

The Case 621C Loader was purchased in 1999 and is scheduled to be replaced this year. There is \$90,000 budgeted for its replacement in the 2009 Capital Reserve Budget.

I would like to purchase a Case 551E, which is the next size down and it would cost \$120,927 under the state COSTARS Program from Eagle Power and Equipment.

They will give us a trade in value of \$40,173 for our old machine so the final cost for the new machine is \$80,754.

I would recommend that we purchase the new machine.

Mark

Defer to OCT 2<sup>nd</sup> mtg

**Smith, Rick**

**From:** Mark Miller [mmiller@eastgoshen.org]  
**Sent:** Tuesday, September 22, 2009 2:15 PM  
**To:** 'Joe Gill'; 'Rick Smith'; 'Carmen Battavio'; 'Don McConathy'; 'E. Martin Shane'; 'Joseph M. McDonough'; 'Thom Clapper'  
**Subject:** Loader

Carmen

I did not get a copy of the email you sent last night. Rick gave me a paper copy.

In answer to your questions.

1. The loader has 3989 hours on it. It does not have a speedometer, so I do not know the mileage. It goes to Ridley Creek once or twice a week to push the sludge dumpster.
2. About 400 per year depending on how much it snows or ices up.
3. We need to replace the center pins and bushing now.
4. It would cost us \$3,750 a month to rent one. I call CAT, who has our rental contract, and they can not guarantee they will have a machine when we need it.

I would add that the loader cost us \$74,316 in 1999.

If we keep it we need to put new tires on it \$2,500 each plus \$145 a tire for mounting.

We also need to replace the center pins and bushings. The estimated cost is \$6,500. It could be more but we would not know how much until they tear it apart.

We also need to repair the cab where it is rusted out and replace the windshield.

We use this machine for loading and stacking salt and chips and the salt take a toll on the machine.

Mark

Carmen - Fix

Marty - Buy

Thom - Fix

Joe - Buy

Don - Refer To 2nd mtg in Oct

BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP

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

WORKSHP  
7.  
1 pg

September 25, 2009

To: Board of Supervisors  
From: Mark Miller  
Re: Video Detection at West Chester Pike and  
Goshen Meadows

The loop system has failed and needs to be replaced. I would recommend that we install a Video Detection System at a cost of \$3,961.00. I had a budget for two video systems I the 2009 budget.

Good evening, My name is Paul Comer. I'm a resident of East Goshen Township.

I am here to bring to the attention of the board of supervisors a park regulation that appears to be in violation of state law.

I am referring to Section 163-3 Sub Section N. Titled Firearms and fireworks  
Part (1)

**No person, other than a sworn police officer or other law enforcement officer then on duty and engaged in the performance of his official duties, shall carry or discharge any firearm within the limits of any park or Township-owned lands.**

It is my understanding that the firearms prohibition portion of this is in violation of Title 18, Chapter 61, subchapter A (otherwise known as The Uniform Firearms Act) specifically subsection 6120 which states: "General rule: No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this commonwealth."

The preemption statute I quoted was passed in 1995. I am unsure when Section 163-3 was passed, and understand that it may have been in place before 1995, explaining why it may have been overlooked. However, there was no grandfathering of existing limitations, so in any event, the ordinance as it stands today is improper.

I know some people might want to know why someone would want to carry a firearm in the Parks, and the answer may be as simple as they carry a firearm daily. But that question is not really the issue. The preemption statute I quoted is very important for Pennsylvanians that legally carry a firearm in that it removes the problem of a traveling citizen of running afoul of a myriad of local laws prohibiting where you can and can not carry a firearm. In other words, licensed or otherwise legal carriers of firearms in Pennsylvania can carry everywhere not prohibited by state law.

Of particular interest to the township is that since this rule is unenforceable, there could be negative consequences should an unknowing person, or even one choosing to ignore the rule knowing it is null and void happen to be cited or otherwise confronted. If a police officer were to "enforce" such rule or ordinance, wrongful arrest and abuse of office charges could be laid on the officer, the police department and the township – not an inexpensive proposition.

I respectfully ask that the board of supervisors please look into this matter. I thank you all for your time and I look forward to following up next month for any updates.

Thank you,  
Paul Comer  
429 Gateswood Dr.

2005

Buckley, Brion, Morris, McGuire &  
Sommer LLP

## MEMORANDUM

To: East Goshen Township Board of Supervisors  
From: Joseph E. Brion and Sigmund J. Fleck  
Date: 10/2/2009  
Re: East Goshen Township Ordinance 163-3(n) & Pennsylvania's Uniform Firearms Act, 18 Pa.C.S.A. §6101-6124

---

### Introduction

Paul Comer, who resides in the township at 429 Gateswood Drive, presented the Board of Supervisors with a memo, a copy of which is attached hereto, on September 22<sup>nd</sup>. Rick Smith sent us an email on the 23<sup>rd</sup>, asking us to prepare a response.

Mr. Comer offers his observation that the East Goshen Township ordinance cited above, which restricts the possession and use of firearms in parks or Township-owned lands, violates the restrictions placed upon municipalities by §6120 of the UFA, which prohibits townships from regulating possession of firearms.

### East Goshen Township Code Chapter 163

Chapter 163 of the Township Code regulates parks and recreation areas, in accordance with the grant of authority to the Township contained in the Second Class Township Code at 53 P.S. §67203. Rules and regulations for parks are contained at Section 3. Subsection N of Section 3 is entitled *Firearms and Fireworks* and provides in relevant part:

1. No person, other than a sworn police officer or other law enforcement officer then on duty and engaged in the performance of his official duties, shall carry or discharge any firearm within the limits of any park or Township-owned lands.

This subsection was amended on August 4, 2008 by Ordinance No. 129-E-08.

Section 4 of Chapter 163 entitled *Violations and Penalties*, provides for the imposition of fines for violations of the park rules and regulations.

## **Pennsylvania's Uniform Firearms Act, 18 Pa.C.S.A. §6101-6124**

In 1994, the General Assembly passed House Bill 185, which amended Title 18 of the Crimes Code, including the Pennsylvania Uniform Firearms Act, 18 Pa.C.S. §§ 6101-6124. This amendment, which appears at 18 Pa.C.S. § 6120, was enacted over the Governor's veto in October 1994, and provides:

**(a) General rule. No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for the purposes not prohibited by the laws of this Commonwealth.**

This statute has been the subject of several lawsuits, two of the most significant involving attempts by the City of Philadelphia to pass laws regulating firearms. In 1996, the Pennsylvania Supreme Court issued its opinion in Ortiz v. Commonwealth of Pennsylvania, 545 Pa. 279, 681 A.2d 152 (1996). In that case, Philadelphia City Councilman Ortiz brought suit attempting to enjoin the Commonwealth from preempting Philadelphia's attempt to regulate "assault rifles."

The Supreme Court affirmed the lower court's dismissal of the lawsuit. Two excerpts from the Court's opinion suffice to illustrate the Court's discussion of §6120 and its impact upon Philadelphia's attempt to regulate firearms:

The sum of the case is that the Constitution of Pennsylvania requires that home rule municipalities may not perform any power denied by the General Assembly; the General Assembly has denied all municipalities the power to regulate the ownership, possession, transfer or possession of firearms; and the municipalities seek to regulate that which the General Assembly has said they may not regulate. The inescapable conclusion, unless there is more, is that the municipalities' attempt to ban the possession of certain types of firearms is constitutionally infirm.

\*\*\*

The right of the citizens to bear arms in defense of themselves and the State shall not be questioned. Because the ownership of firearms is constitutionally protected, its regulation is a matter of statewide concern. The constitution does not provide that the right to bear arms shall not be questioned in any part of the commonwealth except Philadelphia and Pittsburgh, where it may be abridged at will, but that it shall not be questioned in any part of the commonwealth. Thus, regulation of firearms is a matter of concern in all of Pennsylvania, not merely in Philadelphia and Pittsburgh, and the General Assembly, not city councils, is the proper forum for the imposition of such regulation.

In June 2009, the Commonwealth Court of Pennsylvania had occasion to revisit §6120, and explain the Supreme Court's holding in the Ortiz case, in the context of a more recent attempt by Philadelphia's City Council to pass laws regulating firearms.

In NRA v City of Philadelphia, 977 A.2d 78 (Pa.Cmwlt. 2009), the court reviewed the Philadelphia Court of Common Pleas' decision enjoining the city from enforcing certain firearm ordinances. The city argued that §6120 did not prohibit the enforcement of the ordinances at issue because the activity targeted by the subject ordinances was not lawful activity. In rejecting that argument and upholding the lower court's injunction, the Commonwealth Court explained:

Unfortunately, with respect to the matter before us, while we may agree with the City that preemption of 18 Pa.C.S. § 6120(a) appears to be limited to the *lawful* use of firearms by its very terms, we believe, however, that the crystal clear holding of our Supreme Court in Ortiz, that, "the General Assembly has [through enactment of §6120(a)] denied all municipalities the power to regulate the ownership, possession, transfer or [transportation] of firearms," precludes our acceptance of the City's argument and the trial court's thoughtful analysis on this point.

### **Pennsylvania's Game and Wildlife Code**

Pennsylvania's Game and Wildlife Code, 34 Pa.C.S.A § 101 et. seq., contains, among other things, regulations and restrictions on the use of firearms. 34 Pa.C.S.A § 2508, entitled *Protection of Institutions, Parks, and Resorts*, provides that is unlawful to discharge a firearm in a park set aside for the use of the public where people may congregate in the open for health, recreation or pleasure, outside of those park areas set aside for hunting.

In 2005, the Commonwealth Court, in Wolfe v. Salisbury Township, 800 A.2d. 62 (Pa.Cmwlt. 2005), upheld the implementation of a hunting program in a Salisbury Township park, and rejected the plaintiff's argument that such regulation was preempted by the Game and Wildlife Code, because the township, as a landowner, had the right to regulate activity on its own property, distinct from its authority to regulate activity generally throughout the township based upon its police powers. The court also relied upon an opinion of the Attorney General discussing the Game Act (64 Pa. D. & C.2d 233, 1974 WL 42932 (Pa.Dept.Just.), wherein the Attorney General explained that local ordinances which prohibit the discharge of firearms within municipal boundaries are valid so long as they are construed as prohibiting the discharge of firearms within the municipality *except* where the firearm is lawfully used in hunting.

## Conclusion

In conclusion, it would appear that Mr. Comer's assessment may be accurate, in part, and the Township ordinance may be interpreted as violating the UFA as currently written, to the extent that it regulates the *possession* of firearms in parks.

Given the Commonwealth Court's reasoning in the Wolfe case, the Township may be able to defend a restriction on the possession of firearms on Township-owned lands, based upon the Township's status as a landowner. This could be achieved by the elimination of the words "...park or..." from the ordinance, and the addition of a statement that the Township's intent is to merely regulate activity on Township owned property as a landowner and not as an exercise of its general police powers. This approach has not been expressly ruled out by the courts, and to the extent the Township desires to maintain the current restrictions on possession of firearms, this would be the best avenue to take. Given the strong language used by the courts in discussing the UFA, there would be significant risk that such a proposed regulation would be susceptible to a challenge as violating the UFA. The more conservative approach would entail removing the *possession* component of the ordinance by eliminating the words "...carry or..." from the existing ordinance.

In any event, the Township may validly regulate the *discharge* of firearms in parks, because neither §6120 of the UFA nor the cases that discuss the UFA prohibit regulations regarding the *use* of firearms. Moreover, the Game and Wildlife Code does not preempt the Township from regulating the use of firearms on Township property, or anywhere else in the Township, outside of lawful hunting activities. For this reason, the existing restriction upon discharge of firearms can remain in the ordinance.

**Smith, Rick**

**From:** Don McConathy [dmconathy@verizon.net]  
**Sent:** Wednesday, September 30, 2009 9:59 AM  
**To:** Marty Shane; Rick Smith  
**Subject:** FW: A message from Congressman Joe Sestak's office - Fiscal Year 2011 Federal Appropriations Forms  
**Attachments:** 2009 (FY10) Federal Appropriations Defense Request.doc; 2009 (FY10) Federal Appropriations non-defense Request.doc

I am not sure if you received this or not. We can discuss at an upcoming workshop to see if anyone has any suggestions. Regional land management comes to mind as a possibility. Expansion of WEGO services to other municipalities might be another. I do not think HM Dam would qualify.

*Don McConathy*  
*dmconathy@verizon.net*

---

**From:** EGTADMIN [mailto:egtadmin@eastgoshen.org]  
**Sent:** Wednesday, September 30, 2009 8:56 AM  
**To:** dmconathy@verizon.net  
**Subject:** FW: A message from Congressman Joe Sestak's office - Fiscal Year 2011 Federal Appropriations Forms

---

**From:** Congressman Joe Sestak [mailto:pa07reply@mail.house.gov]  
**Sent:** Tuesday, September 29, 2009 7:32 PM  
**To:** egtadmin@eastgoshen.org  
**Subject:** A message from Congressman Joe Sestak's office - Fiscal Year 2011 Federal Appropriations Forms

September 29, 2009

Dear Supervisor McConathy,

As in past years, I will be soliciting appropriations requests from around the Pennsylvania 7<sup>th</sup> Congressional District in early January. Often referred to as "earmarks," appropriations are usually large projects that are specifically placed in appropriations bills for limited purposes (i.e. not on-going operations). Forms to apply for an appropriation are available beginning in January on my website [www.sestak.house.gov](http://www.sestak.house.gov) or by contacting the District Office at 610-892-8623 or by mail at 600 N. Jackson Street, Suite 203, Media, PA 19063. The forms must be completed and returned to the District Office by the designated deadline (usually the end of February).

Once I receive the requests, I and my staff go through a multi-step process to evaluate the projects and select those to be submitted. Although priorities can change slightly by large events, such as the economic crisis we are now in, overall I base my evaluation on the impact the projects will have in the 7<sup>th</sup> Congressional District, and within my five pillars (economic security, education security, health security, environmental/energy/transportation security, and defense security). I look for projects that bring the greatest good to those in the greatest need, and those that take a regional and comprehensive approach to addressing problems. Projects that involve multiple municipalities, tie-in

10/1/2009

groups, and/or are connected with local institutions will receive more attention than those submitted for the benefit of a single municipality or group.

I recognize it takes time and effort to put together a group submittal, which is one of the reasons of sending this letter early. It gives you the next couple months to start thinking of ways your municipality or organization can collaborate.

After I submit the projects, those that are submitted will be posted on my website. The various House Appropriation committees then sift through the thousands of submitted projects and select some to fund. The committees usually complete their work in late spring or early summer and obtain full House Appropriation Committee approval shortly after that. The full House then votes on the bill. This is followed by reconciliation with the version of the bill passed by the Senate and a vote on the final bill. It then goes to the President for his signature or veto. This is to all take place by 30 September, but often does not take place until later in the year (and in some cases, such as this year, until early next the next year). Those with projects that are signed into law will then be contacted by the appropriate federal agency to ensure the project and the organization is eligible for funding. Funding becomes available anywhere from a couple months to a year following the bill being signed into law (on rare occasions the funding can extend beyond one year).

It should also be noted that recent actions by Congress have dramatically cut funds available for appropriations and I anticipate this trend continue. So I always encourage you to continue to explore all possible funding sources and not to rely on appropriation funding.

I will need to forward appropriation requests early next year, and the forms for FY11 projects will be available in January. The forms I am including are from FY10, are subject to modification, but are likely to be significantly similar to the finalized forms that will be available in early January. Note that there are different forms depending on whether the project is seeking Defense Subcommittee funding or funding from the other subcommittees.

You can find examples of those projects that were submitted this year on my website. I encourage you to review them. Please do not hesitate to contact my District Representative, Susan Heppler at 610-892-8623 or [susan.heppler@mail.house.gov](mailto:susan.heppler@mail.house.gov) if you have questions.

Please do not respond to this email.

To send an email to Congressman Sestak, please visit [http://www.sestak.house.gov/IMA/issue\\_subscribe.shtml](http://www.sestak.house.gov/IMA/issue_subscribe.shtml).

Projects - Route 202 Section 300  
Route 202 Section 100

3066

**Federal Appropriations Request**  
**Representative Joe Sestak (PA-07)**  
***Fiscal Year 2010***

**PROJECT QUESTIONNAIRE**

*An electronic version can be obtained by emailing [Sestak.appropriations@mail.house.gov](mailto:Sestak.appropriations@mail.house.gov).*

This questionnaire must be completed for us to consider your request. However, there is no guarantee that your request will be funded if you submit this form.

This is a confidential document intended for use by the Office of Representative Joe Sestak and the requesting organization.

The clarity and quality of your answers will affect the selection process. Ultimately, the decision to submit the project for consideration will be based upon the project's overall benefit to America and how it fit within the Congressman's five pillars: economic security, education security, health security, defense security, and environmental/ energy/ transportation security.

Please note that I will not know whether your request was approved until the appropriations process concludes with the President's signature, most likely in late 2009.

Should you have any questions, please feel free to contact:

**Jason Marmon**  
**Office of Representative Joe Sestak**  
**600 N. Jackson St., Suite 203**  
**Media, PA 19063**  
**(610) 892-8623**  
**[jason.marmon@mail.house.gov](mailto:jason.marmon@mail.house.gov)**

**ALL FORMS MUST BE SUBMITTED ELECTRONICALLY BY February 21, 2009 TO:**  
**[sestak.appropriations@mail.house.gov](mailto:sestak.appropriations@mail.house.gov)**

**Organization:**

**Project title:**

If your organization has submitted more than one appropriation request this year, please include the priority of this project in parenthesis following your organization's name above. For example:

Organization: ABC Action (2 of 4)

{Please note that list priority will not preclude funding for lower priority projects or guarantee funding for higher priority projects}

### **Organization Information**

1. Provide the exact name and location of your organization, along with the name, title, address, phone number, cell phone number, fax number, and email address of a contact at the organization.

Organization name:

Point of Contact (and title):

Address (include town, state, and zip code):

Office Phone:

Cell Phone:

Fax:

Email:

2. If the Point of Contact is not located within the Pennsylvania 7<sup>th</sup> Congressional District
  - a. Is this project being done in conjunction/ for the benefit of an organization in the District?
    - i. If yes, please list organization, its address, and relationship
3. Describe the organization's main activities, and whether it is a public, private or nonprofit entity.

### **Project Description Information**

4. Provide a title for the project.
5. Provide a brief description of the project for which funding is requested (maximum 250 words) (A more detailed description should be included as an abstract).
6. Explaining the purpose of the earmark and why it is a valuable use of taxpayer funds (maximum 250 words)
7. Is this a new project? If not, please provide a brief history of the project.
8. The Government Performance and Results Act requires federal agencies to measure how federal investments achieve the policy goals laid out in the federal program where the funds will be spent. Please attach an abstract of your project (maximum one page) to describe your proposed activity and show what measurable improvements will result from it. For example, what will be the measurable increase in student reading scores, decline in homelessness or improvement in worker safety? In addition, please be sure to address how this project meets federal policy goals or has other national significance.
9. List all public or private organizations that have supported/endorsed this project. (If a municipally based project, it is important to include that municipality's support and support from those neighboring municipalities benefiting from the project) (please specify the percentage of the project, if any, to take place in the PA 7<sup>th</sup> Congressional District).
10. Provide a description of the anticipated benefit / impact of the project. (Answer should start with anticipated benefit/ impact on the Pennsylvania 7<sup>th</sup> Congressional District). (If this is a municipal based project, mention how it will positively impact/ is done in conjunction with adjoining municipalities.)

### **Project Funding Information**

11. Identify the name of the appropriations bill and the account from which you are requesting funding (if known).

Appropriations Bill:

Agency:

Account:

12. Provide a justification as to why federal funding is necessary or appropriate.

686

13. What is the total cost of the project?

Congress, in general, provides only one year of funding at a time. If your request involves more than one year, indicate the amount that will be used/ you are requesting in FY 2010.

14. What is the breakdown for the requested funding? (For example, salary \$40,000, computers \$3,000, construction \$2,000,000, etc.)

15. Is this project scalable (i.e., if partial funding is awarded, will the recipient organization be able to use the funds in FY 2010?):

16. Has this project or activity received any federal funding in previous years? If so, please list the fiscal years for which funding was appropriated and the amount of funding appropriated.

17. Congress often requires that some portion of the project or activity be funded through non-federal sources. Are any non-federal funding sources contributing to this project or activity? If so, what are the sources of funding and what amount is each of these funding sources contributing?

18. Has a request for funding for this project been submitted to any other Members of the House or Senate for FY2010? If so, list the other Members to whom requests were made.

# EAST GOSHEN TOWNSHIP ADMINISTRATIVE CALENDAR

workshop  
12.  
3 pag

DESCRIPTION	OWNER		FREQUENCY	DUE DATE	COMMENTS
	PRIMARY	BACKUP			
RUN COMPUTER SYSTEM BACKUP TAPES	NANCY SCHEIDERMAN	DIANE DEGNAN	DAILY	END OF DAY	
UPDATE PROPERTY RECORDS IN GEO SYSTEM	JOANNE MORGAN		MONTHLY	END OF MONTH	
CHECK WEBSITE: UP & RUNNING	JOE GILL	JOYCE TARSI	DAILY	END OF DAY	
DRAFT MINUTES FROM BOS MEETINGS & WORKSHOPS	ANN MEDDINGS	SUB	WEEKLY	END OF WEEK	
DRAFT MINUTES FROM MA MEETINGS	LINDA JONES	SUB	MONTHLY	END OF MONTH	
DRAFT MINUTES FROM PC MEETINGS	LINDA JONES	SUB	MONTHLY	END OF MONTH	
DRAFT MINUTES FROM CB MEETINGS	RUTH KIEFER	SUB	MONTHLY	END OF MONTH	
DRAFT MINUTES FROM HC MEETINGS	LINDA JONES	SUB	MONTHLY	END OF MONTH	
DRAFT MINUTES FROM P & R MEETINGS	RUTH KIEFER	SUB	MONTHLY	END OF MONTH	
DRAFT MINUTES FROM DMC MEETINGS	RUTH KIEFER	SUB	MONTHLY	END OF MONTH	
COMPILE AGENDAS & MEETING PACKETS FOR BOS	JOYCE TARSI	NANCY SCHEIDERMAN	WEEKLY	END OF WEEK	
POST AGENDAS TO WEBSITE	JOYCE TARSI	DIANE DEGNAN	WEEKLY	END OF WEEK	
POST APPROVED MINUTES TO WEBSITE	JOYCE TARSI	DIANE DEGNAN	WEEKLY	END OF WEEK	
CONSTANT CONTACT E-MAILS	NANCY SCHEIDERMAN	JOYCE TARSI	WEEKLY	END OF WEEK	SPECIAL NOTICES POSTED AS NEEDED
WEBSITE CHANGES	JOYCE TARSI	NANCY SCHEIDERMAN	WEEKLY	END OF WEEK	
SEND COPIES OF NAME/ADDRESS CHANGES TO BERKHEIMER	JOANNE MORGAN		MONTHLY	END OF MONTH	
PREPARE NEW CONTENT FOR WEBSITE	NANCY SCHEIDERMAN	JOYCE TARSI	MONTHLY	END OF MONTH	
PREPARE TOWNSHIP NEWSLETTER	DIANE DEGNAN	NANCY SCHEIDERMAN	QUARTERLY	1/1, 3/1, 7/1, 10/1.	DEADLINES - 6 WEEKS PRIOR TO DISTRIBUTION
INSURANCE - OPEN ENROLLMENT	DIANE DEGNAN		ANNUALLY	MID-JANUARY	MTG SCHEDULED IF NEEDED
SCHEDULE VALIC (457 PLAN) APPTS	DIANE DEGNAN		ANNUALLY	MID-JANUARY	MTG SCHEDULED IF NEEDED
FLEX PLAN CHANGES	DIANE DEGNAN		ANNUALLY	MID-JANUARY	MTG SCHEDULED IF NEEDED
SEND OUT REQUESTS TO APARTMENTS TO UPDATE RENTERS	JOANNE MORGAN		SEMI-ANNUALLY	JUNE/DEC	
SEND UPDATED APT. RENTERS LISTS TO BERKHEIMER	JOANNE MORGAN		SEMI-ANNUALLY	AUG/FEBR	
COMPENSATION INCREASES EFFECTIVE	RICK SMITH		ANNUALLY	JANUARY 1	
SUBMIT SECTION 125 PREMIUM ONLY PLAN TO BOS	RICK SMITH		ANNUALLY	JANUARY 31	
ADVERTISE & POST NOTICE FOR ANNUAL MTG	JOYCE TARSI	DIANE DEGNAN	ANNUALLY	JANUARY 2	ALSO DONE THROUGHOUT YEAR IF MEETING

# **EAST GOSHEN TOWNSHIP ADMINISTRATIVE CALENDAR**

DESCRIPTION	OWNER		FREQUENCY	DUE DATE	COMMENTS
	PRIMARY	BACKUP			
ALL OTHER MTG ADS & POSTINGS	JOYCE TARSI	DIANE DEGNAN	AS NEEDED		
UPDATE TOWNSHIP OFFICIALS LIST	JOYCE TARSI		ANNUALLY	MID-JANUARY	(ALSO DONE THROUGHOUT YEAR IF MEMBERS CHANGE)
SEND CONGRATULATORY LETTERS TO NEW ABC MEMBERS	JOYCE TARSI		ANNUALLY	JANUARY 10	
TRANSCRIBE ABC GOALS LISTS	JOYCE TARSI	DIANE DEGNAN	ANNUALLY	JANUARY 10	AFTER ANNUAL ABC PLANNING MEETING
SUBMIT FORM MS-913--DEPT OF COMMUNITY & ECON DEV	RICK SMITH	DIANE DEGNAN	ANNUALLY	JANUARY 15	UPDATE OF OFFICIALS LIST, TAX RATES, ETC.
SUBMIT FORM MS-914--DEPT OF TRANSPORTATION	RICK SMITH	DIANE DEGNAN	ANNUALLY	JANUARY 15	UPDATE OF ROAD MILEAGE IN TOWNSHIP
SUBMIT CHESTER COUNTY ASSOC OF TOWNSHIP--OFFICIALS FORM	DIANE DEGNAN	JOYCE TARSI	ANNUALLY	JANUARY 23	UPDATE OF OFFICIALS LIST FOR DIRECTORY
SEND LETTER TO HOMEOWNERS AND CIVIC ASSOCIATIONS ASKING FOR NEW CONTACT INFORMATION	JOANNE MORGAN		ANNUALLY	JANUARY 31	
SUBMIT CHESTER COUNTY VOTER SERVICES FORM--PRIMARY ELECTION	DIANE DEGNAN	JOYCE TARSI	ANNUALLY	FEBRUARY 3	LIST OF ELECTED OFFICIALS WHOSE TERMS
SUBMIT CHESTER COUNTY--OFFICIALS FORM	DIANE DEGNAN	JOYCE TARSI	ANNUALLY	FEBRUARY 10	UPDATE OF OFFICIALS LIST FOR COUNTY
GET BOARD TO SELECT TOPIC FOR PLANNING SESSION AT PSATS CONV.	RICK SMITH	JOE GILL	ANNUALLY	MID-FEBRUARY	STATE CONVENTION HELD IN MID-APRIL
INCLUDE ARTICLE IN NEWSLETTER TO SOLICIT NEW MEMBERS FOR ABCS	DIANE DEGNAN	NANCY SCHEIDERMAN	ANNUALLY	OCTOBER 1	DEADLINE - SIX WEEKS PRIOR TO DISTRIBUTION
MEET WITH LAB INSURANCE ACCOUNT EXECUTIVE TO UPDATE COVERAGES	RICK SMITH		ANNUALLY	OCTOBER 1	B.G. BALMER, INC.
UPDATE EMPLOYEE JOB DESCRIPTIONS	RICK SMITH	DIANE DEGNAN	ANNUALLY	OCTOBER 15	
SEND LETTER TO ABC MEMBERS WITH TERMS EXPIRING AT END OF YEAR ASKING IF THEY WANT TO CONTINUE	JOYCE TARSI		ANNUALLY	NOVEMBER 1	
PREPARE PERFORMANCE EVALUATIONS AND REVIEW WITH EMPLOYEES	ALL DEPT HEADS		ANNUALLY	NOVEMBER 15	
UPDATE PERSONNEL MANUAL	DIANE DEGNAN	RICK SMITH	ANNUALLY	NOVEMBER 30	
SCHEDULE INTERVIEWS OF PROSPECTIVE ABC MEMBERS	JOYCE TARSI		ANNUALLY	NOV/DEC	
DETERMINE EMPLOYEE COMPENSATION INCREASES	RICK SMITH		ANNUALLY	DECEMBER 15	
UPDATE MASTER CALENDAR	ALL DEPT HEADS		ANNUALLY	DECEMBER 15	
UPDATE TOWNSHIP ORGANIZATION CHART	DIANE DEGNAN		AS NEEDED	AS NEEDED	
UPDATE TOWNSHIP ORIENTATION MANUAL	NANCY SCHEIDERMAN	DIANE DEGNAN	ANNUALLY	DECEMBER 15	
NOTARIZE TOWNSHIP DOCUMENTS	DIANE DEGNAN	JOE GILL ?	AS NEEDED	AS NEEDED	

2003

# **EAST GOSHEN TOWNSHIP** **ADMINISTRATIVE CALENDAR**

DESCRIPTION	OWNER		FREQUENCY	DUE DATE	COMMENTS
	PRIMARY	BACKUP			
RIGHT-TO-KNOW REQUESTS	RICK SMITH	NANCY SCHEIDERMAN	AS NEEDED	AS NEEDED	
DEER MANAGEMENT E-MAIL	NANCY SCHEIDERMAN		DAILY	NOON	
<a href="mailto:INFO@EASTGOSHEN.ORG">INFO@EASTGOSHEN.ORG</a>	JOANNE MORGAN		DAILY	NOON	FORWARD TO APPROPRIATE PERSON
SCHEDULE INFLUENZA IMMUNIZATIONS	DIANE DEGNAN		ANNUALLY	JUNE 30	
SUBMIT WORKERS COMP CLAIMS	DIANE DEGNAN	NANCY SCHEIDERMAN	AS NEEDED	AS NEEDED	
SCHEDULE DRUG & ALCOHOL TESTING	DIANE DEGNAN	NANCY SCHEIDERMAN	AS SELECTED	AS SELECTED	

Conditional Use Application and Checklist

WORKSHEET  
15.  
3 pages

## East Goshen Township

To: Township Zoning Officer

Name of Applicant: CLEARWIRE US LLC

Applicant Address: 1210 NORTHBROOK DR, TREVOSE, PA

Telephone Number: 518-944-9874 Fax: \_\_\_\_\_

Email Address: WSTONE@ACOPROPERTYADVISORS.COM

Property Address: 21 EDGEWOOD RD, EAST GOSHEN, PA 19382

Tax Parcel Number: \_\_\_\_\_ Zoning District: R-5 Acreage: \_\_\_\_\_

Description of proposed use:

TO INSTALL (3) PANEL ANTENNAS AND (3) MICROWAVE  
PARABOLIC DISHES ON THE EXISTING WATER TANK. (2)  
RADIO CABINETS WILL BE INSTALLED INSIDE THE COMPOUND  
AT THE BASE OF THE WATER TANK.

Conditional Use is provided in Zoning Ordinance Section: 240-31

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

Signature of Applicant [Signature] Date 8/27/09

Attest: [Signature]

\* Review the formal Planning Commission review procedure on page three.

## Conditional Use Application and Checklist

### Township Administration use only:

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

### Application Checklist:

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form: .....	<u>8-27-09</u>
2. All related materials submitted: .....	<u>"</u>
3. Township application and review fees paid: .....	<u>"</u>

Application accepted as complete on 8-27-09 by MARK GORDON

Official Signature:  Title: Zoning Officer

### Review Process Checklist

<u>Item</u>	<u>Date</u>
1. Start date: .....	<u>8-28-09</u>
2. Date of first formal Planning Commission Meeting following Submission of complete application: .....	<u>9-2</u>
3. Sent to Twp. Engineer: .....	<u>9-11</u>
4. Date presented to Planning Commission: .....	<u>10-7</u>
5. Abutting Property Letter sent: .....	<u>9-16</u>
6. Date sent to CB: .....	<u>"</u>
7. Date sent To MA: .....	<u>"</u>
8. Date sent to HC: .....	<u>"</u>
9. Date sent to PRB: .....	<u>"</u>
10. Date sent to TAB: .....	<u>"</u>
11. Date by which the PC must act: .....	<u>10-7</u>
12. Date by which Board of Supervisors must act: .....	<u>10-20</u>
13. Drop Dead Date; (Day 60): .....	<u>10-26</u>
14. Conditional Use Hearing Date: .....	<u>10-20</u>
15. Dates of hearing advertisement:.....	<u>9-28</u> & <u>10-5</u>
16. Property Posted: .....	<u>10-6</u>

3083

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

September 15, 2009

Dear Property Owner:

The purpose of this letter is to inform you that the Township has received a Conditional Use Application from Clearwire US, LLC, requesting approval to upgrade the existing Sprint wireless communication facility on the Aqua PA water tank on Edgewood Rd. in East Goshen Township pursuant to Section 240 31.C.(3)(h) of the Township Zoning Ordinance.

Pursuant to Township policy all property owners within 1,000 feet of the proposed location of a wireless communication facility are notified of the meeting dates when the application will be discussed. The scheduled dates of the public meetings, for review and potential approval of this application, are as follows:

October 7, 2009 - Planning Commission meeting (workshop 7:00 pm, formal meeting 7:30 pm) **(The applicant will make a presentation at the formal portion of the meeting which begins at 7:30 pm)**

October 20, 2009 - Board of Supervisors meeting (workshop 7 pm, formal meeting 8:00 pm) **(The Board of Supervisors will conduct the Conditional Use Hearing during the formal portion of the meeting which begins at 8:00 pm)**

All meetings and workshops are held at the Township Building and are open to the public. The application is available for review during normal business hours. Please give me a call at 610-692-7171 or e-mail me at [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org) if you have any questions or need additional information.

Sincerely,



Mark Gordon  
Township Zoning Officer

cc: William Stone, ACO Property Advisors (via email only)  
Bob Layman, Township Manager, Westtown Township (via email only)  
East Goshen Township Authority, Boards and Commissions

BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP

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

FYI

September 25, 2009

Dear Property Owner:

The purpose of this letter is to inform you that Matthew and Christine Mullen have applied for Land Development Approval to construct a new home on their property at 1661 East Strasburg Road, West Chester PA 19380 (Lot 2, Ashbridge Farm, formerly 1645 East Strasburg Road.)

Pursuant to Township policy, surrounding property owners are notified of proposed Land Development applications. The public meetings projected for this project's review are:

**October 7, 2009 - Planning Commission** (workshop at 7 pm, formal meeting @ 7:30 pm) **(Presentation postponed until November Meeting)**

**November 4, 2009 - Planning Commission** (workshop at 7 pm, formal meeting @ 7:30 pm) **(Presentation of proposed Land development)**

**November 17, 2009 - Board of Supervisors** (workshop at 7 pm, formal meeting @ 8:00 pm) **(Possible Approval)**

All meetings and workshops are held at the Township Building are open to the public, and subject to change. The dates and actions of the Township are subject to the timely submission of complete plans and materials by the applicant. The applicant shall address all comments raised by the Township during the plan reviews, prior to approval. The plans are available for public review during normal business hours. Please give me a call at 610-692-7171 if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: Township Municipal Authority, Boards and Commissions  
Site Engineering Concepts (via email only)