

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
RE-ORGANIZATIONAL & FORMAL MEETING
JANUARY 4, 2010
7:30 PM

I. Call to Order, Pledge of Allegiance

- A. Elect Chairman (Resolution 10-1)
- B. Elect Vice Chairman (Resolution 10-2)
- C. Appoint Police Commissioner Resolution 10-3)
- D. Appoint Township Officials (Resolution 10-4)
 - Township Manager – Louis F. (Rick) Smith, Jr.
 - Assistant Township Manager/Secretary – Joseph M. Gill
 - Director of Finance/Treasurer - Deborah Beury
 - Director of Public Works – Mark Miller
 - Zoning Officer – Mark Gordon
 - Assistant Zoning Officer – Louis F. (Rick) Smith, Jr.
 - Building Inspectors – Taylor H (Mike) Merwin & Gary Althouse
 - Fire Marshal – Ralph Brown
 - Assistant Fire Marshals – Diane Degnan & Mark Miller
 - Solicitor – Buckley, Brion, McGuire, Morris & Sommer
 - Engineer – Yerkes Associates
 - Back-Up Engineer - Chester Valley Engineers
 - Emergency Management Coordinator – William Keslick
 - Assistant Emergency Management Coordinator – Ralph Brown
- E. Re-Appoint Township Employees (Resolution 10-5)
- F. Appoint Township Depositories for Township Funds (Resolution 10-6)

Beneficial Bank
Citizens Bank
DNB First
First National Bank of Chester County
National Penn Bank
Penn Liberty Bank
PLGIT-PA Local Government Trust and Plus
Sovereign Bank

TD Bank North
Wachovia Bank

Authorize Director of Finance/Treasurer to make investments at banks paying the best rate of interest and with the best terms.

G. Certify Delegates to the State Convention (Resolution 10-7)

Five Supervisors, Manager, Assistant Manager, and Director of Finance/Treasurer will be affirmed as delegates.

Voting Delegate: Rick Smith
Alternate Voting Delegate: Joe Gill

H. Confirm 2009 Holiday Schedule (Resolution 10-8)

I. Confirm 2009 Meeting Schedule (Resolution 10-9)

J. Appoint Berkheimer Associates – Earned Income and Local Services Tax Collector for the Township (Resolution 09-10)

K. Appoint Maillie Falconiero as independent auditors for the Township (Resolution 10-11)

L. Establish the 2009 Fee Schedule (Resolution 10-12)

M. Authorize the continuance of all other applicable resolutions that were adopted in 2009.

II. Approval of Minutes:

A. December 15, 2009

III. Chairman's Report:

Announce that the Board met in executive session on December 15, 2009 to discuss pending litigation and the police labor contract.

Announce the Annual Planning Session will be held on Saturday, January 09, 2010 at 8:00 AM.

IV. Treasurers Report/ Approval of Vouchers:

2009

General Fund

Receipts:_____Expenditures:_____

Transportation Fund

Receipts:_____Expenditures:_____

Sewer Operating Account

Receipts:_____Expenditures:_____

Refuse Account

Receipts:_____Expenditures:_____

Capital Reserve

Receipts:_____Expenditures:_____

State Fund

Receipts:_____Expenditures:_____

V. Old Business:

- A. Consider awarding the Group 6 Bid (Equipment rental without operators)

VI. New Business:

- A. Authorize Chairman to execute the Supplemental Declaration of Covenants for Applebrook

VII. Any Other Matter:

VIII. Correspondence Reports of Interest:

- a. December 12, 2009 – Letter from Office of Consumer Advocate regarding AQUA rate increase
- b. December 16, 2009 – Letter from Penn DoT regarding traffic signal at Line Road & Paoli Pike
- c. Acknowledge Lieberman Earley request for a continuance for the Conditional Use Application for 1345 Enterprise Drive

IX. Meetings & Dates of Importance:

January 4, 2010	Board of Supervisors
	Re-organizational & Formal Meeting 7:00 PM
January 6, 2010	Planning Commission 7:00 PM

January 7, 2010	Park & Recreation	7:00 PM
January 9, 2010	Annual Planning Session	8:00 AM
January 11, 2010	Municipal Authority	7:00 PM
January 12, 2010	Board of Supervisors	7:00 PM
January 13, 2010	Conservancy Board	7:00 PM
January 14, 2010	Historical Commission	7:00 PM
January 19, 2010	Board of Supervisors	7:00 PM
January 20, 2010	Deer Committee	7:00 PM
January 26, 2010	Board of Supervisors	7:00 PM

X. Public Comment

XI. Adjournment

REMINDER – Newsletter Article Submission Due Date:

Article Due Date

Delivery date

February 10, 2010
 May 12, 2010
 August 11, 2010
 November 10, 2010

April 1, 2010
 July 1, 2010
 October 1, 2010
 January 1, 2011

BOARD OF SUPERVISORS

WORKSHOP

January 4, 2010

7:00pm

1. Review Agenda
2. Review Invoices
3. PECO Green Grant
4. Select Liaisons to
 - a. Park & Rec Board
 - b. Planning Commission
 - c. Historical Commission
 - d. Conservancy Board
 - e. Municipal Authority
 - f. Deer Management Committee
 - g. West Chester Area Council of Governments
5. Landscaping at Township Building
6. Manley Road Speed Limit
7. Resolutions that can be adopted as an ordinance
8. PSATS – April 18 – 21
9. Tree in Sewer Right-of-Ways
10. Conservancy Board Grant/Tree Vitalize Grant CRC/
11. Conservancy Board Grant – Jane will provide information
12. Municipal Waste Plan
13. Review Action List
14. Memo on Training
15. Any Other Matter
16. Liaison reports
17. Subdivision, Land Development, CU & ZHB applications

Executive Session – Personnel Matter – ABC

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**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 10-12

**A RESOLUTION ESTABLISHING AND CONSOLIDATING
THE VARIOUS FEES AND CHARGES IMPOSED
PURSUANT TO THE CODE OF THE TOWNSHIP**

WHEREAS, the Code of East Goshen Township authorizes the Board of Supervisors to establish various fees and charges by resolution, and:

WHEREAS, the Board of Supervisors believes that it's in the best interests of the Township to consolidate all of the fees and charges into a single resolution.

BE IT RESOLVED THAT the East Goshen Township Board of Supervisors hereby establishes the following fee schedule for 2010.

1. Building/Zoning Permit Fees

- a. Residential Dwelling Units - includes all types of residential buildings.
 - i. New Construction - Calculated using the ICC method with a minimum charge of \$200.00.
 - ii. Accessory Buildings - Calculated using the ICC method with a minimum charge of \$200.00.
 - iii. Building Additions - Calculated using the ICC method with a minimum charge of \$200.00.
 - iv. Decks, Patios, Terraces
 - 1. 150 square feet or smaller - \$100.00
 - 2. Greater than 150 square feet - \$150.00
 - 3. Re-decking of surface materials and or replacement of railings or steps - \$50
 - v. New and replacement plumbing, HVAC, and sprinkler systems; any other permanent system; re-roofing; and re-siding shall be calculated at 1% of the project cost with a minimum permit fee of \$100.00.
 - vi. Flagpoles - all permit fees shall be waived for the installation of a flagpole on any residential lot.
 - vii. Alarms - New and replacement monitored alarm systems - \$40.00 permit.
 - viii. Zoning Permit – Any project which increases the footprint of a residential structure or adds a structure to the property requires a zoning permit - \$50

NOTES:

- All measurements and calculations shall be outside dimensions.
 - The above fee includes the residential building code plan review, all required inspections, Certificate of Occupancy and the Building Energy Act if applicable.
 - The ICC permit fee method and construction costs tables are published in the ICC Building Safety Journal.
 - The Township Permit Fee Multiplier used to calculate the ICC Permit Fee shall be .01.
- b. Non-Residential Buildings - Includes commercial, industrial, and institutional buildings.
- i. New Construction and Additions - Calculated using the ICC method with a minimum charge of \$200.00
 - ii. New plumbing, HVAC, alarm and sprinkler systems shall be calculated @ 1% of the project value with a minimum charge of \$200.00.
 - iii. Replacement plumbing, HVAC, alarm and sprinkler systems; any other permanent systems; re-roofing; and re-siding shall be calculated @ 1% of the project value with a minimum charge of \$200.00.
 - iv. Alterations and fitting out of space - Calculated @ 1% of the project value with a minimum charge of \$200.00.
 - v. Flagpoles - All permit fees shall be waived for the installation of a flagpole on any commercial or industrial lot.
 - vi. Zoning Permit – Any project which increases the footprint of a commercial building structure or adds a structure requires a zoning permit - \$150

NOTES:

- The above fee includes the commercial building code plan review, all required inspections, Certificate of Occupancy and the Building Energy Act if applicable.
 - The Township Permit Fee Multiplier used to calculate the ICC Permit Fee shall be .01.
- c. Miscellaneous Categories
- i. Swimming Pools
 - 1. In-Ground - \$225.00
 - 2. Above-Ground - \$75.00
 - 3. Jacuzzi or Hot Tub - \$75.00
 - ii. Demolitions
 - 1. Residential - \$50.00

2. Commercial - Shall be calculated at 1% of estimated cost with a minimum of \$100.00.
- iii. Impervious Surfaces - \$75.00 plus engineering, stormwater management permit and inspection costs: includes new driveways, widening of existing driveways by more than 25%, parking lots, tennis courts, etc. Driveways with new homes excluded.
- iv. Renovations, alterations, structures, and facilities; including but not limited to porch enclosures, satellite dishes, silos and water towers, antenna towers, wind and solar energy systems, and the completion of unfinished areas shall be calculated at 1% of estimated cost with a minimum permit fee of \$100.00.
 1. As per Section 108 of the ICC 2006, if, in the opinion of the building official, the valuation of the permit is under-estimated, the permit will be denied unless detailed estimates can be shown to meet the approval of the building official. The final building valuation will be set by the building official.
- v. Missed Inspections - \$25.00 per occurrence - All missed inspection fees shall be paid prior to the issuance of the Certificate of Occupancy.
- vi. No Permit Fee - Any person who commences work on a building, structure, electrical, gas, mechanical, or plumbing system prior to obtaining the necessary permits shall be subject to a \$100 fee in addition to the applicable building permit and/or zoning permit fee. The Township in its sole discretion may elect to issue a citation for violation of the applicable building code.
- vii. PA UCC Continuing Education Fee of \$4 for every Building Permit Issued.
- d. Zoning Permits. Although a Building Permit is not required for the following structures pursuant to the Uniform Construction Code (Act 45 of 1999), a Zoning Permit is required. The Zoning Permit fee is \$50.00.
 - i. The following structures if the structure has a building area less than 500 square feet and is accessory to a single family detached dwelling.
 1. Carport
 2. Detached Garage
 3. Greenhouse
 4. Sheds
 - ii. An agricultural building as defined under section 103 of the Uniform Construction Code (Act 45 of 1999).
 - iii. Manufactured or industrialized housing pursuant to section 901 of the Uniform Construction Code (Act 45 of 1999)

2. **Subdivision and Land Development Fees**

a. Subdivision Review

- i. 2 lots - \$200.00 per plan
- ii. 3 or more lots on existing streets - \$250.00 per plan
- iii. 3 or more lots requiring new streets - \$400.00 per plan

b. Land Development Review

- i. Less than 4 Acres - \$200.00 per plan
- ii. 4 Acres to 24.99 Acres - \$350.00 per plan
- iii. 25 Acres to 99.99 Acres - \$600.00 per plan
- iv. 100 Acres or More - \$850.00 per plan

c. Lot Line and/or Minor Revision Review

- i. \$150 per plan

d. Additional costs for Subdivision, Land Development and Lot Line and/or Minor Revision Reviews shall be as follows:

- i. The applicant shall pay the review fees of the professional consultants utilized by the Township during its review of the subdivision or land development application. The applicant shall submit \$2,000 to the Township at the time of the submission of the subdivision or land development application. This money shall be placed in an interest bearing account held by the Township and monies shall be disbursed from this account to pay the actual costs of the professional consultants. The Township shall provide the applicant with a breakdown of all monies disbursed from the account. If the account balance goes below \$500 the applicant shall deposit additional monies sufficient to bring the account balance back up to \$2,000. Upon approval or denial of the land development or subdivision application and payment of the final invoices from the professional consultants the balance of funds in the account plus any interest shall be returned to the applicant.
- ii. The applicant shall reimburse the Township for the actual cost of all legal, engineering, inspections and materials tests, incurred during construction and up to acceptance, by the Township, of the improvements.
- iii. The applicants shall pay all Chester County Planning Commission, Chester County Health Department, Department of Environmental Protection, Chester County Soil Conservation District and Penn Dot review fees, and all recording costs.

e. Inspections

- i. Township Engineer - prevailing rate
- ii. Engineer's Inspector - prevailing rate

- iii. Township Inspector - prevailing rate

3. **Public Hearings**

- a. The applicant shall deposit with the Township \$350.00 to defray the cost of the following:
 - i. Preparation and publication of "Notice of Public Hearing".
 - ii. Posting of the property by the Building Inspector.
 - iii. One half (½) of the appearance fee of the court reporter.
 - iv. Other miscellaneous administrative charges.
 - v. The cost for a copy of the transcript if requested by the applicant.
- b. If the monies paid to the Township pursuant to Section a. 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.
- c. Monies paid which are in excess of the actual costs shall be refunded to the applicant.
- d. Referring to b and c 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
- e. Conditional Use Professional Consultants – The applicant shall pay the review fees of the professional consultants utilized by the Township during its review of the conditional use application. The applicant shall submit \$2,000 to the Township at the time of the submission of the application for a conditional use. This money shall be placed in an interest bearing account held by the Township and monies shall be disbursed from this account to pay the actual costs of the professional consultants. The Township shall provide the applicant with a breakdown of all monies disbursed from the account. If the account balance goes below \$500 the applicant shall deposit additional monies sufficient to bring the account balance back up to \$2,000. Upon approval or denial of the conditional use application and payment of the final invoices from the professional consultants the balance of funds in the account plus any interest shall be returned to the applicant.

4. **Sign Permits**

- a. Less than 32 Square Feet - \$25.00
- b. 32 Square Feet or More - \$75.00

5. **Hearings Before the BOCA Board of Appeals**

- a. There shall be a filing fee of \$100.00.
- b. In addition, the applicant shall deposit with the Township \$400.00 to defray the cost of the following:
 - i. Preparation and mailing of the list and/or labels bearing the names of property owners to be notified.
 - ii. Preparation of the hearing notice and affidavit of certification.
 - iii. Publication of "Notice of Public Hearing".
 - iv. Posting of the property by the Building Inspector.
 - v. One half ($\frac{1}{2}$) of the appearance fee of the court reporter.
 - 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.

9. **Park Fees**

- a. The following fees will be charged to those groups or individuals who reserve a facility for a specific date and time.

- i. Pavilion (per event):

- 1. 1 to 100 people - \$85 rental fee with \$40 refundable deposit
 - 2. Over 100 people - \$150 rental fee with \$75 refundable deposit

- ii. Volleyball Courts (cost per court):

- 1. 1 time use - \$15
 - 2. Multiple use (leagues) - \$30

- iii. Satellite Parks (all Township owned open space except for the 55 acre Park. Per event):

- 1. 1 event - \$40

- NOTES:

- The use of satellite parks is limited to passive events only.

- iv. Baseball, Softball, Soccer Fields and Tennis Courts; excluding T-Ball (cost per field/court):

- 1. 1 time period - \$15
 - 2. Tennis Courts for approved Leagues - \$15 per 3 courts

- NOTES:

- Each day is divided into three time periods:
 - Morning - 7 am to Noon
 - Afternoon - Noon to 5 pm
 - Evening - 5 pm to Dusk

- v. Tennis Tags:

- 1. Township Residents: 1 tag - \$15
 - 2. Non Residents of Township: 1 tag - \$30
 - 3. Replacement Key - \$6 each

NOTES:

- The West Chester Area School District is exempt from all fees.
- Separate checks shall be provided in the event a deposit is required.
- The deposit check will be returned after the facility has been inspected and found to be in good condition.

10. **Copying of Township Records** - the cost for the copying of Township records pursuant to the "Right to Know Law" Act 3 of 2008, as amended, shall be as follows:

- a. Postage - the actual cost of mailing.
- b. Duplication - The fees are based upon the duplication of records maintained and duplicated in black & white on standard 8 ½ by 11 inch paper, 8 ½ x 14 inch paper or 11 x 17 inch paper. All larger records, including but not limited to plans, maps and similar documents are "over-size" records for purposes of the fee schedule.
 - i. Photocopy - \$0.25 per single sided copy
 - ii. Facsimile/Microfiche/Other Media – the Township's cost to duplicate the record original media.
 - iii. Conversion of electronic media only records to paper – if a record is only maintained in electronic media the fee shall be the lesser of: \$ 0.25 per page (8½' x 11'), or the Township's cost to duplicate the record in the electronic media.
 - iv. Over-size Records (paper size is greater the 11" x 17") photo copy - \$4.00 per sheet
 - v. Color documents – color documents that must be sent out for duplication shall be billed at the Township's cost.
- c. Certification of a record – \$5.00 per certification.
- d. Use of own copier – A requester may utilize their own copier provided the device is self-powered, i.e., it may not be plugged into a Township power outlet. Any duplication by the requester must be done with a Township employee present.
- e. Direct access to the Township computer system is prohibited.
- f. No original records may be removed from the Township Building by a requester.

11. **Code Books, Pamphlets and Zoning Maps**

- a. Complete Code Book (includes subscription service for amendments for the balance of the calendar year) - \$110.00.
- b. Code Book Subscription Service - \$25.00 per year
- c. Zoning Pamphlet with Zoning Map - \$13.00

- d. Subdivision Pamphlet - \$7.00

12. Re-Sale and Re-Occupancy Inspections

- a. Single family dwelling - \$50.00
- b. Apartments - \$40.00.
- c. Non-Residential Building – \$100.00

13. Contractor Registration

- a. \$25.00 - per year

14. Refuse charges pursuant to Section 194-8 of the Township Code

- a. Single Family Residential \$96 per quarter
- b. Multi-family Residential \$77 per quarter

15. Sewer Charges pursuant to Sections 188-3 and 188-4 of the Township Code

- a. Single Family Residential \$146 per quarter
- b. Multi-Family Residential \$79 per quarter
- c. Apartment Residential \$86 per quarter
- d. Commercial Base Rate \$27.06 per quarter
- e. Commercial Meter Rate \$6.36 per 1,000 gallons of water
- f. Commercial Meter Rate (East Whiteland) \$4.90 per 1,000 gallons of water
- g. Inspection - \$60

16. Stormwater Management submissions pursuant to Ordinance 129-M-03

- a. Regulated activities that meet the criteria for exemptions pursuant to Section 302 of the ordinance shall be charged an application and plan review fee of the Township Engineers prevailing rate for 1 hour.
- b. Regulated activities that do not meet the criteria for exemptions pursuant to Section 302 of the ordinance shall reimburse the Township for the actual cost of all engineering, inspections and materials tests, incurred in the review of the plans and calculations, and in the inspection of the improvements during construction. These costs shall be billed at the Township Engineer's prevailing rate.
- c. Post Construction Maintenance inspections pursuant to Section 704, shall be billed at the Township Engineer's prevailing rate.

17. **Solicitation Fees**

- a. License Fee - (Except for those listed in §169-6) - \$10.00
- b. PA State Police Background Check Fee; (all applicants) - \$10.00

18. **Wireless Telecommunications Carrier Fees**

- a. Annual Registration Fee – \$25.00 per location.
- b. Penalty for untimely filing of Annual Report - \$50.00 per location.

19. **Effective Date**

The fees outlined in this resolution shall be effective on January 5, 2010.

RESOLVED AND ADOPTED, this 4th day of January, 2010.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

V. OLD BUSINESS
A.
2pgs

December 30, 2009

To: Board of Supervisors

From: Mark Miller

Re: Equipment Rentals

Attached is the breakdown on rental equipment. As you will see we rent equipment on more of a weekly basis then we would on a daily basis.

Giles and Ransome (Cat) has always been very good to work with and they have always worked with us. (Example) If we were to rent a piece of equipment and it rained, they would give us the additional days at no extra cost.

I would recommend that the rental contract be awarded to Giles and Ransome.

Rental Equipment 2009

Description	Daily	Weekly	Monthly
Cat 930 G			12-01 - 3-15
Scissor Lift	14-Oct		
Genie Lift		2-09 - 2-12	
Power Broom		5-29 - 6-2	
Track Loader 953C	8-Jul		
Track Loader 953C	9-Jul		
Track Loader 953C		9-2 - 9-4	
Hydro. Excav. Cat		6-24 - 6-30	
Hydro. Excav. Cat	26-Sep		
Skid Steer w/hammer		8-7 - 8-20	
Skid Steer Planer		8-24 - 8-26	
Skid Steer / Millhead		9-22 - 10-8	
Dozer		9-2 - 9-4	
Asphalt Vibratory comp.	21-Aug		
Total Rental Event	5	8	1

Prepared by/Return to:
Kristin S. Camp, Esquire
118 W. Market Street, Suite 300
West Chester, PA 19380

UPI No. 53-4-89.1

**SUPPLEMENTAL DECLARATION OF COVENANTS AND
CONSERVATION/MITIGATION AREA EASEMENTS AS TO
PROPERTY OWNED BY EAST GOSHEN TOWNSHIP TO COMPLY
WITH GENERAL PERMIT NO. CENAP-OP-R-2006-6341 ISSUED BY THE
UNITED STATES ARMY CORPS OF ENGINEERS**

THIS SUPPLEMENTAL DECLARATION OF COVENANTS AND CONSERVATION/MITIGATION AREA EASEMENTS (the "Agreement") is made and entered into this 4th day of January, 2010 by EAST GOSHEN TOWNSHIP, a political subdivision of the Commonwealth of Pennsylvania with an address of 1580 Paoli Pike, West Chester, Pennsylvania 19380.

BACKGROUND:

WHEREAS, on February 5, 2004, a Declaration of Covenants and Conservation/Mitigation Area Easements was recorded in the Office of the Recorder of Deeds for Chester County in Book 6059, page 1498 (the "Declaration"); and

WHEREAS, Brandywine Operating Partnership, as owner of Chester County Tax Parcel No. 53-4-89.2; Applebrook Associates, as owner of Chester County Tax Parcel No. 53-4-89.0; East Goshen Township as owner of Chester County Tax Parcel No. 53-4-89.1; and Pohlig Builders, as owner of Chester County Tax Parcel No. 53-4-89.4, were the Grantors in the Declaration (collectively the "Grantors"); and

WHEREAS, in order to obtain approval from the United States Army Corps of Engineers (the "Army Corps") for a general permit to encroach within areas of wetlands on the Grantors' respective parcels, the Grantors executed and recorded the Declaration; and

WHEREAS, in the Declaration, the Grantors agreed that portions of their respective parcels would be preserved and subject to various building and development restrictions which were more specifically set forth in the Declaration; and

WHEREAS, the areas of the Grantors' respective parcels which Grantors agreed to preserve and be subject to the restrictions set forth in the Declaration were identified as "Conservation/Mitigation Easement Areas" and were depicted on a plan prepared by Chester Valley Engineers, Inc., dated August 3, 2001, last revised May 29, 2002 (the "Original Plan") which was attached to the Declaration as Attachment A; and

WHEREAS, the Army Corps issued a general permit number CENAP-OP-R-2000-01629-45 with the condition that the Grantors and their successors and assigns in title to the respective parcels execute, record and abide by the terms of the Declaration; and

WHEREAS, the Township intends to comply with the Army Corps Permit and requests and has therefore executed this Supplemental Declaration; and

WHEREAS, the Township has built various pedestrian walking trails and proposes to build a new bridge (identified as Crossing 1) over a portion of the wetlands on the Township's property, identified as Chester County Tax Parcel No. 53-4-89.1 ("Parcel 89.1") which improvements are partially located in the Conservation/Mitigation Easement Area on such Township parcel as identified in the Original Plan and Declaration; and

WHEREAS, in order to comply with its obligations under the Declaration with respect to the existing pedestrian walking trails and to build a new bridge (Crossing 1) the Township has requested the Army Corps to issue a general permit and to allow the Township to amend the Declaration as to Parcel 89.1 to identify a new Conservation/Mitigation Easement Area on Parcel 89.1 which must be preserved and used in accordance with the terms of the Declaration; and

WHEREAS, the Army Corps has issued to the Township the general permit and has allowed the Township to identify a new Conservation/Mitigation Easement Area on Parcel 89.1 which must be preserved and used in accordance with the terms of the Declaration.

NOW THEREFORE, for and in consideration of the mutual promises set forth herein and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Township agrees as follows:

1. **Incorporation of Recitals.** The Recitals set forth in the Background Section of this Agreement are incorporated herein as if set forth in their entirety herein.

2. **Identification of Conservation/Mitigation Easement Area on Parcel 89.1.** The area on Parcel 89.1 which shall be preserved and used in accordance with the Declaration, as amended in this Agreement, are identified as "Conservation/Mitigation Easement Area" on a plan prepared by Chester Valley Engineers, Inc., dated March 29, 2006, last revised November 5, 2009, sheets 1-3 of 3 (the "Revised Plan") which is attached hereto as Exhibit "A" and incorporated herein by reference.

3. **Approval of Existing Crossings and Crossing 1.** Notwithstanding the restrictions set forth in Paragraph D(2) of the Declaration, the Township shall be permitted to maintain, repair and replace all bridges and crossings which were previously approved by the Army Corps in the issuance of Permit #CENAP-OP-R-2000-01629-45 and in Permit # PADEP-E15-761.

4. **Declaration Shall Remain in Full Force and Effect.** All other terms, conditions and restrictions set forth in the Declaration shall remain in full force and effect and may be enforced by the Army Corps in accordance with the terms in the Declaration. The Conservation/Mitigation Easement Areas on the other Grantors' parcels shall remain the same and are depicted on the Original Plan.

5. **Recording.** The Township shall record this Agreement in the Office of the Recorder of Deeds for Chester County and shall send two copies of the recorded Declaration to the Army Corps.

IN WITNESS WHEREOF, this Agreement is executed the day and year first written above.

ATTEST:

EAST GOSHEN TOWNSHIP

Joseph Gill, Secretary

BY:

Donald R. McConathy
Chairman, Board of Supervisors

404

COUNTY OF CHESTER

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On this, the _____ day of _____, 20____, before me, the

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

F:\Data\Shared Data\Public Works Dept\Parks\Applebrook Park\ACOE Easement\First Amendment to Declaration of Covenants for Applebrook122309.DOC

A.
3pgs

OFFICE OF CONSUMER ADVOCATE
COMMONWEALTH OF PENNSYLVANIA
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923

IRWIN A. POPOWSKY
Consumer Advocate

717-783-5048
(Fax) 717-783-7152

December 12, 2009

RECEIVED
BY

DEC 14 2009

Re: Pennsylvania Public Utility Commission
v.
Aqua Pennsylvania, Inc.
Docket No. R-20092132019

Dear Consumer Colleague:

On November 18, 2009, Aqua Pennsylvania, Inc. (Aqua or Company) filed a request with the Public Utility Commission (PUC) to increase the level of rates that it charges for providing water service to its customers.

Aqua provides water service to approximately 400,000 residential, commercial, public, industrial and private fire protection customers in portions of 24 counties throughout Pennsylvania.

If the Company's rate increase request is granted, Aqua will be permitted to recover an estimated increase of \$43.2 million in its annual operating revenue, which is an 11.8% increase. The total bill for a typical (Main Division) residential customer using 4,200 gallons of water per month would increase from \$48.28 to \$53.79 per month. Included in this increase is a proposed increase in the monthly customer charge. For a Main Division customer, the customer charge will increase from \$13.15 to \$16.00 per month.

During the next several months, the Office of Consumer Advocate (OCA) will represent the interests of consumers and participate fully in this case. Our expert witnesses will review Aqua's filing, including Aqua's claimed revenue requirements, operation and maintenance expenses, allocation of costs among customer classes, and quality of service.

We have filed a Formal Complaint and have asked the PUC to suspend the proposed rate increase pending a thorough investigation of Aqua's request. We expect that evidentiary hearings will be held to evaluate Aqua's request. The OCA will also request that the PUC schedule public input hearings in areas served by Aqua. Requests for a public input hearing will be granted if the PUC determines that there is substantial interest. If you want a hearing in your area, please contact the OCA as soon as possible.

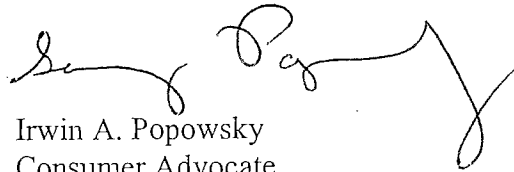
Consumer Colleague
December 11, 2009
Page 2

If the PUC schedules such hearings, we will notify you of the date, time, and location so that you will have an opportunity to come forward and express your views on the proposed Aqua rate increase.

The OCA will be represented in this proceeding by Dianne E. Dusman, Senior Assistant Consumer Advocate and Shaun A. Sparks, Assistant Consumer Advocate.

If you need additional information or want to request a public input hearing in your area, please do not hesitate to contact me, or my Office's Consumer Liaison, Heather Yoder at 717-783-5048 or toll-free at 800-684-6560. Also, if you are aware of any relevant information related to the proposed rate increase or Aqua's quality of service, please contact us.

Sincerely,



Irwin A. Popowsky
Consumer Advocate

120335

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
www.dot.state.pa.us



7000 Geerdes Boulevard
King of Prussia, PA 19406
December 16, 2009

LCT-MPLATT
CHESTER COUNTY - EAST GOSHEN TOWNSHIP AND WILLISTOWN TOWNSHIP
LINE ROAD AND
PAOLI PIKE (SR 2014)
Traffic Signal File #3626

Mr. Louis F. Smith, Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380-6199

RECEIVED
DEC 17 2009

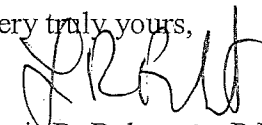
Dear Mr. Smith:

The Department has received your request of December 4, 2009, to revise the conditions agreed upon in the HOP Permit #C05-0156XB and signalize the intersection above without install turning lanes. The signal permit was approved in 2007 in conjunction with the HOP mentioned. The HOP included a condition that the intersection would have left turn lanes installed at all approaches. Without the left turn lanes, the signal will not be approved.

The Department is sorry that we have to deny your request. When the township has the funds to add turning lanes to the installation and a signed condition diagram is given to the Department the signals will be allowed to be installed.

If you should have any questions or comments, please contact Paul Lutz, Chester and Delaware Counties Signals Engineer of the District Traffic Engineering Unit at 610-205-6565.

Very truly yours,

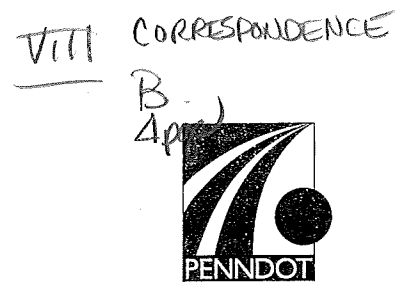

Louis R. Belmonte, P.E.
District Traffic Engineer

Attachments

Cc:	Hon. Duane Milne	Fran A. Hanney
	Hon. Andrew Dinniman	John R. Otten
	Hon. Barbara McIlvaine Smith	Paul M. Lutz
	Scott K. Fletcher	Michael A. Platt, PE
	Louis R. Belmonte, PE	Willistown Township
	Ashwin B. Patel, PE	

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
www.dot.state.pa.us

7000 Geerdes Boulevard
King of Prussia, PA 19406
December 16, 2009



LCT-MPLATT
CHESTER COUNTY - EAST GOSHEN TOWNSHIP AND WILLISTOWN TOWNSHIP
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East Goshen Township
1580 Paoli Pike
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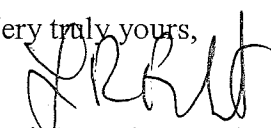
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Louis R. Belmonte, P.E.
District Traffic Engineer

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Louis R. Belmonte, PE
Ashwin B. Patel, PE

Fran A. Hanney
John R. Otten
Paul M. Lutz
Michael A. Platt, PE
Willistown Township

610-692-7171

www.eastgoshen.org

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

29A
FILE COPY

December 2, 2009

Mr. Louis Belmonte, District Traffic Engineer
Pennsylvania Department of Transportation
7000 Geerdes Boulevard
King of Prussia PA 19406-1525

Re: Line Road and Paoli Pike
Traffic Signal 62-3626

Dear Lou:

Attached is a copy of my letter of October 22, 2009. The Supervisors are continuing to receive calls about the signalization of this intersection. Any info that you can provide would be appreciated.

Please give me a call at 610-692-7171 or e-mail me at rsmith@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Louis F. Smith, Jr.
Township Manager

Enclosure

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

304
FILE COPY

October 22, 2009

Mr. Louis Belmonte, District Traffic Engineer
Pennsylvania Department of Transportation
7000 Geerdes Boulevard
King of Prussia PA 19406-1525

Re: Line Road and Paoli Pike
Traffic Signal 62-3626

Dear Lou:

At the Board of Supervisors meeting Tuesday night I was asked to solicit bids for the traffic signal at Paoli Pike and Line Road. It is my understanding that a permit has been issued for this signal. However, the signal permit was approved under the assumption that left turn lanes would be installed on Paoli Pike. Accordingly, the signal as permitted shows both left turn lanes and left turn arrows on Paoli Pike. At the present time there is no funding for the left turn lanes.

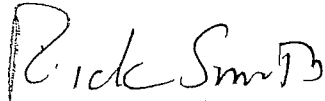
My thought was to see if Penn Dot would let us install the traffic signal without the left turn lanes and the left turn arrows. I would like to locate the mast arms at the locations show on the plan that depicts the left turn lanes if possible since this would make it relatively simple for someone to install the left turn lanes and left turn arrows in the future.

However, since cost is a consideration. I would also like to explore the possibility of installing the mast arms in a standard location. This would require them to be replaced if and when the left turn lanes are installed. Perhaps, another option would be to look at installing the signals on cables.

The purpose of this letter is to find out if the Department has any objection at us proceeding with the installation of the traffic signal without the left turn arrows and left turn lanes.

Please give me a call at 610-692-7171 or e-mail me at rsmith@eastgoshen.org if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Louis F. Smith, Jr." The signature is written in a cursive style with a large initial "L" and "S".

Louis F. Smith, Jr.
Township Manager

F:\Data\Shared Data\Public Works Dept\Roads\Signs & Signals\Signals\Paoli & Line\Letter to PennDoT 102209.doc

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171

Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 12/10/2009

To: Board of Supervisors

Cc: John Lieberman, Lieberman Early & Company

From: Mark Gordon, Township Zoning Officer *mlb*

Re: 1345 Enterprise Drive Conditional Use and Land Development.

Dear Board Members,

The Conditional Use application for the Parking Expansion at 1345 Enterprise Drive was originally scheduled for January 4, 2010. Since the Application has granted a 60 day extension to the Township for the review period of this application the new hearing date is scheduled and advertised for **March 2, 2010**.

Please announce this schedule change at your meeting on January 4, 2010 in the event that someone attends expecting the hearing to be conducted.

292

LIEBERMAN EARLEY & COMPANY

THE MEADOWS • 485 DEVON PARK DRIVE • SUITE 100 • WAYNE, PA 19087

Phone (610) 688-4300
Fax (610) 688-4544

JOHN E. LIEBERMAN
PRINCIPAL
PHILIP R. EARLEY
PRINCIPAL

December 16, 2009

Mr. Rick Smith
Township Manager
East Goshen Township
1580 West Chester Pike
West Chester, PA 19380

DEC 17 2009

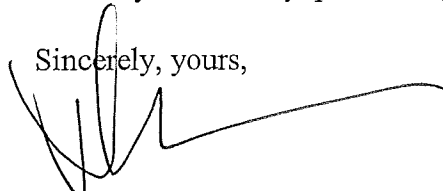
Re: Conditional Use Application for 1345 Enterprise Drive, Goshen Business Park

Dear Rick:

Per our discussion today, the ownership of the above property has requested that the above project be put on hold for 90 (ninety) days, and be continued until April 5, 2010. It is understood that in conjunction with the above request, the ownership waives the time limits stipulated in the MPC.

Should you have any questions, please feel free to call me.

Sincerely, yours,



John E. Lieberman
Applicant

INDUSTRIAL • COMMERCIAL • RETAIL • MANAGEMENT

FOUR GENERATIONS OF EXPERIENCE

**BOARD OF SUPERVISORS
WORKSHOP
January 4, 2010**

7:00pm

1. Review Agenda
2. Review Invoices
3. PECO Green Grant
4. Select Liaisons to
 - a. Park & Rec Board
 - b. Planning Commission
 - c. Historical Commission
 - d. Conservancy Board
 - e. Municipal Authority
 - f. Deer Management Committee
 - g. West Chester Area Council of Governments
5. Landscaping at Township Building
6. Manley Road Speed Limit
7. Resolutions that can be adopted as an ordinance
8. PSATS – April 18 – 21
9. Tree in Sewer Right-of-Ways
10. Conservancy Board Grant/Tree Vitalize Grant CRC/
11. Conservancy Board Grant – Jane will provide information
12. Municipal Waste Plan
13. Review Action List
14. Memo on Training
15. Any Other Matter
16. Liaison reports
17. Subdivision, Land Development, CU & ZHB applications

Executive Session – Personnel Matter – ABC

F:\Data\Shared Data\Agendas\Board of Supervisors\2010\010410A.doc

WORKSHOP
5.
3 pgs

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

Voice (610) 692-7171

Fax (610) 425-8950

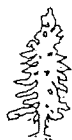
E-mail rsmith@eastgoshen.org

Date: December 21, 2009
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Landscaping at the Township Building

Mark reviewed the WD Wells plan for the front of the Township Building. He advised me that since our labor rates are higher than Wells it would cost more to have the Township purchase and install the plantings.

F:\Data\Shared Data\Public Works Dept\Buildings\Twp. Bldg. 1580 Paoli Pike\Memo to BoS re landscaping 122109.doc

Proposal



www.wdwells.com

W.D. Wells & Associates, Inc.

Design/Build Landscape Contractors &
Professional Garden Care190 Woodcrest Road West Grove, PA 19390
(610) 869-3883 (302) 234-1990 FAX (610) 869-4288

PA H.I.C. #PA002308

5025

Submitted To

E. Goschen Township

1580 Paoli Pike

West Chester, Pennsylvania 19380

Job Name

APD/ Township Building Entrance

Phone

(610) 692-7171

Designer

Anthony Dufour

Date

11/11/2009

Scope of Work

Per design supplied:

1. Remove existing plants within front beds, and dispose of debris legally. (2) dogwoods to remain.
2. Remove sod as necessary to expand beds.
3. Rototill beds to a 6" depth where utilities do not conflict (Township to mark roof drain lines and walkway lighting lines).
4. Install plants listed below, and mulch with 2-3" depth of shredded bark mulch.
5. Seed disturbed lawn areas (abandoned shrub beds) with grass.

ALTERNATE: Total cost without rudbeckia, \$2,561.00.

(cost for rudbeckia, \$267.00)

Cost is good for remainder of 2009, and may need to be recalculated for 2010. Installation in 2009 is subject to favorable weather conditions.

Materials

Landscape Material

2 Pounds Shade Mix Lawn Seed-shade

Plants

Flowering Shrubs

6 Each	#3 cont. 18 - 24"	Fothergilla gardenii	Dwarf Fothergilla
1 Each	#5 cont. 30 - 36"	Ilex verticillata 'Southern Gentleman'	Southern Gentleman Winterberry (males)
2 Each	3 - 4' B&B	Ilex verticillata 'Winter Red'	Winter Red Winterberry

Perennials

9 Each	#1 cont.	Astilbe x arendsii 'Bridal Veil'	Bridal Veil Astilbe (False Spirea)
30 Each	#1 cont.	Liriope muscari 'Big Blue'	Lilyturf
18 Each	#1 cont.	Rudbeckia fulgida 'Goldstrum'	Orange Coneflower

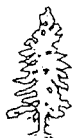
Spreading Evergreens

6 Each	#3 cont. 18 - 24"	Cephalotaxus harringtonia 'Prostrata'	Japanese Plum Yew
--------	-------------------	---------------------------------------	-------------------

3083

Proposal

W.D. Wells & Associates, Inc.



www.wdwells.com

Design/Build Landscape Contractors &
Professional Garden Care

190 Woodcrest Road West Grove, PA 19390
(610) 869-3883 (302) 234-1990 FAX (610) 869-4288

PA H.I.C. #PA002308

5025

Submitted To 1580 Paoli Pike West Chester, Pennsylvania 19380	Job Name APD/ Township Building Entrance		
	Phone (610) 692-7171	Designer Anthony Dufour	Date 11/11/2009

Proposal Total - \$2,903.00

Terms: 33% deposit due at signing, 33% due on the day work starts and balance due upon receipt of invoice, unless otherwise stated. Service charge is 2% on balance per month which is 24% per annum.

See following sheet for conditions, guarantees & specifications.

Authorized
Signature

APD

Note: This proposal may be withdrawn
by us if not accepted within 45 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

WORKSHOP
6.
7pgs

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

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: December 21, 2009

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: Manley Road Speed Limit.

The posted speed limit on the section of Manley Road between North Chester Road and Dutton Mill Road is 25 MPH. The west end of Manley Road is posted for 35 MPH.

The police department monitored speeds on 12/8/09 and the 85th percentile speed is 43 MPH for east bound vehicles and 45 MPH for west bound vehicles. Under §212.108 of 67 PA Code the speed limit should be 35 MPH (45 MPH less 10 MPH for insufficient stopping sight distance)

The PA Vehicle Code allows for the establishment of a 35 MPH limit in an "Urban District" and a 25 MPH limit in a "Residence District". Both of these terms are defined in the vehicle Code. I would opine that the "Urban District" definition is applicable for this section of Manley Road.

If the Board wants to raise the speed limit to 35 MPH it could do so by adopting an ordinance.

(b) Posting of speed limit.--

(1) No maximum speed limit established under subsection (a)(1), (1.2) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(2) No maximum speed limit established under subsection (a)(1.1) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.

(c) Penalty.--

(1) Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of:

(i) \$42.50 for violating a maximum speed limit of 65 miles per hour; or

(ii) \$35 for violating any other maximum speed limit.

(2) Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit. (June 13, 1995, P.L.57, No.9, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendment. Act 75 amended subsec. (a)(1.1).

1998 Amendment. Act 151 amended subsec. (b)(1) and added subsec. (a)(1.2).

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

Cross References. Section 3362 is referred to in sections 1535, 1538, 3326, 3363, 3716, 6108, 6109, 6506 of this title.

§ 3363. Alteration of maximum limits.

On highways under their respective jurisdictions, local authorities subject to section 6109(e) (relating to specific powers of department and local authorities) or the department, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section except on highways listed in section 3362(a)(1.1) (relating to maximum speed limits), where the maximum speed for all vehicles shall not be greater than 65 miles per hour.

(June 13, 1995, P.L.57, No.9, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

* "Residence district." The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

* "Urban district." The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

§ 212.108. Speed limits.

(a) *General.* This section applies to maximum speed limits established according to 75 Pa.C.S. § § 3362 and 3363 (relating to maximum speed limits; and alteration of maximum limits). Engineering and traffic studies are not required for statutory speed limits, but documentation should be on file for urban districts and residence districts to show that the requirements defined in the Vehicle Code are satisfied.

(b) *Engineering and traffic studies.* Speed limits established in accordance with 75 Pa.C.S. § 3363 may be established in multiples of 5 miles per hour up to the maximum lawful speed. The speed limit should be within 5 miles per hour of the average 85th percentile speed or the safe-running speed on the section of highway, except the speed limit may be reduced up to 10 miles per hour below either of these values if one or more of the following conditions are satisfied:

→ (1) A major portion of the highway has insufficient stopping sight distance if traveling at the 85th percentile speed or the safe-running speed.

(2) The available corner sight distance on side roads is less than the necessary stopping sight distance values for through vehicles.

(3) The majority of crashes are related to excessive speed and the crash rate during a minimum 12-month period is greater than the applicable rate in the most recent high-crash rate or high-crash severity rate table included in the appendix of Official Traffic-Control Devices (Department Publication 212). Crashes related to excessive speed include those crashes with causation factors of driving too fast for conditions, turning without clearance or failing to yield right-of-way.

(c) *Variable speed limits.* To improve safety, speed limits may be changed as a function of traffic speeds or densities, weather or roadway conditions or other factors.

(d) *Special speed limits.*

(1) Within a rest area or welcome center, a 25 mile per hour speed limit may be established without the need for an engineering and traffic study if pedestrians walk across the access roadways between the parking lot and the rest facilities.

(2) Within a toll plaza or a truck weight station, an appropriate speed limit may be established without an engineering and traffic study by the authorities in charge to enforce the safety of the operations or to protect the scales.

(e) *Posting of speed limits.* A Speed Limit Sign (R2-1) or variable speed limit sign showing the maximum speed limit shall be placed on the right side of the highway at the beginning of each numerical change in the speed limit, but an additional sign may also be installed on the left side of the highway. If the new speed limit begins at an intersection, the first sign should be installed within 200 feet beyond the intersection. The placement of this sign must satisfy both the requirement to post the beginning of the new speed limit and the requirement to post the end of the previous speed limit. Additional requirements for posting are as follows:

(1) Speed limits of 50 miles per hour or less shall be posted as follows:

(i) A Reduced Speed (

—) Ahead Sign (R2-5), or a Speed Reduction Sign (W3-5), shall be placed on the right side of the highway 500 to 1,000 feet before the beginning of every speed reduction unless one of the following applies:

(A) The speed reduction is 10 miles per hour or less.

(B) The speed reduction begins at an intersection and all traffic entering the roadway with the speed reduction has to either stop at a Stop Sign (R1-1) or make a turn.

(C) The new speed limit is posted on variable speed limit signs.

(ii) Speed Limit Signs (R2-1) or a variable speed limit sign showing the maximum speed shall be placed on the right side of the highway at the beginning of the speed limit and at intervals not greater than 1/2 mile throughout the area with the speed limit.

(iii) The end of a speed limit is typically identified by the placement of a sign indicating a new speed limit, but the End Plaque (R2-10) may be placed above a Speed Limit Sign (R2-1) at the end of the zone if the appropriate speed limit is not known on the following section of roadway.

(2) On freeways, a Speed Limit Sign (R2-1) shall be installed after each interchange unless insufficient space exists for the signs.

Cross References

This section cited in 67 Pa. Code § 212.109 (relating to bridge speed limit).

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the fine imposed may not exceed \$50.

(g) Special penalty; disposition.--

(1) In addition to any other penalty imposed under this section, a person who is convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of \$50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

(Nov. 9, 1977, P.L.226, No.69, eff. imd.; July 11, 1980, P.L.550, No.113, eff. 60 days; Mar. 29, 1984, P.L.159, No.31, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; July 10, 1990, P.L.370, No.84, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 amended subsecs. (d), (e), (f) and (g) and added subsec. (e.1).

Cross References. Section 3354 is referred to in sections 3351, 6109 of this title.

SUBCHAPTER F SPEED RESTRICTIONS

Sec.

3361. Driving vehicle at safe speed.

3362. Maximum speed limits.

3363. Alteration of maximum limits.

3364. Minimum speed regulation.

3365. Special speed limitations.

3366. Charging speed violations.

3367. Racing on highways.

3368. Speed timing devices.

Cross References. Subchapter F is referred to in section 6109 of this title.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Cross References. Section 3361 is referred to in sections 1535, 3326, 3327, 3362, 3366, 3716 of this title.

§ 3362. Maximum speed limits.

(a) General rule.--Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) 65 miles per hour for all vehicles on freeways where the department has posted a 65-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by the department as a local highway.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

West Bound Manley

Start Time	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed in Pace	Pace Number
12/08/09	0	15	20	25	30	35	40	45	50	55	60	65	70	75	999	
01:00	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
03:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
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08:00	0	0	0	0	0	1	4	0	0	0	0	0	0	0	0	6
09:00	0	0	0	0	0	8	4	0	0	0	0	0	0	0	0	11
10:00	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	8
11:00	0	0	0	0	0	7	0	1	0	0	0	0	0	0	0	11
12 PM	0	0	0	0	0	2	6	4	3	1	0	0	0	0	0	12
13:00	0	0	0	0	0	4	8	5	1	0	0	0	0	0	0	16
14:00	5	0	0	0	0	0	0	3	0	0	0	0	0	0	0	20
15:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	1
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	6	0	2	9	29	35	34	10	0	1	0	0	0	0	0	126
Percent	4.8%	0.0%	1.6%	7.1%	23.0%	27.8%	27.0%	7.9%	0.0%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM																
Peak																
Volume	1	2	8	4	4	6	8	4	08:00							08:00
PM																
Peak																
Volume	5	1	1	4	8	5	3	1	12:00							25
Grand																
Total	30	11	84	257	479	598	511	197	9	52	0	0	0	0	0	2230
Percent	1.3%	0.5%	3.8%	11.5%	21.5%	26.8%	22.9%	8.8%	0.4%	2.3%	0.0%	0.0%	0.0%	0.0%	0.0%	
15th Percentile : 30 MPH																
50th Percentile : 38 MPH																
85th Percentile : 45 MPH																
95th Percentile : 49 MPH																

Statistics

10 MPH Pace Speed : 36-45 MPH
Number in Pace : 1109
Percent in Pace : 49.7%
Number of Vehicles > 25 MPH : 2105
Percent of Vehicles > 25 MPH : 94.4%
Mean Speed(Average) : 37 MPH

687

East Bound Manley

Statistic	31-40 MPH
10 MPH Pace Speed :	1122
Number in Pace :	49.3%
Percent in Pace :	2046
Number of Vehicles > 25 MPH :	89.9%
Percent of Vehicles > 25 MPH :	35 MPH
Mean Speed(Average) :	

Statistic
s

WORKSHOP
7.
1pg

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380
Voice (610) 692-7171
Fax (610) 425-8950
E-mail rsmith@eastgoshen.org

Date: December 14, 2009
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Resolutions that can be added to or adopted as an ordinance

At your meeting on November 24, 2009 you requested that I develop a budget to adopt ordinances for those actions that the Board typically adopts by resolution at the Re-Organization meeting in January.

We would need to adopt 14 separate ordinances. The estimated cost would be about \$28,560 broken down as follows:

Legal - \$11,900

It costs between \$600 and \$1,100 for the solicitor to prepare that legal notice, put the ordinance in the proper format and attend the public hearing to adopt an ordinance. Use \$850 per ordinance.

Advertising – \$4,760

The cost is dependent on the number of lines in the legal notice and range from \$238 to \$450. Use \$340 per ordinance.

Court Reporter – \$700

The reporter is paid an appearance fee of \$80 then \$3.90 a page. I assumed that we would adopt the ordinances over the course of two meetings and that there would be minimal discussion (10 pages) on each ordinance.

General Code – \$11,200

It costs about \$800 to codify an ordinance

I have attached copies of three of the draft ordinances so that you would have some idea of the end product.

workshop

8.
3 pgs

Smith, Rick

From: Don McConathy [dmccconathy@verizon.net]

Sent: Wednesday, December 09, 2009 11:39 AM

To: Rick Smith

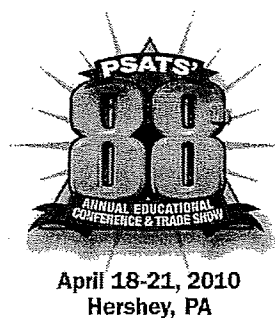
Subject: PSATS

Rick –

Please add the PSATs convention to our workshop on Jan 12 – we need to decide if we want to enter the lottery for all or part of the sessions.

Don McConathy
dmccconathy@verizon.net

12/9/2009



PSATS' Educational Conference Registration Timeline

December

- ✓ *Share the enclosed conference promotional materials and Sunday workshop flyer with all appropriate and interested township officials (including members of the township's planning commission, park and recreation board, environmental advisory council, etc.)*
- ✓ *Reminder: Townships must pay their 2010 PSATS dues before conference registration forms will be processed.*

January

- ✓ *Decide at board meeting which township officials will attend the conference.*
- ✓ *Decide at board meeting which attendee will be the township's voting delegate. The township secretary must indicate on that person's registration form which delegate has been selected as the township's voting delegate.*
- ✓ *Complete a separate "Conference Registration Form" for each person attending the conference and promptly return to PSATS. Please combine all township registration forms in the same envelope to ensure the proper filing of this important paperwork.*
 - a. Attendees and their guests must register in Section I using the same form.
 - b. Complete Section II if you need overnight accommodations. Make sure the registration forms (and payment) reach PSATS by January 22, 2010 to be included in the hotel lottery and get the early registration savings!

Over ...

- c. Complete Section III identifying your top 10 hotels. Preference for rooms at the Hershey Lodge and Hotel Hershey will be given to those staying Sunday night to Tuesday night
 - d. PSATS will assign room reservations received after January 22 to available hotels as space permits. All hotels reserve the right to bill early departures and no-shows for the full reservation amount.
 - e. Identify the activities and events you would like to attend in Section IV. The State Capitol Tour and Legislative Reception on Monday are free, but registration using this form is required.
 - f. Total all registration fees in Section V and indicate the method of payment (check, Visa, or MasterCard.) If you choose to pay by check, please enclose one check made payable to "PSATS" to cover all your fees. Be sure to return the top copy of the form to PSATS and keep the bottom copy for your records.
- ✓ Register for Sunday workshops separately using the enclosed registration flyer.

February

- ✓ PSATS will send you a postcard confirming we have processed your registration form.

March

- ✓ PSATS will send you a registration confirmation letter in early March listing the events for which you (and any guests) have registered. Tickets for these events will be distributed when you check in at the conference.
- ✓ For those who requested overnight accommodations, a confirmation letter will be sent by March 12 from your assigned hotel indicating your room nights, the room rate and type, receipt of deposit, and the names of all occupants.

April

- ✓ Upon arrival at the Hershey Lodge, please report to the Conference Registration Office in the Chocolate Lobby to check in and obtain your conference registration materials, including your name badge and all event tickets.

###

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

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: December 29, 2009
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Tree in Sewer right-of-ways

In response to the question about the Township's responsibility for trees located in sanitary sewer and/or storm sewer easements or right-of-ways (easement) I can report the following:

Background - In 2009 we spent \$18,500 for tree removal and Mark estimates that approximately 10% of it was for tree removal in easements. He has opined that the percentage varies significantly from year to year.

With regards to sanitary sewer easements, the Township has provided public sewer to over 500 homes over the years. Some of the sewer lines are located in an easement that is 20 feet wide that we obtained from the homeowner. In order to appease the homeowner, we typically did not cut all of the trees down within the easement. We worked under the assumption that we should try to save as many trees as possible. The plan was that if the tree subsequently died the Township would come back and remove it.

We also had some instances where we obtained an easement to install a storm sewer in order to correct a drainage problem and likewise we would not clear cut it unless absolutely necessary.

Finally we have many cases in which the easement is depicted on the approved subdivision plan, so there is not a separate easement agreement.

Over time this morphed into a practice under which we assumed the responsibility for the removal of any tree located in a sanitary sewer or storm sewer easement. This is in addition to the trees in the road right-of-ways.

Discussion - The Township Solicitor has opined that we would not have liability unless there was an actual negligent act by the Township. However, tree removal could be considered a "service" and as such no longer cutting down the trees will be construed by some residents as a reduction in "service".

Question – Does the Board want to continue to remove trees in easements?

10. WORKSHOP
6 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

Date: December 31, 2009

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: Conservancy Board Grant

The Conservancy Board with the assistance of the Chester-Ridley-Crum Watersheds Association (CRC) wants to apply for a Tree Vitalize Grant to plant 60 trees and 20 shrubs at the Reservoir Road site on Earth Day.

The responses to the questions in the grant resolution are as follows:

1. All projects/activities are to receive preliminary BOS approval for the idea before grant-writing procedures are commenced. The following information should be submitted to the BOS.
 - a. Description of your activity/project. **Plant 60 trees and 20 shrubs at the Reservoir Road Nature Area.**
 - b. What do you hope to accomplish with this activity/ project? **Vegetation of the riparian buffer.**
 - c. Who benefits and what are the benefits? **The public and animals that live in this area.**
 - d. A preliminary cost estimate. **\$6,610 (detail budget is attached)**
 - e. What Township resources would be required? **Conservancy Board members time and normal Public Works maintenance**
2. Before final BOS approval is granted, the following information is to be provided:
 - a. A one page Executive Summary **See 12/30/09 e-mail from CRC Watersheds**
 - b. What is the total estimated cost for this project? **\$6,610 (detail budget is attached)**
 - c. How did you arrive at the estimated cost? **(CRC prepared budget)**
 - d. Who are your funding partners (major and minor)? **PA DEP**
 - e. What are the Township obligations? For any applications that involve the use of Township Labor, Equipment, or Materials a memorandum from the Director of Public Works shall be submitted.

2036

- i. Financial **\$300 for herbicide contractor (CB treats this area once a year. No increase in cost.)**
 - ii. Labor **Routine maintenance of property**
 - iii. Equipment **Routine maintenance of property**
 - iv. Materials **Routine maintenance of property**
 - v. Other **Need to get a separate invoice from the herbicide contractor for project area.**
- f. What is the timetable with respect to?
 - i. Submission date for grant **January 15, 2010**
 - ii. Expected grant approval date **????**
 - iii. Expected beginning activity/project date **Spring 2010**
 - iv. Expected completion date **April 2010 (Earth Day)**
- g. Who are the primary grant writers for this submission? **CRC and Conservancy Board**
- h. Who is expected to be the contractor? **Plant material will be installed by volunteers**

F:\Data\Shared Data\Admin Dept\Grants\CRC & CB Reservoir Road 2010\09-41 Grant Policy.doc

Smith, Rick

From: CRC Watersheds [crc@nni.com]
Sent: Wednesday, December 30, 2009 2:45 PM
To: Louis Smith; bryandelmonte@comcast.net
Cc: Jane Fava; Mark Miller ; Virginia Newlin
Subject: Draft of EG TreeVitalize Grant Application
Attachments: 2010 East Goshen Reservoir Rd Submission.xls; 2007_landowner_grantee_agreement.doc

Rick and all,

Here is my draft of this submission in the amount of \$4,950. It is for 60 trees and 20 shrubs with the heavy cages and posts which that site could easily accomodate. The grant would cover CRC to do all of the organizing and purchasing, including the planting with ING, the Conservancy Board, and any local and school volunteers we can recruit, and then a few times to help with watering and weeding the cages. A key component is still to have someone from the Conservancy Board volunteer to check the site every 2-3 weeks, and let us and/or public works know when attention is needed.

Bryan, can you please supply the GIS coordinates so I can put them in.

Rick, the "match" from the Township consists of the work you are already doing there to maintain the site. You will just need to get Weeds Inc. to send you a separate bill for that site. We can also list public works hours as a match when we do the final grant report. Expenses can be reallocated if you don't end up doing any herbicide application.

Rick, I have also attached the landowner agreement. I will try to get it completed, so you can sign next week, once the Supervisors approve the grant.
Please call with any questions or suggestions.

We are looking forward to working with the Conservancy Board and Township on this project!
Happy New Year!

Anne Murphy
Executive Director
Chester-Ridley-Crum Watersheds Association
Ridley Creek State Park
1023 Sycamore Mills Road
Media, PA 19063
Work: 610-892-8731
Cell: 610-470-6960
email: info@crcwatersheds.org

12/30/2009

4086

TreeVitalize Watersheds Project Bid Form

Project Description **East Goshen Reservoir Rd Chester Creek**

submitted by **East Goshen Township** **in partnership with Chester Ridley Crum Water**

Site Number: _____ **Square foot** **40,000.00** **1 acre**

Location/Street address **Chester Creek Restoration Site along Reservoir Rd, near Strasburg**

Latitude: _____ **County:** **Chester**

Longitude: _____

Quadrangle name: **West Chester** **Municipality:** **East Goshen**

Watershed/subwatershed: **East Branch of Chester Creek** **Aqua Pennsylvania Priority (circle):** **One Source Water Area**

Creek or stream: **Chester Creek**

Bid Worksheet

Site/Items	Units	Per Unit Cost	Grant Amount	Match*	Total
Site Prep					
Debris removal			-		-
Invasive removal					-
Herbicide Contractor			500.00	300.00	800.00
Total Site Preparation Costs			500.00	300.00	800.00
Planting Materials					
Trees	60.00	20.00	1,200.00		1,200.00
Shrubs (live stakes)		1.50	-		-
Shrubs	20.00	15.00	300.00		300.00
Seed- native mixes			200.00		200.00
Total Plant Material Costs			1,700.00	-	1,700.00
Staff and Labor			-		
Total Staff and Labor Costs			-	-	-
Other (describe)					
Contracted services - CRC	28.00	40.00	1,120.00		1,120.00
CRC Restoration Manager	14.00	40.00	560.00		
East Goshen Public Works- maintenance				250.00	250.00
Volunteer labor	100.00	19.00		1,900.00	1,900.00
5' Tree cages and posts	60.00	13.00	780.00		780.00
Weed matting	60.00	1.00	60.00		60.00
Chester		Other Costs	2,520.00	2,150.00	4,110.00
TOTAL COST FOR THIS SITE			4,720.00	2,450.00	6,610.00

*Total of all match categories must be at least 25% of the total cost for this site

Name of Applicant: **East Goshen Township**

Date: **29-Dec-09**

Signature: **Louis Smith**

Title: **Manager**

610-692-7171

rsmith@eastgoshen.org

1580 Paoli Pike

West Chester, PA 19380

Smith, Rick

CRC GRANT

From: Jane Fava [janefava@verizon.net]
Sent: Tuesday, December 29, 2009 10:14 AM
To: 'Rick Smith'
Cc: 'CRC Watersheds'
Subject: FW: TreeVitalize Grant for East Goshen Reservoir Road Site

I believe the details if the grant app are in the email below. You can print this out for the supervisors

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

From: Rick Smith [mailto:rsmith@eastgoshen.org]
Sent: Thursday, December 17, 2009 12:53 PM
To: 'Bryan Del Monte'; 'CRC Watersheds'; 'Mark Miller'
Cc: 'Jane Fava'; 'Virginia Newlin'
Subject: RE: TreeVitalize Grant for East Goshen Reservoir Road Site

Anne

I do not see a problem as long as the Township does not have to put up any money.

Rick Smith, Township Manager
 East Goshen Township

From: Bryan Del Monte [mailto:bryandelmonte@comcast.net]
Sent: Thursday, December 17, 2009 12:44 PM
To: 'CRC Watersheds'; 'Rick Smith'; 'Mark Miller'
Cc: 'Jane Fava'; 'Virginia Newlin'
Subject: RE: TreeVitalize Grant for East Goshen Reservoir Road Site

Anne, I agree to proceed as you proposed below and as we chatted today on TreeVitalize Grant for East Goshen Reservoir Road Site.

Looking forward to hearing back from both Ricky and Mark on their thoughts here.

Bryan

From: CRC Watersheds [mailto:crc@nni.com]
Sent: Thursday, December 17, 2009 10:54 AM
To: 'Rick Smith'; 'Mark Miller'; bryandelmonte@comcast.net
Cc: Jane Fava
Subject: TreeVitalize Grant for East Goshen Reservoir Road Site

Rick , Mark, and Bryan,

12/29/2009

I spoke with Jane yesterday about CRC's interest in applying for a TreeVitalize grant to cover all costs associated with planting and protecting 50+ five gallon trees along Chester Creek Reservoir Road site. I would complete the grant spreadsheet and the grant would cover the cost of the trees, matting, cages, and the costs for CRC to plan the project and coordinate the volunteers.

I stopped by yesterday to see how the little 2 gallon trees were doing that CRC and two members of the Conservancy planted with the ING employees and a small donation from ING last Earth Day. All of the steel cages were still in place with their trees still alive, but are in need of weeding and some realignment and the two with mesh need to be replaced with steel wire cages. We are meeting out there tomorrow (Friday) afternoon at 2:30 pm to adjust and weed out the cages and install the two replacement cages.

Jane thought it was a good idea but wanted to get the idea approved by you. We would do the planting in conjunction with the Conservancy Board and ING volunteers again along with another corporate group (Pershing) on a week day planting around Arbor Day or Earth Day.

If you are in agreement with the concept, I will work up the spreadsheet and send it to you for your approval before I send it to Chotty Sprengle at the Conservation District. The grant would be around \$3,000. There would be no required cash match for the Township. We would count the volunteer planting hours, public works hours on maintaining the site in general, and you could provide us with a copy of the invoice from Weeds Inc as well, so there is plenty of match.

Thank you.

Anne Murphy
Executive Director
Chester-Ridley-Crum Watersheds Association
Ridley Creek State Park
1023 Sycamore Mills Road
Media, PA 19063
Work: 610-892-8731
Cell: 610-470-6960
email: info@crwatersheds.org

WORKSHOP
11.
2pg

Smith, Rick

From: Rick Smith [rsmith@eastgoshen.org]
Sent: Thursday, December 17, 2009 11:46 AM
To: 'Jane Fava'
Subject: RE: Dec agenda for Dec 22

Jane

There is no meeting next week. I will put it on the 1/4/10 agenda.

Rick Smith, Township Manager
East Goshen Township

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

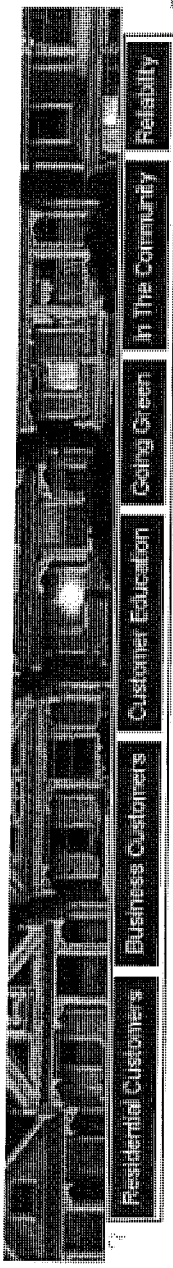
From: Jane Fava [mailto:janejava@verizon.net]
Sent: Thursday, December 17, 2009 9:15 AM
To: 'Rick Smith'
Subject: Dec agenda for Dec 22

Rick

Would you put info on the PECO Green Grant in the packet for the BOS and put me on the agenda for the DEC 22 agenda as well

<http://www.peco.com/NR/rdonlyres/E0A0541B-1E52-43B6-9073-3E627C1847A1/7807/2009ProgramguidelinesFINAL.pdf>

Jane Fava



- Residential Customers
- Business Customers
- Customer Education
- Going Green
- In The Community
- Reliability



Home Page > Residential > Environment and Community > Environment > For our Community > Green Region

Billing and Payment

Manage My Account

Customer Service

Save Energy / Money

PECO Wind

Energy Rates

Natural Gas

Safety

Energy Education

Environment and Community

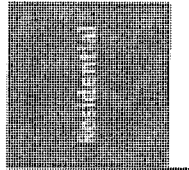
- Community
 - Environment
 - For our Customers
 - For our Company
 - For our Community

- Environmental Educational program

- Green Region

Assistance Programs

New Business Services



Green Region

In recent years, more than 60 municipalities in PECO's southeastern Pennsylvania territory have approved open space referenda to preserve and protect farmland, parks and trails, and watersheds.

Recognizing that open space in our communities is crucial to the quality of our lives, PECO is committed to assisting municipalities in southeastern Pennsylvania with their ongoing efforts to protect and improve open land.

Through its new GREEN REGION program, PECO hopes to play an active role in this effort.

GREEN REGION grants are available to municipalities in amounts up to \$10,000. The grants can be used with other funding sources to cover a wide variety of planning and direct expenses associated with developing and implementing open space programs, including consulting fees, surveys, environmental assessments, habitat improvement, and capital improvements for passive recreation.

A GREEN REGION review committee, made up of county, environmental, and PECO and Exelon representatives, will meet to consider funding proposals and make grant awards. Grants will be available once a year, with application deadlines in the Fall.

Downloads:
[Program Guidelines](#)
[Application](#)

For more information, contact Holly Harper, Green Region program administrator, at 610-353-5587 or info@natlands.org

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232

WORKSHEET
12.
31 pp

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

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: December 28, 2009
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Municipal Waste Plan

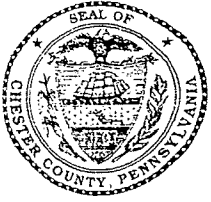


At their meeting on December 2, 2009 the Commissioners of Chester County adopted the Municipal Waste Management Plan Revision (2009 Revision) dated August 2009. The 2009 Revision restates the current requirement that all municipal waste generated in the County be sent to either Landchester or SECCRA landfill's unless written authorization is given to dispose of it at another facility. Under the 2009 Revision East Goshen's municipal will continue to go to Landchester.

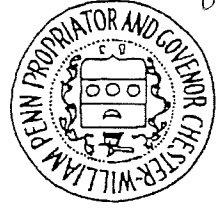
Each municipality has 90 days to act on the 2009 Revision. If a municipality does not take action it will assumed to have ratified the 2009 Revision.

Once more then 50% of the municipalities representing more then 50% of the population have approved the 2009 Revision it will be sent to PA DEP for final approval.

I would suggest that you ratify the 2009 Revision at your meeting on January 19th. Draft motion is attached.



THE COUNTY OF CHESTER



COMMISSIONERS

Terence Farrell
Carol Aichele
Kathi Cozzone

MARGARET C. RIVELLO, M.B.A.
County Health Director

CHESTER COUNTY HEALTH DEPARTMENT
Chester County Government Services Center
601 Westtown Road, Suite 295
West Chester, PA 19380-0990
610-344-6225 FAX: 610-344-4705
www.chesco.org/health

December 15, 2009

Dear Municipal Official:

DEC 17 2009

Earlier this year, we notified you that we were revising the Chester County Solid Waste Management Plan. This substantial Plan revision was completed and has been adopted by the Chester County Commissioners at their public meeting on December 2, 2009.

As required by the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988) we are notifying each of the Chester County municipalities that this Plan is available for their review and ratification. Each municipality has 90 days to act on the Plan.

When a municipality ratifies the Plan, they should send a copy of their resolution to the County at the address above. If a municipality does not act, it will be assumed to have ratified.

If a municipality acts to decline to ratify the Plan, that municipality must pass a resolution containing a concise statement of its objection and forward a copy of that resolution to the County at the address above. A conditional approval is considered disapproval.

When more than one-half of the municipalities, representing more than one-half of the population in Chester County ratify the Plan, our Department will submit a copy of the Plan to the Department of Environmental Protection for final approval.

The current Plan can be accessed electronically at www.chesco.org/health. If you are unable to download the document, please call Ms. Ilene Greising at 610.344.6232 or email her at igreising@chesco.org and she will have a copy printed for you.

If you have questions, please contact me directly at 610.344.6233 or via email at mrivello@chesco.org.

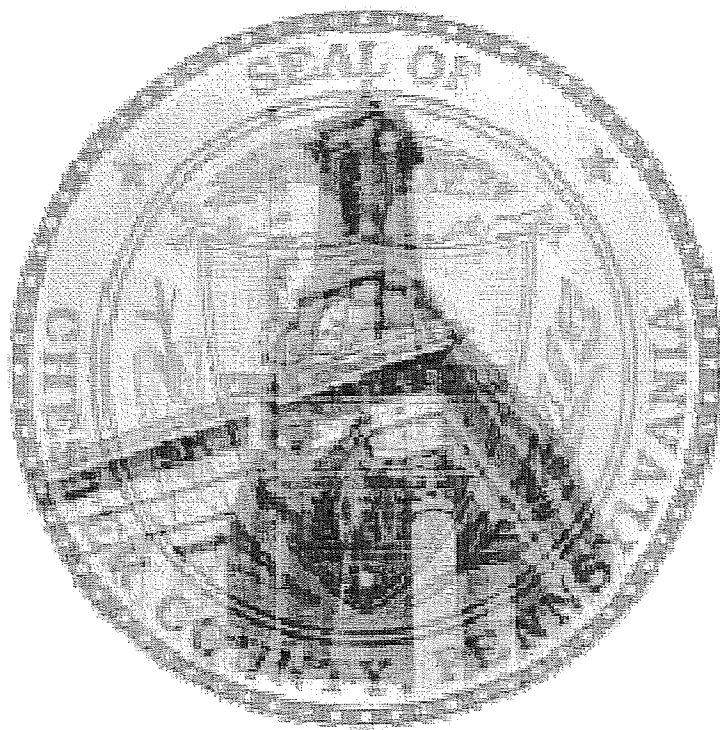
Sincerely,

Margaret C. Rivello, MBA
County Health Director

MCR/ijg

CHESTER COUNTY
MUNICIPAL WASTE MANAGEMENT
PLAN REVISION

CHESTER COUNTY, PENNSYLVANIA



August 2009

CHESTER COUNTY

MUNICIPAL WASTE MANAGEMENT PLAN REVISION

CHESTER COUNTY, PENNSYLVANIA

Prepared for
COUNTY OF CHESTER
The Chester County Health Department
Bureau of Environmental Health Protection

Prepared by:

Alaimo Group
200 High Street
Mount Holly, New Jersey 08060

August 2009

Our File No. A-380-011

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Table 5 Estimated Municipal Solid Waste Disposal Quantities and Facilities over 10 Year Planning Period (2010 – 2019)

Appendices

Appendix A: Guidelines for the Development of County Municipal Waste Management Plan Revisions, Document Number 254-2212-504, Dated November 8, 2008.

Appendix B: Municipal Waste Designated Site Ordinance

Appendix C: Chester County Construction and Demolition Processing Facilities and Transfer Stations 2010 to 2019

Appendix D: Chester County Municipal Letter

Appendix E: Chester County Disposal Capacity Agreement

Appendix F: Compliance with County Plan Designated Disposal Facility Requirements DEP Website (May, 2009)

1.0 MUNICIPAL WASTE MANAGEMENT PLANNING BACKGROUND

Chester County prepared its first MSW Management Plan in June of 1972. The 1972 Plan was approved by 72 of the 73 municipalities in the County. During the mid-1980's, after the implementation of the Pennsylvania Solid Waste Management Act (Act 97), the County prepared and adopted a Plan in compliance with the requirements set forth in Act 97. This plan was approved by 68 of the County's municipalities, and the Pennsylvania Department of Environmental Protection (DEP) granted the County final plan approval in March 1988 (1988 Plan). Act 101 was passed soon after this plan was approved. As provided under Act 101 the 1988 Plan was "grandfathered" under Act 101. The County was not required to develop an entirely new plan, but was required to update the 1988 Plan to address any issues set forth in Act 101 that were not addressed by the plan prepared under Act 97. That plan update was finalized in September of 1990 and is referred to as the 1990 Plan. All of these documents are part of the Chester County Municipal Waste Management Plan and have been approved by DEP.

This plan revision will be referred to as the 2009 Plan Revision.

1.1 Capacity Assurance

In 2001 the Pennsylvania Department of Environmental Protection notified the County that a ten (10) year Plan Revision needed to be prepared to comply with Act 101. The County elected to issue a Request for Proposal (RFP) in April 2002 to secure adequate disposal capacity for the Plan Revision's 10-year time frame. A second RFP was issued in October 2003. As a result of this procurement process, the County selected the Lanchester Landfill and the SECCRA Landfill to continue as the primary disposal facilities designated in the County Plan. The County has also added nine landfills and one waste-to-energy facility, as designated facilities in the 2007 Plan Revision. No shortage of municipal waste capacity exists for Chester County. The 2009 Plan Revision was not prepared to address a capacity shortfall.

2.0 INTRODUCTION AND PUBLIC PARTICIPATION

2.1 Purpose

The County of Chester has developed this Municipal Waste Management Plan Revision (2009 Plan Revision) in order to continue to direct municipal waste to two solid waste facilities listed in the Solid Waste Management Plan. This revision clearly states the County's intention to utilize the powers authorized under the Pennsylvania Solid Waste Management Act and subsequent amendments to direct municipal waste to designated sites. The regulations found in 25 Pa. Code 272, describe the process by which each County will develop a Solid Waste Advisory Committee, the content of the Plan Revision, and the public participation requirements prior to adoption of the 2009 Plan Revision.

2.2 Background

The Chester County Municipal Waste Management Plan Revision adopted in March 2007 (hereafter "2007 Plan Revision") was a comprehensive revision of the Chester County Solid Waste Plan. One of the key requirements of the 2007 Plan Revision was to provide disposal capacity planning for a 10 year period. The 2007 Plan Revision was approved by the County Commissioners in March 2007 and was later approved by the Pennsylvania Department of Environmental Protection.

Prior to adoption of the 2007 Plan Revision, DEP advised counties that administration fees and licensing programs conflict with the Pennsylvania hauler registration program authorized under Act 90 which was passed in 2002. In 2007 the County solid waste hauler licensing program was discontinued. It was also noted early in 2007 that a New York State flow control case had been accepted by the US Supreme Court. A decision by the US Supreme Court was expected later in 2007, but would not be decided until after the Commissioners' approval of the 2007 Plan Revision in March 2007. It was decided not to delay final approval of the 2007 Plan Revision and to reserve the option to review new legal precedent or court decisions regarding flow control at a future time.

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On April 30, 2007 the United States Supreme Court issued a ruling in United Haulers Association, Inc., et al., vs. Oneida-Herkimer Solid Waste Management Authority, et al., 550 U.S. 330, 127 S. Ct. 1768, 167 L. Ed. 2d 655 (2007) that affirmed the United States Court of Appeals for the Second Circuit decision to allow a distinction between laws that benefit public, as opposed to private solid waste facilities. Chief Justice Roberts delivered the opinion of the Court (except as to Part II-D) and found that:

In this case, we face flow control ordinances quite similar to the one invalidated in *Carbone*. The only salient difference is that the laws at issue here require haulers to bring waste to facilities owned and operated by a state-created public benefit corporation. We find this difference constitutionally significant. Disposing of trash has been a traditional government responsibility for years, and laws that favor the government in such areas-but treat every private business, whether in-state or out-of-state, exactly the same-do not discriminate against interstate commerce for purposes of the Commerce Clause. *Id.* at 1790.

This decision is widely understood to mean that a public solid waste system that treats every private hauler, whether in-state or out-of-state equally, and directs solid waste to a public solid waste facility does not discriminate against interstate commerce for purposes of the Commerce Clause. Following the Supreme Court's ruling, the Pennsylvania Department of Environmental Protection on November 8, 2008 issued an interim final guidance document for counties to use when considering the use of flow control. This guidance document is provided as Appendix A.

2.3 Solid Waste Advisory Committee

Chester County convened its Solid Waste Advisory Committee (SWAC) as outlined in Section 503(a) of Act 101 on May 15, 2009. The following is a list of SWAC members that served during preparation of the Plan Revision:

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**CHESTER COUNTY
SOLID WASTE ADVISORY COMMITTEE**

Margaret Rivello	Chester County Health Department
Nancy Fromnick	Chester County Recycling Coordinator
Mary Alice Reisse	Pennsylvania Department of Environmental Protection
Robert Watts	Executive Director, Chester County Solid Waste Authority
William G. Stullken	Manager, Southeastern Chester County Refuse Authority
Carrie J. Conwell	Chester County Planning Commission
Robert G. Struble, Jr.	Executive Director, Brandywine Valley Association
Don Wilkinson	City of Coatesville
Greg Prowant	Caln Township Board of Commissioners
Terry Woodman	Manager, East Whiteland Township
Kevin Hennesey	North Coventry Township
Jack Hines	West Bradford Township or
John Haiko	West Bradford Township
Brian Watson	Phoenixville Borough
Robin Marcello	Penn Township
Paul Bickhart	Recycling Express, Incorporated
Anthony Blosenski	A.J. Blosenski, Inc.
Charles Blosenski	Charles Blosenski Disposal
Tim O'Donnell	Republic Services, Inc.
Mark Harlacker	Interstate Waste Services
Vince Carosella	Armstrong & Carosella, PC

The members of this Committee represent diverse interests, including all classes of municipalities, private industry, waste haulers, disposal facilities, recycling centers, and public interest groups.

The committee meetings were moderated by Margaret Rivello of the Chester County Health Department.

2.4 Municipal Input

Act 101 requires counties to provide written notice to municipalities when the Plan Revision Process has begun. Chester County provided this notice to its municipalities on January 30, 2009. Municipalities have the opportunity to provide comment on the 2009 Plan Revision and then vote on 2009 Plan Revision that is part of the substantial Plan Revision process.

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2.5 Public Participation in Previous Plans

Chester County prepared its first MSW Management Plan in June of 1972. The Plan was approved by 72 of the 73 municipalities in the County, and was therefore adopted by the County. In 1987, the County adopted a Revised Plan, prepared to comply with the requirements set forth in Act 97. This 1987 Plan included public participation and comments, and was approved by 68 municipalities. The DEP granted the County final approval in March 1988. Under Act 101 (passed in 1988), this 1987 Plan was “grand fathered”, but was required to be updated to address any issues set forth in Act 101 that were not addressed by the 1987 Plan. Many SWAC meetings and public participation meetings were held as part of the development of the 1990 update to the 1987 Plan. Seven (7) SWAC meetings were held on the 2007 Plan Revision.

2.6 Benefits of Plan Revision

The Plan Revision is expected to provide the following public benefits:

- Provide Chester County residents and businesses with low municipal waste disposal cost;
- Reduce vehicle miles through greater use of in-county disposal facilities;
- Reduce the release of carbon emissions through reduced vehicle miles; and
- Provide for a cost effective solid waste management and disposal system.

3.0 MUNICIPAL WASTE TO DESIGNATED SITES

3.1 Designated Sites

Chester County has listed two landfills as Primary Disposal Facilities in the 2007 Plan Revision: the Lanchester Landfill located in Narvon, PA and the SECCRA Landfill located in London Grove, PA. These two landfills have been the two primary solid waste facilities for Chester County municipal waste for over 20 years. The RFP process the County conducted in 2002 and 2003 confirmed that these two facilities are/were the most cost effective options for municipal waste generated in Chester County. The current County Plan relies on the same two primary solid waste facilities.

This Plan Revision designates the Lanchester Landfill as the Designated Facility for all municipalities in the Chester County Solid Waste Authority Service Area (CCSWA) and the Southeast Chester County Refuse Authority (SECCRA) Landfill as the Designated Facility for all municipalities in the SECCRA Service Area. Table 2 lists all the municipalities in the CCSWA Service Area and Table 3 lists all the municipalities in the SECCRA Service Area. Haulers are only authorized to deliver municipal waste to By-Pass Facilities listed in Table 4 if a written letter is received from the CCSWA or SECCRA authorizing the by-pass of municipal waste. Written authorization from CCSWA and SECCRA shall cover a period of time not exceeding twelve (12) months.

3.2 Designated Site Ordinance

Counties may adopt ordinances, resolution, regulations, and standards for the processing and disposal of municipal waste provided that it is not more stringent than, or in violation of, or inconsistent with the Solid Waste Management Act, Act 101, and the regulation promulgated pursuant thereto (Act 1988-101 Section 302 (c)). A Designated Site Ordinance will be adopted to replace the existing Flow Control Ordinance. A draft of the Designated Site Ordinance is provided in Appendix B.

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3.3 Enforcement

It shall be unlawful for a hauler or municipal waste facility to collect, transport, process, or dispose of municipal waste generated from any source within the County in a manner inconsistent with the provisions of the Plan and the Municipal Waste Designated Site Ordinance. Chester County may take enforcement action against any hauler or facility that has collected, transported, processed or disposed of municipal waste in a manner inconsistent with the provisions of this Plan and the Municipal Designated Site Ordinance.. Such unlawful action will be considered interference with the Chester County Solid Waste Management Plan.

The Chester County Health Department will rely upon the CCSWA and SECCRA (the “Authorities”) to monitor the flow of municipal waste within the County. The Authorities will be responsible to monitor Quarterly Waste Reports prepared by DEP and available on DEP’s Website. These reports summarize waste flow information submitted by all waste transporters that deliver municipal waste to Pennsylvania waste disposal facilities. When transporters deliver Chester County generated municipal waste to a waste disposal facility not authorized by the Plan the Authority will investigate such action to determine if it is consistent with the Plan and whether such action is authorized by the Authority by the issuance of a letter to the hauler authorizing the bypass of municipal waste to a specific facility for a specific time period not to exceed twelve months. A hauler that delivers municipal waste that is inconsistent with the Plan and is not authorized by a bypass letter will be subject to an enforcement action by the Chester County Health Department. The Chester County Health Department may request that DEP certify that a Quarterly Report is admissible as evidence and can be used in a County enforcement action.¹

¹ Sections 6103 and 6104 of the Judicial Code, 42 Pa C.S. §§ 6103 and 6104, provide that copies of official records kept by an agency of the Commonwealth and attested to by an officer having the legal custody of the documents and certified by that officer are admissible as evidence of facts stated therein. Maggiano v. Pennsylvania State Bd. Of Vehicle Mfrs., Dealers, & Salespersons, 659 A.2d1071, 1995 Pa. Commw. LEXIS 253 (Pa. Commw. Ct. 1995).

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In order for the Authorities to perform investigations on a timely basis the Chester County Health Department will require all solid waste facilities designated in the County Plan to provide municipal waste tonnage information by county of origin (referred to in this plan as “Quarterly Waste Reports”) directly to the Chester County Health Department at the same time it is submitted to the DEP. This mandatory request for municipal waste tonnage information by solid waste facility is also made on the Chester County Disposal Capacity Agreement provided in Appendix E. The DEP, Bureau of Waste Management Division of Reporting and Fee Collection collects this information on forms provided by DEP. Use of the DEP reporting form is only acceptable if it continues to provide all Chester County municipal waste delivered to Pennsylvania solid waste facilities on a quarterly basis.

DEP may take enforcement action, including notice of violations followed by orders, civil penalties, and /or suspension or revocation of operating permits. DEP has developed an enforcement program to enforce the content of county solid waste management plans on all Pennsylvania permitted municipal waste facilities. (25 Code 273.201 and 25 Code 283.201 (h)) DEP’s enforcement program is described on Page 17 of the DEP Guidance Document Number 254-2212-504 last revised on November 8, 2008 as an Interim Final Guidance Document. This Guidance Document is provided in Appendix A. Chester County and the Authorities plan to assist and cooperate with DEP to maintain a flow control system focused on monitoring municipal waste generated in Chester County and disposal at Pennsylvania municipal waste facilities.

3.4 Municipal Waste Projections

Municipal waste projections have been estimated for the 10 year planning period (2010 to 2019) and allocated to the Designated Facilities based upon each Authority’s waste acceptance goals. The remaining municipal waste that cannot be handled by Lanchester and SECCRA Landfills will be by-pass waste that will be disposed of at disposal sites officially designated in the County Plan after written approval by one of the Authorities. Additional by-pass waste facilities can be

Chester County**Municipal Waste Management Plan Revision**

added to the Plan by following the procedures identified on page 77 of the 2007 Plan Revision and completing the Petition Form on page 79. Table 5 should not be interpreted to be committed waste flows but an estimate of waste deliveries based on goals set by each Authority. The Municipal Waste Designated Site Ordinance will authorize the flow of municipal waste to the Primary Disposal Facilities. Municipal waste that is recycled is not subject to the Municipal Waste Designated Site Ordinance. In addition, the Designated Facility reserves the right to reject waste if the Facility is not permitted by the DEP to accept such waste or if the manner of delivery endangers the health, safety, environment or well-being of the Designated Facility's employees or property. The Authorities may change their waste acceptance goals at any time. Chester County will monitor available disposal capacity at permitted solid waste disposal facilities in the County Plan by requesting annual certifications of disposal capacity.

3.5 Capacity Assurance

An important purpose of the county municipal waste management plan is assuring that disposal capacity is available for waste generated within the County. Disposal Assurance Agreements were signed by the Authorities and by twelve (12) private disposal facilities in 2007. Using the same form of agreement, Chester County will ask the Primary Disposal Facilities and the By-Pass disposal facilities to sign 10 year disposal capacity agreements for 2010 to 2019. A copy of the disposal capacity agreement is provided in Appendix E.

3.6 Compatibility of Recycling with other Processing and Disposal Methods

Table 1 provides a list of existing curbside, drop-off, and composting programs at the municipal level. One indicator of the municipal commitment to recycling is the number of municipalities that have adopted mandatory recycling programs even though these municipalities are not required to establish a mandatory recycling program by Act 101. Thirteen (13) municipalities have established mandatory curbside recycling programs in the County despite no requirement to do so.

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TABLE 1
CHESTER COUNTY MUNICIPAL RECYCLING PROGRAM SUMMARY

Municipality	Mandated	Curbside	Drop-off	Composting Site
Atglen Boro			X	
Avondale Boro		X	Yard Waste Only	X
Birmingham Twp.				
Caln Twp.	X	X		X
Charlestown Twp.*	X	X		
Coatesville City	X	X		
Downingtown Boro	X	X	X	X
East Bradford Twp.	X	X	X	
East Brandywine Twp.	X	X	X	
East Caln Twp.*	X	X		
East Coventry Twp.				
East Fallowfield Twp.	X	X	Yard Waste Only	
East Goshen Twp.	X	X		
East Marlborough Twp.	X	X	X**	
East Nantmeal Twp.				
East Nottingham Twp.			X**	
East Pikeland Twp.	X	X	X	X
Easttown Twp.	X	X		
East Vincent Twp.	X	X		
East Whiteland Twp.	X	X		
Elk Twp.				
Elverson Boro*	X	X	X	
Franklin Twp.			X**	
Highland Twp.				
Honey Brook Boro		X		
Honey Brook Twp.			Lanchester Landfill	Lanchester Landfill
Kennett Twp.	X	X	X**	
Kennett Square Boro	X	X	X	X
London Britain Twp.			X**	
Londonderry Twp.			X**	
London Grove Twp.	X	X	SECCRA Landfill	SECCRA Landfill
Lower Oxford Twp.			X**	
Malvern Boro *	X	X		
Modena Boro*	X	X		
New Garden Twp.	X	X		
Newlin Twp.				
New London Twp.			X**	
North Coventry Twp.	X	X	X	
Oxford Boro*	X	X	X	

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TABLE 1 (continued)

Municipality	Mandated	Curbside	Drop-off	Composting Site
Parkesburg Boro*	X	X		
Penn Twp.			X**	
Pennsbury Twp.			X**	
Phoenixville Boro	X	X		X
Pocopson Twp.*	X		X**	
Sadsbury Twp.*	X			
Schuylkill Twp.	X	X	X	X
South Coatesville Boro*	X	X		X
South Coventry Twp.				
Spring City Boro		X		X
Thornbury Twp.				
Tredyffrin Twp.	X	X		X
Upper Oxford Twp.			X**	
Upper Uwchlan Twp.	X	X		
Uwchlan Twp.	X	X		
Valley Twp.	X	X	Christmas Trees Only	Christmas Trees Only
Wallace Twp.			Christmas Trees Only	Christmas Trees Only
Warwick Twp.				
West Bradford Twp.	X	X	X	
West Brandywine Twp.	X	X	X	X
West Caln Twp.	X	X	Yard Waste Only	
West Chester Boro	X	X	Yard Waste Only	X
West Fallowfield Twp.			X	
West Goshen Twp.	X	X	Eldredge Transfer St.	Eldredge Transfer St.
West Grove Boro*	X	X	X	
West Marlborough Twp.				
West Nantmeal Twp.				
West Nottingham Twp.*	X	X	X**	
West Pikeland Twp.				
West Sadsbury Twp.*	X		X	
Westtown Twp.	X	X		
West Vincent Twp.*	X	X		
West Whiteland Twp.	X	X		
Willistown Twp.	X	X		
Totals	39	45	36	9

* Not mandated under Act 101 to establish recycling programs

** Operated by SECCRA

Chester County

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Recycling figures for the last three years were reported as follows:

Year	Recycling Quantities	Recycling
2005	120,216	29.6 %
2006	162,445	29.9 %
2007	270,402	44 %

Recycling figures increased in 2007 substantially due to the dramatic increase in ferrous metal recycling. Approximately 164,739 tons of ferrous recycling occurred during 2007, which was substantially higher than previous figures of approximately 22,000 per year. This increase was attributed to the high price paid for ferrous during 2007 and the dramatic drop in price expected in 2008. The reporting of recycling in some sectors has been inconsistent, leading the County to assume that if complete reporting was realized each year the amount of recycling reported in Chester County would be higher.

Each Plan Revision must include an evaluation of compatibility of recycling with other processing and disposal methods. Municipal recycling programs are unaffected by the Waste Designation Ordinance proposed within this Plan Revision because recycled materials are not subject to the Waste Designation Ordinance. Single stream recycling, now available to many municipalities in the County may offer an opportunity to increase the volume of recycling. The recycling program will make every effort to improve and increase participation in the annual reporting system

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Municipal Waste Management Plan Revision

**TABLE 2
CHESTER COUNTY SOLID WASTE AUTHORITY (CCSWA) MUNICIPALITIES AND
DISPOSAL SITES**

Municipality	Primary Disposal Facility for Municipal Waste	By-Pass Primary Disposal Sites
Atglen Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Birmingham Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Caln Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Charlestown Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Coatesville City	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Downingtown Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Bradford Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Brandywine Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Caln Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Coventry Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Fallowfield	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Goshen Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Nantmeal Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Pikeland Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Easttown Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Vincent Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
East Whiteland Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Elverson Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Honey Brook Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Honey Brook Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Malvern Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Modena Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
North Coventry Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²

² By-Pass Disposal must be approved in writing by CCSWA

TABLE 2 (Continued)
CHESTER COUNTY SOLID WASTE AUTHORITY (CCSWA) MUNICIPALITIES AND
DISPOSAL SITES

Municipality	Primary Disposal Facility for Municipal Waste	By-Pass Primary Disposal Site
Phoenixville Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Sadsbury Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Schuylkill Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
South Coatesville Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
South Coventry Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Spring City Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Thornbury Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Tredyffrin Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Upper Uwchlan Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Uwchlan Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Valley Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Wallace Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Warwick Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Bradford Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Brandywine Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Caln Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Chester Borough	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Fallowfield Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Goshen Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Nantmeal Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Pikeland Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Sadsbury Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Westtown Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Vincent Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
West Whiteland Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²
Willistown Township	Lanchester Landfill	Must be a Disposal Facility listed in Table 4 ²

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TABLE 3
SOUTHEASTERN CHESTER COUNTY REFUSE AUTHORITY (SECCRA) MUNICIPALITIES
AND DISPOSAL SITES

Municipality	Primary Disposal Facility for Municipal Waste	By-Pass Primary Disposal Sites
Avondale Borough	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
East Marlborough Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
East Nottingham Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Elk Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Franklin Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Highland Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Kennett Square Borough	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Kennett Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
London Britain Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
London Grove Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Londonderry Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Lower Oxford Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
New Garden Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
New London Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Newlin Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Oxford Borough	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Parkesburg Borough	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³

³ By-Pass Disposal must be approved in writing by SECCRA

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Municipal Waste Management Plan Revision

TABLE 3 (Continued)
SOUTHEASTERN CHESTER COUNTY REFUSE AUTHORITY (SECCRA) MUNICIPALITIES
AND DISPOSAL SITES

Municipality	Primary Disposal Facility for Municipal Waste	By-Pass Primary Disposal Site
Penn Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Pennsbury Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Pocopson Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
Upper Oxford Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
West Grove Borough	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
West Marlborough Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³
West Nottingham Township	SECCRA Landfill	Must be a Disposal Facility listed in Table 4 ³

³By-Pass Disposal must be approved in writing by SECCRA

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TABLE 4
LIST OF CHESTER COUNTY BY-PASS DISPOSAL FACILITIES⁴

ADV	Company	Facility	Location	Phone
1,000	Solid Waste Service, Inc., T/A JP Mascaro	Pioneer Crossing Landfill Permit #100346	727 Redlane Rd., Birdsboro, PA	610-582-2900
7,210	Republic Services of Pennsylvania, LLC.	Conestoga Landfill Permit #101509	420 Quarry Road Morgantown, PA 19543	610-286-6844
4,667	Republic Services of Pennsylvania, LLC	Modern Landfill Permit #100113	4400 Mount Pisgah Rd, York, PA	717-246-2686
N/A	Republic Services of Pennsylvania, LLC	Honey Go Run Landfill Permit #MD2002 – WRF0579	Perry Hall, MD	484-444-0981
N/A	Republic Services of Pennsylvania, LLC	The 623 Inc. Landfill Permit #SW506	Rockville, VA	804-749-3805
1,000	ONYX Lancaster, LLC	Milton Grove C&D Landfill Permit #101559	Elizabethtown, PA	717 653-4686
10,000	Waste Management, Inc	G.R.O.W.S. Landfill Permit #100148	Morrisville, PA	215 736- 9400
8,333	Waste Management, Inc	Tullytown Landfill Permit #101149	Morrisville, PA	215 736- 9400
2,800	Waste Management, Inc	Wheelabrator WTE Permit #400633	Morrisville, PA	215 736-9400
3,200	Delaware County Solid Waste Authority	Rolling Hills Landfill Permit #100345	Boyertown, PA	610 367-2373
1,500	Northeast Waste Services, Inc.	PA-Community Refuse Services Ld. Permit #100945	Shippensburg, PA	717-423-5917
750	Northeast Waste Services, Inc.	WSI Sandy Run Landfill Permit #101538	Broad Top Township, PA	814-928-5001
2,000	Northeast Waste Services, Inc.	Mostoller Landfill Permit #101571	Somerset Township, PA)	814-444-0112
450	Chestmont Disposal	Western Berks Landfill Permit #100739	Cumru Township, PA	610-375-1516

ADV – Permitted Average Daily Volume

⁴ Solid Waste Haulers must receive written approval from the owner of the Primary Disposal Facility listed in Table 1 and 2 to divert Municipal Waste to a By-Pass Disposal Facility.

Chester County

Municipal Waste Management Plan Revision

TABLE 4 (Continued)
LIST OF CHESTER COUNTY BY-PASS DISPOSAL FACILITIES⁴

ADV	Company	Facility	Location	Phone
1,200	Lancaster Solid Waste Management Authority	LCSWMA Resource Recovery Facility (Covanta) Permit #400592	Conoy Township	717 397-9968
1,200	Clinton County Solid Waste Authority	Wayne Township Landfill Permit 100995	McElhattan, PA	570 7696977

⁴ Solid Waste Haulers must receive written approval from the owner of the Primary Disposal Facility listed in Table 1 and 2 to divert Municipal Waste to a By-Pass Disposal Facility.

Chester County

Municipal Waste Management Plan Revision

TABLE 5
ESTIMATED MUNICIPAL SOLID WASTE DISPOSAL QUANTITIES AND FACILITIES OVER 10
YEAR PLANNING PERIOD (2010 - 2019) CHESTER COUNTY, PA

Year	Population (1)	Total Municipal Solid Waste Disposed, Tons (2)	Estimate of Waste Allocation Goal		
			SECCRA (3)	Lanchester Chester Co (4)	By-Pass Disposal Facilities
Actual 2008	482,040	540,100	109,668	271,728	158,704
2009	484,710	543,100	111,861	325,000	106,239
2010	487,380	546,100	114,099	325,000	107,001
2011	490,050	549,100	116,381	325,000	107,719
2012	492,720	552,100	118,708	325,000	108,392
2013	495,390	555,100	121,082	325,000	109,018
2014	498,060	558,100	123,504	325,000	109,596
2015	500,730	561,100	125,974	325,000	110,126
2016	503,400	564,100	128,494	325,000	110,606
2017	506,070	567,100	131,063	325,000	111,037
2018	508,740	570,100	133,685	325,000	111,415
2019	511,424	573,100	136,358	325,000	111,742
Total (2010 - 2019)		5,596,000	1,249,348	3,250,000	1,096,652

Notes:

- (1) US Census and projections made by the Chester County Planning Commission
 (2) Waste Projections from 2007 Plan Revision, Table 6-1. No Residual Waste
 (3) Current Waste Tonnage at County Growth Rate (2 %)
 (4) Waste Allocation goal is 325,000 tons per year.

4.0 AGENCIES RESPONSIBLE FOR IMPLEMENTATION

4.1 Chester County Health Department

The County Health Department will be responsible for the following programs:

1. Annual review of SECCRA's and CCSWA's progress in implementing the Chester County Municipal Waste Management Plan;
2. Prepare, or delegate to SECCRA and CCSWA, future revisions to the Chester County Municipal Waste Management Plan;
3. Facilitate meetings of the Solid Waste Implementation Committee; and
4. Enforcement of the Designated Site Ordinance.

4.2 Chester County Solid Waste Authority

The Chester County Solid Waste Authority will monitor the flow of municipal waste by reviewing waste deliveries to the Lanchester Landfill and any Chester County waste delivered to other PA Solid Waste Facilities as reported by DEP on their website. These Quarterly Reports are typically prepared within 90 days of the end of the quarter by DEP.

4.3 Southeastern Chester County Refuse Authority

The Southeastern Chester County Refuse Authority (SECCRA) will monitor the flow of municipal waste by reviewing waste deliveries to the SECCRA Landfill and any Chester County waste delivered to other PA Solid Waste Facilities as reported by DEP on their website. These Quarterly Reports are typically prepared within 90 days of the end of the quarter by DEP.

5.0 PUBLIC FUNCTION

The CCSWA and the SECCRA are both public authorities operating public landfills pursuant to the Chester County Solid Waste Management Plan. Each public authority competed with other public and private solid waste companies by submitting proposals in response to two County issued Request for Proposals for Disposal Capacity issued in 2002 and 2003. The County placed national advertisements in Waste News. The Advertisement is provided in Appendix C of the 2007 Plan Revision. No private or public company was prohibited from submitting a proposal to the County. Instate and out-of-state disposal facilities were designated as by-pass disposal facilities in this Plan Revision.

6.0 IMPLEMENTING DOCUMENTS

The County implementation document associated with this Plan Revision will consist of a Municipal Waste Designated Site Ordinance (previously referred to as “County Flow Control Ordinance”). The proposed Municipal Waste Designated Site Ordinance is provided in Appendix B.

7.0 ORDERLY EXTENSION

7.1 Solid Waste Implementation Committee

It is envisioned in the 2007 Plan Revision that a working committee be created to a) review progress made executing the Plan Revision and b) to resolve any issues related to implementing the County Municipal Waste Management Plan. This committee, named the Solid Waste Implementation Committee (the "Committee"), has and will continue to be represented by two representatives of each Authority and one representative of the County. The Committee will encourage consistency in the services offered to County residents, recognizing the service area of each authority may experience different challenges regarding source reduction, recycling, disposal, or topics like illegal dumping. The Committee will be a vehicle to discuss whether the broad objectives of the plan are being achieved.

The Implementation Committee was consulted regarding the development of this Plan Revision during three meetings during 2008 and 2009.

7.2 Disposal Facilities in Chester County

Chester County supports the orderly expansion of the Lanchester Landfill and the SECCRA Landfill. Long-term planning of future capacity is a necessity considering the comprehensive regulatory review process conducted by the DEP. With the population growth projected in each service area, expansion of existing permitted areas should be pursued far in advance of running out of capacity and shall provide numerous opportunities for public input.

Chester County**Municipal Waste Management Plan Revision****8.0 FACILITIES DEVELOPED PURSUANT TO SUB-COUNTY PLANS**

As no other municipal solid waste management plans are in effect in the County, this section is not applicable.

APPENDIX A - F ARE NOT INCLUDED.

 **DRAFT**

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 10-101

**A RESOLUTION APPROVING THE CHESTER COUNTY MUNICIPAL
WASTE MANAGEMENT PLAN REVISION.**

WHEREAS, on December 2, 2009 the Chester County Board of Commissioners approved the Chester County Municipal Waste Management Plan Revision, Dated August 2009; and

WHEREAS, East Goshen Township has 90 days to review and either ratify or not ratify the Plan Revision; and

WHEREAS, the Board of Supervisors believe it is in the best interest of the Township to ratify the Plan Revision.

BE IT RESOLVED THAT the East Goshen Township Board of Supervisors hereby ratifies the Chester County Municipal Waste Management Plan Revision, Dated August 2009.

RESOLVED AND ADOPTED, this day of January, 2010.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

FYI

December 29, 2009

Dear Property Owner:

The purpose of this letter is to inform you that Liberty Towers, LLC has applied for a Zoning Variance requesting relief from the zoning ordinance. The applicant is requesting that the Zoning Hearing Board grant relief to allow a Wireless Communications Facility use in the C-2 Zoning District, and for dimensional relief from the rear yard setback requirements. The applicant proposes to construct a 150 foot tall Wireless Communications tower behind the Wawa store at 1594 Paoli Pike.

The application requests relief from the following sections of the Township Zoning Ordinance: §240-15.B and §240-15.G.

Pursuant to Township policy, property owners and residents within 1000 feet of the subject property are notified of Zoning Variance applications.

This application is scheduled to be discussed during the meetings outlined below:

January 6, 2010 - Planning Commission meeting (workshop at 7 pm, formal meeting @ 7:30 pm)

February 16, 2010 - Board of Supervisors meeting (workshop at 7:00 pm, formal meeting @ 8:00 pm)

February 24, 2010 - Zoning Hearing Board (meeting @ 7:30 pm) **(Zoning Hearing)**

All meetings are held at the Township Building and are open to the public and are subject to change. The variance application is available for review during normal business hours. Please give me a call at 610-692-7171 or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions
Richard J. Lemanowicz, Esq. (Via Email and First Class Mail)

Technology Will Drive Future Growth In Towers

In 2010, we forecast growth patterns throughout the Mid-Atlantic states. Long-term clients are preparing to solve gap coverage problems and conduct fill-in work there. Backhaul growth will also fuel tower demand as tower-mounted microwave antennas increasingly replace slower T-1 lines.

By John Paleski

The saying "Out with the old, and in with the new" sure works well from a wireless technology standpoint. The continued deterioration of the older narrowband technologies was one of the few negative aspects of 2009 for tower owners. During the past nine months, we have experienced a significant contraction of paging and lower data-rate tiers. However, at the same time, we grew our business in new technology (3G and 4G) by about 20 percent or so, which more than offset the losses experienced by the narrowband sector.

Growth rate: 17 percent

During the past year, we experienced growth in unexpected places, such as Salt Lake City, Detroit and Seattle. The Dallas/Fort Worth area has been a huge growth driver for us; similarly, the Northeast corridor has been quite strong. Additionally, federal, state and local government use is still in green growth mode. Even with the worst recession in memory, we are looking at an overall growth rate of 17 percent on a yearly basis.

As we ring in the New Year, 2009 has already given us plenty of signs as to where the coming months will take us. New technology today requires less and less equipment and space per tower site, but that has been more than out-

stripped by the need to text, send email, surf the Web and even post pictures on Facebook, which demands more data and bandwidth, and hence, more cell sites. It is interesting that technology allows for more efficiency, but then that very efficiency leads to higher data rates and more business. It's a vicious cycle, and so far the users have been outstripping technology gains. Who could have forecasted that the killer app for 2009 would have been teenage kids texting, sexting, photo-swapping and surfing the Web from an iPhone?

More Internet searches

The new smart phones are demanding on an individual cell site because they can send and receive large bundles of data quickly. The iPhone itself has added an overwhelming amount of capacity problems to the cell site infrastructure, taking up a huge amount of bandwidth. Recently, AT&T commented that data transmissions have been growing exponentially — up a staggering 4,900 percent since 2007. The FCC remarked that there would not be enough spectrum to keep pace with that growth. In the United Kingdom, about 60 percent of iPhone users send or receive more than 25 megabits of data per month. Google notes that the iPhone originates 50 times more

Internet searches than other phones. At AT&T, whose capacity woes have been well publicized, managers must be scratching their heads.

What is the upshot of this boom in demand? We have seen our clients move to lower rad centers on our towers, which suggests that they are shrinking their cells to boost their capacity. They have reduced tower elevations from 180 feet to 100 feet, for example, especially along highways.

Preferred backhaul: microwave

In urban areas, cells, which previously had a coverage area of about a mile, now cover as little as a few hundred yards. The data passing through lower Manhattan presently has rendered certain cell sites overloaded. We have had some carriers relocate from 12-story buildings down to four-story buildings because some higher-elevation cell sites were gathering too many users and overloading. Carriers, therefore, require a greater number of lower-elevation sites. Backhaul requirements have also become an issue primarily in New York, Chicago and the Northeast. Remember that when a call is originated, it first connects to the tower network, then to the World Wide Web. This second connection is the backhaul link. Today's preferable backhaul

horizons

Capability at estimated commercial deployment (Mbps)	Housing units requiring upgrade to reach each tier (millions)	Incremental cost to universal availability of these advertised speeds (best estimate, \$ billions)
0.768-3	3-6	20
3-10	7-10	35
10-30	33-37	50
100+	111-116	350

Table 1. Several potential sources of funding for construction of the broadband highway were identified by the Task Force, including the Universal Service Fund, BTOP/BIP, and private investment funding. However, none of these sources is a panacea to provide the massive capital required.

deployment (e.g., the pending petition calling for a "shot clock" on local zoning decisions and the pending proceeding on pole attachments).

The current state of broadband

On Sept. 29, 2009, the FCC's Broadband Task Force provided its initial findings on the current status of broadband in the United States and some insight on where the effort is headed. The staff focused on consumer applications and found that consumers

to concurrently support large email, browsing, video and two-way streaming, and high-definition streamed video. Perhaps more disturbing is the FCC's finding that 33 percent of the consumers that have broadband access available do not subscribe.

The FCC's findings beg the question as to what basket of broadband applications the NBP should prescribe as the standard for universal broadband service. In an exchange with FCC Commissioner Robert McDowell, a couple of Commission staff members suggested the FCC would make that decision. However, McDowell quickly and pointedly observed that consumers should make these determinations. The staff then clarified that there will undoubtedly be some areas where the market has not and will not make broadband available, and for those areas the FCC will

have to decide what basket of applications should be provided.

Broadband highway or service lane?

The FCC recognizes the demand for mobile broadband is exploding in this country with smart phones and portable PCs driving traffic growth. Mobile data usage is estimated to grow from 17 petabytes (a petabyte is 1 million gigabytes) per month in 2009 to 397 petabytes per month by 2013. Mobile data users are expected to reach 139 million

by 2013 with smart phone penetration reaching 35 percent. Smart phones and portable PCs will account for 83 percent of all mobile data traffic by 2013. Sales of smart phones are expected to exceed standard cell phones by 2011.

At present, the FCC, wireless carriers and others consider wireless broadband to be a complementary service to, rather than a substitute for, wireline broadband. This is the result of wireless broadband service currently offering speeds that fall well below those achievable by fiber and cable. Wireless can therefore not provide the same basket of broadband applications provided by wireline broadband. Stephen Bye of Cox Communications stated at an NBP workshop that "over time, as the capacity of wireless networks starts to match wireline, there may be an equivalency argument, depending on the pricing and cost structure, in much the same way as you now see with wireless and wireline voice."

Spectrum estimate

The FCC does find in its report that 4G wireless technology may compete in rural areas, but also that it could require large amounts of new spectrum. This highlights a key concern for the future growth of mobile broadband: Can sufficient spectrum be made available to meet the anticipated demand? The FCC has already allocated 534 megahertz of spectrum for mobile broadband, including cellular, broadband PCS, Educational Broadband Service/Broadband Radio Service, Advanced Wireless Services and 700-MHz frequency-band spectrum. However, the FCC now estimates that the amount of spectrum required for wireless broadband will be significantly higher: 760 to 840 megahertz by 2010; 1,300 megahertz by 2015; and from 1,280 to 1,720 megahertz by 2020. With only 50 megahertz of spectrum in the current spectrum allocation pipeline (40 megahertz of AWS spectrum and 10 megahertz of 700-MHz frequency-band spectrum), FCC Chairman Julius Genachowski has acknowledged that additional spectrum must be identified for mobile broadband.

4G wireless technology may compete in rural areas, but also it could require large amounts of new spectrum. This highlights a key concern for the future growth of mobile broadband: Can sufficient spectrum be made available to meet the anticipated demand?

currently use broadband for emailing, browsing and entertainment and are increasingly turning to broadband for education, job training, business and other productive purposes.

The Task Force identified "baskets" of service applications and the downlink speeds needed to support such applications and found that 3 to 6 million households lack any high-speed access and about 50 percent of consumers receive broadband with downlink speeds less than 3 Mbps, which is too slow

40 above ground level

www.agil-mag.com