# AGENDA EAST GOSHEN TOWNSHIP BOARD OF SUPERVISORS MEETING

# Tuesday, July 6, 2010 8:00 PM

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

#### 2. MOMENT OF SILENCE

The Chairman will ask if anyone will be recording the meeting.

#### 3. APPROVAL OF MINUTES

a. June 15, 2010

### 4. CHAIRMAN'S REPORT

- a. Announce that the Board has received a letter stating Charles Proctor has resigned from the Planning Commission.
- b. Announce appointments to Planning Commission vacancies.
- c. Announce receipt of the 2010 Audit Report.
- d. Announce that the U.S. Department of Agriculture rounded up 130 Canada Geese on June 17.

### 5. PUBLIC HEARINGS

#### 6. STAFF REPORT

- a. Treasurer's Report
- b. Police None

#### 7. OLD BUSINESS

a. Consider award of contract for Tree Work.

#### 8. NEW BUSINESS

- a. Consider a request from Schafer Properties to waive the requirement for a Historic Resource Impact Study and to conduct the public hearing for the conditional use application for 734 North Chester Road on July 27.
- b. Consider Board's position with respect to the Liberty Tower variance request for a wireless communications tower behind the WAWA on Paoli Pike.

#### 9. ANY OTHER MATTER

### 10. CORRESPONDENCE, REPORTS OF INTEREST

- a. Acknowledge U.S. Department of Commerce letter thanking East Goshen Township for their support for their recruitment and training efforts.
- b. Acknowledge Environmental Alliance Remedial Action Plan for the Sunoco Station at 1425 Paoli Pike.
- c. Acknowledge Land Concepts letter informing the intent to submit an application to the Pennsylvania Department of Environmental Protection for Ashbridge Preserve.
- d. Announce that the representatives from Sunoco and PA DEP will be in attendance at the July 20 Board meeting to update the Board on what has transpired since the 2006 release at the Sunoco Station.

#### 11. MEETINGS AND DATES OF IMPORTANCE

July 6, 2010	Board of Supervisors	7:00 PM
July 7, 2010	Planning Commission	7:00 PM
July 7, 2010	TAG	Meeting Canceled
July 8, 2010	Historical Commission	7:00 PM
July 12, 2010	Municipal Authority	7:00 PM
July 13, 2010	Board of Supervisors workshop	7:00 PM
July 14, 2010	Conservancy Board	7:00 PM
July 15, 2010	Zoning Hearing – Liberty Towers	7:30 PM
July 19, 2010	Deer Committee	7:00 PM
July 20, 2010	Board of Supervisors	7:00 PM
July 21, 2010	TAG	7:00 PM
July 21, 2010	Planning Commission ws	7:00 PM
July 27, 2010	Board of Supervisors	7:00 PM

# 12. PUBLIC COMMENT PERIOD

# 13. ADJOURNMENT

## **BOARD OF SUPERVISORS MEETING**

*WORKSHOP* 

Tuesday July 6, 2010 7:00 PM

## **EXECUTIVE SESSION**

Personnel Matter ABC Interview 7:00 to 7:15

- 1. Review Agenda which includes the minutes and invoices
- 2. Emergency Preparedness
- 3. Review draft resolution related to the Deer Management Program
- 4. Review draft resolution clarifying what action will be taken at formal meetings and workshops.
- 5. Consider Wireless Communications Facility at the Township Building.
- 6. Review information from ABC workshop on May 15, 2010
- 7. Review draft resolution re PA HB 2431 and SB 1357
- 8. Consider making application for a DOT/HUD Bikeway Grant?
- 9. Review Action List
- 10. Any Other Matter
- 11. Liaison Reports
- 12. Subdivisions/Land Developments/ZHB Applications

## Reminder -

### NEWSLETTER ARTICLE SUBMISSION DUE DATES: DELIVERY DATE:

August 11, 2010 November 10, 2010 October 1, 2010 January 1, 2011

1	EAST GOSHEN TOWNSHIP
2 3	BOARD OF SUPERVISORS MEETING
3 4	1580 Paoli Pike, West Chester, PA 19380
5	June 15, 2010 – 7:00pm Draft Minutes
6	Diant lymutes
7	<b>Present:</b> Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper and Carmen Battavio.
8	Supervisors Marty Shane and Don McConathy were absent. Also present were Township
9	Manager Rick Smith, Assistant Township Manager Joe Gill, Phyllis Marron (Park & Rec),
10	Kathryn Yahraes (Historical Commission), Jim McRee (Deer Committee), Bryan DelMonte
11	(Conservancy Board), and Mike Steinberger (Municipal Authority).
12	
13	EXECUTIVE SESSION
14	The Board met in Executive Session from 7:00pm to 8:00pm to interview candidates for the
15	Zoning Hearing Board.
16	
17	FORMAL MEETING
18	C-II 4. O. J 9 Di J CAII
19 20	Call to Order & Pledge of Allegiance Senya called the formal portion of the meeting to order at 8:04pm. He asked Thom Clapper to
21	lead everyone in the Pledge of Allegiance to the Flag.
22	read everyone in the riedge of Aneglance to the Mag.
23	Moment of Silence
24	Carmen called for a moment of silence to honor the men and women serving their country in the
25	armed forces and their families.
26	
27	Recording of Meeting
28	No resident indicated they planned to record the meeting.
29	
30	Public Comment on Non-Agenda Items
31	John Schorn, Larch Lane – Asked about the status of the meeting with Sunoco, DEP, and the
32	Health Department. Rick told him the meeting has been scheduled for July 20 at 8:00pm and the
33 34	envelopes inviting affected residents were being stuffed today. The Health Department will not
35	be attending. Mr. Schorn asked what radius was used for the mailing and Rick said the Township is sending letters to residents located within ½ mile of the Sunoco station.
36	Township is sending letters to residents located within 72 hine of the Sunoco station.
37	Review & Approval of Minutes
38	The Board reviewed and corrected the draft minutes of June 8. Carmen moved to approve the
39	minutes of June 8, 2010 as corrected. Thom seconded the motion. There was no discussion or
40	public comment. The Board voted unanimously to approve the motion.
41	
42	Chairman's Report
43	Senya announced the following:
44	
45	• The Board met in Executive Session on June 8 and earlier this evening to discuss
46	personnel matters.

- The Board has one more candidate to interview for the Zoning Hearing Board vacancy. This candidate is running late so the Board will retire to another brief Executive Session when he arrives this evening.
  - Senya announced that he has resigned from the Planning Commission.

5 6 Bills

Current invoices were reviewed.

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# Treasurer's Report & Expenditure Register Report

10 See attached Treasurer's Report for June 10, 2010.

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Thom moved to accept the Treasurer's Report of June 10 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Carmen seconded the motion.

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Thom asked the status of the LED light project. Rick said he believes the job is about 90% done.

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There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

19 20 21

## Police Report

- 22 Chief John Dumond reported there were 562 calls for service from East Goshen in May.
- 23 Earlier this evening at Thornbury Township, Cpl. Bill Doyle was honored as WEGO Officer of
- 24 the Year, and Officer Ted Lewis was given citations from MADD and Rep. Joe Sestak for his
- 25 DUI arrest work. Chief Dumond also updated the Board on various arrests made in WEGO's
- jurisdiction, and a house fire at Hershey's Mill. The preliminary report indicates the fire started 26
- 27 accidentally. Various fire companies responded to the fire and the Chief thanked them all for

28 doing a fantastic job.

29 30

Senya asked Chief Dumond to total the mileage column in future reports.

31 32

Public Comment: Kathryn Yahraes, Vista Drive – Asked the Chief for an update on arrests made in connection to burglaries in Vista Farms. The Chief gave her an update.

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36 37

- Mudry, Dimensional Variance Application for Deck, 1137 N. Chester Road
- Benjamin Mudry was present. Senya commended him for applying for a variance instead of just going ahead with the job. Carmen also thanked Mr. Mudry for doing the right thing and applying for a variance.

- 40 Carmen moved for the Board to support the Dimensional Zoning Variance application of
- 41 Benjamin Mudry at 1137 N. Chester Road to reduce the side yard setback from 20 feet to 14 feet
- 42 in order to construct a new deck as depicted in the application. The dimensional variance relief
- sought by the applicant will have no adverse effect on the essential character of the neighbor-43 44
- hood; the hardship was not created by the applicant and the relief sought is the minimal relief
- 45 needed to construct the new deck. Thom seconded the motion. There was no discussion and no
- public comment. The Board voted unanimously to approve the motion. 46

1	Tree	<b>Bids</b>

Rick reported the Township sent out 25 bid packages and received just 3 back. He recommended the bid be awarded to Eden's Tree Service, the low bidder.

Thom said he has noticed that Eden's bids are low but their invoices are very high. He asked if they could be low-balling the bids and then inflating the prices. He said he was not alleging anything but was just raising the question. Carmen said he agreed that Eden's invoices do not seem to match their bid prices.

Senya recommended tabling this matter until the next meeting when more Supervisors will be present. In the meantime, he will do some research on this matter.

Carmen said he would like the staff to recommend ways for the Township to get better accounting from subcontractors, such as for the tree service.

Public Comment: Jim McRee, Oneida Lane – Asked if it would be helpful to look at historical billing information from Eden's. Senya said the Township plans to do just that.

# <u>Resolutions 10-105, 10-106, 10-107 & 10-108 Updating Revisions to the Township Act 537 Plan</u> Rick noted the draft resolutions only affect residents on public sewer.

Carmen moved to adopt Resolution 10-105, Resolution 10-106, and Resolution 10-108 to the East Goshen Township Act 537 Plan, an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters. Thom seconded the motion. Senya noted that Resolution 10-107 will be tabled until the Planning Commission has a chance to review it.

Public Comment: Neil DeRiemer, Hershey Mill Road – Asked for clarification on the Spring Meadows Pump Station abandonment. Rick explained the reasons for the abandonment of this pump station.

There was no further public comment. The Board voted unanimously to approve the motion.

# Correspondence & Reports of Interest

Senya acknowledged receipt of the following items:

- Letter from DelCo Manning Chapter #320 of Trout Unlimited dated May 28, 2010 regarding alternatives to repairing the Hershey Mill dam.
- Note from school bus driver Lisa Sickler thanking Public Works Director Mark Miller for having the trees trimmed on Greenhill Road.
- Fire Marshal's Report for May 2010.
- Letter and supporting documentation from resident Ben Rohrbeck dated June 9, 2010 suggesting the Hershey Mill Dam area be used for a passive park recognizing the Battle of Goshen.
- Email from the Conservancy Board dated June 10, 2010 recommending the Hershey Mill Dam be removed.

 Letter from Dutt's Mill Home Owners Association dated May 25, 2010 advising of their application to DEP for a permit for stream bank stabilization. Meetings & Dates of Importance Senya noted the meetings as listed in the agenda. He asked Kathryn Yahraes for her input on any other important dates. Kathryn reminded everyone that June 26 is Community Day with a fireworks show. Senya asked the staff to make sure this event is posted to the Township notice boards. **Public Comment Period** Bob Neff, Grist Mill Lane - Asked for details about the Wireless Communications Facility on the Workshop agenda. Senya told Mr. Neff the Board will discuss whether or not the Township will consider allowing a cell tower on Township property. EXECUTIVE SESSION The Board returned to Executive Session from 8:50pm to 9:09pm to interview a candidate for the Zoning Hearing Board. FORMAL MEETING (Resumed) Appointment to the Zoning Hearing Board Senya announced that there were three candidates for the Zoning Hearing Board vacancy: Dan Dailey, Gerry Ruffenach, and Charles Proctor. After interviewing all three candidates, the Board had come to a decision. Carmen moved to appoint Charles W. Proctor III to fill the vacancy on the Zoning Hearing Board, as Mr. Proctor is the most qualified of the three applicants who applied. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion. Senya noted that Mr. Proctor is a member of the Planning Commission, and a practicing attorney with offices in Chadds Ford. He said Mr. Proctor assured the Board that his profession should not lead to any conflict of interest while serving on the Zoning Hearing Board; however, if a case does arise which may present a conflict of interest Mr. Proctor informed the Board he would recuse himself from deliberations and votes on that matter. The formal meeting was adjourned. WORKSHOP

Page 4 of 8

Senya had Rick summarize the need for a new mini-camera. Carmen moved to approve the

purchase of a replacement mini camera in the amount of \$10,911.71 as recommended by Public

Mini Camera for Public Works Department

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Works Director Mark Miller. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

# **Snow Plow Replacement**

Senya had Rick summarize the need for a new snow plow. Carmen moved to approve the purchase of a new snow plow to replace one damaged during the February 11 blizzard. The cost of the replacement plow will be \$9,880.00. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### Amended 2010 Budget

Senya had Joe Gill summarize the amendments being made to the 2010 budget. Joe explained that meetings and discussions subsequent to the 2009 approval of the 2010 budget have led to the reallocation of some budget amounts within certain line items. There is no change to the bottom line for the 2010 budget.

Thom moved to accept the changes to the 2010 budget. Carmen seconded the motion.

Public Comment: Bob Neff, Grist Mill Lane – Asked if Township employees are eligible for a longevity bonus. Carmen said Township employees are not, but WEGO police officers are.

There was no further discussion or public comment. The Board voted unanimously to approve the motion.

# Resolution Establishing What Actions the Board of Supervisors Will Take at Workshops and Formal Meetings

Senya gave the audience some background on this issue. Carmen wanted it noted for the record that the truck purchase approved by the Board in Hershey some years back was a budgeted item, and when it was approved in Hershey the Board was not intending to act in a non-transparent manner. Joe Gill added that the meeting in Hershey was an advertised public meeting.

Senya then had Rick summarize the draft resolution. The Board agreed to put this item on the agenda for July 6, when all Board members should be present.

Public Comment: Joe Buonnano, Herron Lane – Asked at what meetings the Board will be permitted to vote on the allocation of funds from one account to another. Joe Gill said that transfers of monies between funds would be considered part of the bill review process and as such could take place at either Workshop meetings or Formal meetings.

Senya asked Rick to explain the reason for the periodic transfer of funds from the Sewer Operating Fund to the Municipal Authority account. Carmen said he believes the Board should only approve transfers of non-budgeted funds at Formal meetings. Since the other Supervisors were in agreement, Rick will add this to the draft resolution.

 Public Comment: Mike Steinberger, Tallmadge Drive – Said the transfers to the Municipal Authority fund are necessary to cover the cost of doing business now that the MA has no funding source.

6/23/2010 6/15/10 BOS Minutes Page 5 of 8

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Thom noted for the record that three agenda items were held over from the last Workshop meeting to be discussed in a Formal meeting. There were no public comments on any of them.

### **Hershey Mill Dam Funding**

Senya had Rick summarize his June 10 memo on this topic. Rick recommended the Township prepare and file grant applications for removal of the dam as three of the grants have application deadlines this fall.

Thom noted that in regard to the dam situation, the Township is now back in the same place as last fall.

- 13 Public Comment: Kathryn Yahraes, Vista Drive Noted for the record that the Save the Dam
- 14 Committee (STDC) wanted breaching included as an option to be looked at by Advanced
- 15 GeoServices so the Township can have the cost information for breaching as a point of reference.
- It may be that breaching will be the most expensive option. The STDC is not "backing down" or changing their mind about saving the dam.

Public Comment: Charles Proctor, Herron Lane - Said he is in favor of saving the dam.

Public Comment: Neil DeRiemer, 1034 Hershey Mill Road – Asked if the Township is also seeking grants to save/restore the dam and not just grants to breach it. Rick said the Township has filed two applications with Joe Sestak's office for earmarks for funding a dam restoration, and has also submitted a grant application for \$15K through Senator Dinniman's office. The Board requested that Mr. DeRiemer please let the Township know if he is aware of any other grants opportunities for saving the dam.

The Board directed Rick to prepare and file grant applications for breaching the dam per his recommendation.

# Wireless Communication Facility

Rick summarized his memo of June 9 on this topic.

Senya said the genesis of all this was the many applications the Township was getting from various cellular carriers wanting to install wireless facilities (microcells) in the Township. The Township thought it might be prudent to consolidate all the wireless facilities onto one tower and at the same time earn some money from the venture. Senya asked Mr. Proctor if amending the zoning to allow a cell tower on Township property could be considered spot zoning, and Mr. Proctor said it absolutely could.

Thom said he would like to see conceptual drawings of the proposed tower from various perspectives in the Township. He would also like to know what are the limits to cellular tower placement on Township property --would a tower have to be located at the Township building, or could it be put somewhere else in East Goshen on Township property. Rick said he would have to check with the RF engineers about that. Senya noted that if installed, the tower would be the

6/23/2010

1 tallest structure in East Goshen. There was then some discussion as to whether the Federal Avian Administration (FAA) would require the tower to be lit at night or not. 2 3 4 Public Comment: Bob Neff, Grist Mill Lane - Asked if the proposed tower has been discussed with the folks at the Brandywine Airport. Rick said it had not, as the two proposed locations for 5 6 the tower would not be in the airport zone. 7 8 Public Comment: Paul Baker, Tallmadge Drive - Said he thinks the tower might interfere with 9 airport activity as he said he gets airport traffic over his home. 10 11 Senya said the Board's task is to weigh whether it will be more intrusive for the Township to have one tall tower with several carriers on it, or to have many different microcells located 12 13 throughout the Township. 14 15 Public Comment: Bob Neff, Grist Mill Lane – Asked if existing zoning laws allow microcells to 16 be put wherever cell carriers want them to go. Rick replied that 17 18 Mr. Neff then wanted to know the reason the Liberty Towers application was denied, and Senya 19 explained the Township's rationale for denying the application. 20 21 Mr. Neff then said it would be good for the Township to know what the residents prefer in regard 22 to a tower – one large tower in the center of the Township or many smaller microcells 23 throughout the Township. 24 25 Public Comment: Neil DeRiemer, 1034 Hershey Mill Road – Asked how many microcells 26 would equate to the one tower being proposed. Senya said it would take three microcells to 27 accommodate T-Mobile plus the other carriers who have proposed facilities in the Township. 28 Mr. DeRiemer asked who cares if there is a proliferation of antennae on telephone poles. Senya 29 answered that the microcells placed on telephone poles would be 90 feet high and would be 30 unsightly. 31 32 Public Comment: Joe Buonnano, Herron Lane – Suggested the Township consider installing 33 several smaller poles (perhaps three would suffice) and disguising them as flagpoles at the 34 Township Park. They could be placed 100 feet apart. He said a 150-ft tower behind the 35 Township building will further blight the Goshen Village Shopping Center, which cannot seem 36 to attract tenants as it is. A 150-ft tower will be very unsightly to the Township. 37 38 Public Comment: Mike Steinberger, Tallmadge Drive – Said Tallmadge Drive will be adversely 39 impacted by a 150-ft tower located behind the Township building. He is concerned about his 40 property value, and he wants other locations considered, such as in the Township Park or behind 41 the Commerce Bank. He added that he also gets airport traffic overhead. 42 43 Public Comment: Charles Proctor, Herron Lane – Asked how many carriers can be 44 accommodated on one 150-ft tower, and Senya answered the Applicant had stated that the proposed Tower can accommodate 5 or 6 as they have to, apparently, be 10' apart and there were 45

6/23/2010

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very few service providers who had an interest at 90'.

1 Senya said the Board will continue this discussion at another meeting when the other Supervisors 2 are present. He noted that the Township Solicitor needs to clean up the ordinance anyway 3 because it is aged and out of date. The Board agreed to table this matter until July 6. 4 5 Carmen said he would like to get more information on the viability of other locations within the 6 Township for the tower (or towers), such as the Township Park. He noted that the tower at the 7 West Chester Borough building is 120 feet, if anyone cares to drive over and look at it for the 8 sake of comparison. 9 10 **Pension Plan Conversion** 11 Rick is still waiting to hear back from the attorney. This matter will be tabled until July 6. 12 13 **Energy Conservation at Township Building** Rick said he found out that any funding available from PECO would be very minimal. Rick 14 15 estimated it would cost approximately \$3,400 to replace the balance of the thermostats and light switches; however Carmen was not sure that figure included labor so Rick will double-check. 16 17 Carmen recommended only putting occupancy switches in the restrooms and meeting rooms for 18 now. 19 20 Park Bridge Permit 21 Rick said he is still waiting on Pulte. 22 23 Ridley Creek Expansion Monthly Update 24 The Board had no comments on this update. 25 26 **Electricity Purchase** Joe Gill said a bid was placed on June 11. The group has agreed to a two-year term with Direct 27 28 Energy. If PECO rates stay the same, the Township will realize modest savings. If PECO rates increase as projected, the Township will realize even more savings. Senya asked Mr. Gill to 29 place a notice about this on the Township website. 30 31 32 Subdivisions/Land Development Apps/Zoning Hearing Board Apps Rick reported that the Tory Inne building has been sold, and the new owners plan to make an 33 application to convert the former B&B to offices. 34 35 36 **Public Comment** There was no further public comment. 37 38 39 Adjournment There being no further business, the meeting was adjourned at 10:33pm. 40 41 42

43 Anne Meddings **Recording Secretary** 44

45 Attachment: Treasurer's Report

# TREASURER'S REPORT 2010 RECEIPTS AND BILLS

2010 RECEIPTS AND BILLS			
GENERAL FUND			
		Accounts Payable	\$39,060.74
Real Estate Tax	\$12,699.04	Electronic Pmts:	44.44
Earned Income Tax	\$3,730.35	Health Insurance	\$0.00
Local Service Tax	\$0.00	Credit Card	\$0.00 \$0.00
Transfer Tax	\$0.00	Postage Debt Service	\$0.00 \$0.00
General Fund Interest Earned	\$1,896.79 \$53,254.66	Payroll	\$48,000.00
Total Other Revenue	\$71,580.84	Total Expenditures:	\$87,060.74
Total Receipts:	\$71,500.04	Total Expellutures.	ψα1,000.74
Interest Earned	\$219.79	Expenditures:	\$0.00
CARITAURESERVE 34			
Interest Earned	\$607.51	Expenditures:	\$31,784.00
TRANSPORTATION FUND			
Interest Earned	\$329.16	Expenditures:	\$0.00
TANEROGER HANDIG			
Descripto	\$16,568.88	Accounts Payable	\$8,617 <i>.</i> 16
Receipts Interest Earned	5,44	Debt Service	\$0.00
Total Sewer:	\$16,574.32	Total Expenditures:	\$8,617.16
Total devel.	<b>410307 1142</b>	· otal Enpoisson	
REFUSE(S)			
Receipts	\$9,124.69	•	
Interest Earned	\$16.04		
Total Refuse:	\$9,140.73	Expenditures	\$100,093.23

4. CHAIRMAN'S REPORT

LAW OFFICES OF

# PROCTOR LINDSAY & DIXON, LLC ATTORNEYS & COUNSELORS AT LAW

d. Ipg

BRANDYWINE 4 BUILDING
3 DICKINSON DRIVE, 2ND FLOOR
SUITE 204
CHADDS FORD, PA 19317
610-361-8600 FAX 610-361-8843
www.cplaw1.com

Charles W. Proctor, III † Gregory H. Lindsay E.A. Dixon, Jr.

† Certified Land Title Professional

June 17, 2010

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

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

JUN 2 1 2010

RE: Zoning Hearing Board Appointment

### Dear Rick:

As a result of having been appointed to the Zoning Hearing Board at the Supervisor's Meeting on June 15, 2010, please accept this letter as my resignation from the Planning Commission for East Goshen Township. Although I have enjoyed every minute of the time I have been on the Planning Commission and will certainly miss my fellow Board Members, I look forward to serving the Township in the capacity of the Zoning Hearing Board.

Vęry truly yours,

Charles W. Proctor, III

CWP:dg

cc: Mark Gordon

610-692-7171 www.eastgoshen.org

# BOARD OF SUPERVISORS EAST GOSHEN TOWNSHIP

7 a BUSINESS 7 a 1073

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

June 18, 2010

To: Board of Supervisors

From: Mark Miller

Re: Tree Removal

Prior to releasing tree work, I meet with the business owner to get an estimate for the removal. The contractor is required to call myself or the Public Works Foreman. We meet with the contractor on site to go over the job. At that time, we get a head count and an equipment count. We make periodic stops during that day to check on them and verify the employees and equipment.

610-692-7171 www.eastgoshen.org

# BOARD OF SUPERVISORS

### EAST GOSHEN TOWNSHIP

CHESTER COUNTY 1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199 7A 20f3

June 07, 2010

To: Board of Supervisors

From: Mark Miller

RE: Tree Bid Results

On 6/07/2010 bids were opened for labor and equipment for the removal of trees for the East Goshen Township. Over 25 bid packages were sent out and three bids were returned. Edens Tree Service Inc. submitted the lowest bid. I recommend the bid be awarded to Edens Tree Service Inc. The bid results are as follows:

# Edens Tree Service Malvern, PA

Bucket Truck -	\$55.00 Hour
Brush Chipper -	\$35,00 Hour
Climber -	\$20.00 Hour
Dump Truck -	\$30.00 Hour
Ground Laborers -	\$25.00 Hour
Stump Grinder -	\$35.00 Hour
Crew -	\$900.00 Daily

# Knight Bros. Inc.

Aston, PA

Bucket Truck - \$67.30 Hour
Brush Chipper - \$51.20 Hour
Climber - \$43.20 Hour
Dump Truck - \$51.20 Hour
Ground Laborers - \$41.20 Hour
Stump Grinder - \$51.20 Hour
Crew - \$1,280.00 Daily

# The Care of Trees, Inc. King of Prussia, PA

Bucket Truck - \$80.00 Hour
Brush Chipper - \$75.00 Hour
Climber - \$65.00 Hour
Dump Truck - \$57.13 Hour
Ground Laborers - \$49.47 Hour
Stump Grinder - \$95.00 Hour
Crew - \$1.395.00 Daily

\$1,395.00 Daily two man \$1,980.00 Daily three man

AGRINDA (TZ

# 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:

6/24/2010

To:

**Board of Supervisors** 

From: Mark Gordon, Township Zoning Officer

Re:

Historic Building Adaptive reuse / Conditional Use

Dear Board Members,

As you know the Tory Inne B&B is being sold and under agreement. A Conditional use application has been submitted requesting an adaptive reuse for the property. The applicant proposes an office use for the property and is also requesting a waiver for the Historic Resource Impact study requirement of the ordinance.

We have had one other such adaptive reuse Conditional Use application in the past, The Matlack Florist back in 2005. Mr. Ross Unruh is representing the applicant for this adaptive reuse application as he did for the Matlack Florist application.

I realize this is not a traditional request in the Conditional Use Process however in the interest of time I felt that you needed to consider the waiver request up front and if the Board is amenable to supporting the request; conditioned on the Planning Commission and Historic Commission concurrence, the applicant could move forward with the application. If the Board does not feel that the applicant has justification for a waiver the applicant can commission the

For the purpose of this waiver request I have drafted a motion for your consideration if you feel it's necessary to take an official position on the record.

The applicant has another request of the Board: Applicant requests that the Conditional Use Hearing be held on July 27, 2010. This request has something to do with the Commercial Financing involved with the sale; which is only valid for the month of July. The applicant is aware that the Board is not obligated to render a decision on July 27th and that there is a 30 day appeal period from the date a decision is rendered. If the Board is inclined to allow the Hearing to be scheduled on July 27<sup>th</sup> I will make the appropriate corrections to the scheduled advertisements.

#### Draft Motion:

Mr. Chairman, I recommend that the we support the applicants waiver request as provided for in §240-38.8.A(5) of the Zoning Ordinance for the submission of an historic resource impact study, due to the fact that the applicant proposes no substantive changes to the interior or exterior of the historic building to accommodate the proposed adaptive reuse, so long as the Planning Commission and the Historic Commission support this request as well.

8 NEW BUSINESS D. 7 DON

# Memorandum

**East Goshen Township** 1580 Paoli Pike

West Chester, PA 19380

Voice: Fax:

610-692-7171 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: June 30, 2010

**Board of Supervisors** 

From: Mark Gordon, Township Zoning Officer AND

Re:

DRAFT MOTION: Liberty Towers ZHB Application (Submitted 05/19/2010)

Dear Board Members,

This application is the same as the application Liberty Towers filed with the Township in December of 2009.

Liberty Towers has the burden to prove a hardship as stated in the Hertzberg Case. The PA State Supreme Court stated that hardships are established in use variance cases by evidence that supports the following tests:

- (1) The physical features of the property are such that it cannot be used for a permitted purpose.
  - a. The property at 1594 Paoli Pike has a permitted use.
- (2) That the property can be conformed for a permitted use only at a prohibited expense.
  - a. The property at 1594 Paoli Pike has a permitted use; see (1)
- (3) That the property has no value for any purpose permitted by the zoning ordinance.
  - a. The property at 1594 Paoli Pike has a permitted use; see (1)

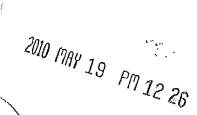
The applicant has not proven, with evidence, of a hardship and therefore the applicant is not entitled to a variance. The Planning Commission recommends that the Board oppose the zoning Variance requests therefore I have drafted this proposed motion for your consideration.

#### **Draft Motion:**

I move that we oppose these variance requests based on the fact that the applicant has not provided evidence of any hardship(s) to support either the use or the dimensional zoning variance request, as required by law, and authorize the Township Solicitor to appear on behalf of the Township to oppose these variance requests because granting these variance requests for a wireless communications tower use in the center of the community, next to two elementary schools and adjacent to the Township historic district, would have a significant negative impact on the quality of life and greatly alter the essential character of the neighborhood.

Counselors at Law

2007



May 18, 2010

### VIA FEDERAL EXPRESS

Mark Gordon East Goshen Township 1580 Paoli Pike West Chester, PA 19380-6199

RE: Application to the Zoning Hearing Board of East Goshen Township

Premises: 352 Paoli Pike, East Goshen Township (PA-504)

Dear Mr. Gordon:

Enclosed please find the Application of Liberty Towers, LLC to the Zoning Hearing Board of East Goshen Township with regard to the above-mentioned property. The following documents are being submitted in support of our Application:

- 1. One (1) copy of the completed Zoning Hearing Board Application;
- 2. Eleven (11) 11" x 17" copies of the Site Plans with a latest revision date of 12/11/09; and
- 3. A check in the amount of \$350.00 to cover the filing fee for the Application.

Should you have any questions or need additional information, please feel free to contact my office.

Very Truly Yours,

a - v , , o to povejaj

Beth McWilliams

**Enclosures** 

301

# EAST GOSHEN TOWNSHIP ZONING HEARING BOARD APPLICATION

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199 PHONE (610)-692-7171 FAX (610)-692-8950

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

the apphoanon	no davanosment mas are constitutional and are	
Applicant Nar	me: Liberty Towers, LLC	
Application I	Process Checklist (Administration use only):	
<ol> <li>All rela</li> <li>Towns</li> </ol>	eted Township Application Form:	11
Application Official Sig	n accepted on 5-19.2018 by MARK GORD	100-1 101-104 DEFICE
Review Proc	ess Checklist	
2. Date o completed as Date sending se	late:  In first formal Planning Commission Meeting followete application:  In ent to CCPC:  In ent to Township Engineer:  In esented to Planning Commission:  In ent to CB:  In ent To MA:  In ent to HC:  In ent to PRB:  In ent to TAB:  In	NA NA 5-26 11 11 11 11 11 11 12 7-16 7-18

LEMANOWICZ, LLP

By: Richard J. Lemanowicz

1012 North Bethlehem Pike, Suite 200B-3

Lower Gwynedd, PA 19002 Telephone No.: (267)419-8498

Facsimile No.: (610)825-2076

Attorney for Applicant: Liberty Towers, LLC

In Re:

352 Paoli Pike West Chester, PA 19380 Parcel No.: 53-004-0080.0100 EAST GOSHEN TOWNSHIP ZONING HEARING BOARD, CHESTER COUNTY, PENNSYLVANIA

May 18, 2010

## MEMORANDUM IN SUPPORT OF ZONING HEARING BOARD APPLICATION

Liberty Towers, LLC, hereinafter the Applicant, hereby submits an Application to construct and operate a wireless communications facility on the real property located at 352 Paoli Pike, West Chester, Pennsylvania.

The subject real property is located within the jurisdictional boundaries of East Goshen Township, Chester County, Pennsylvania. The subject real property is shown as parcel 53-004-0080.0100 on the current tax maps for East Goshen Township. The property is owned by Thorndale Investment Group and is approximately 43,560 square feet in area. The Applicant leased a one-hundred foot (100') by sixty foot (60') area of the subject property from the Owner for construction and operation of the proposed facility. The zoning classification of the property is C-2 Local Convenience Commercial District.

The Applicant's proposed facility includes the following: one (1) antenna support structure; nine (9) T-Mobile communications antennas; twelve (12) AT&T communications antennas; six (6) Metro PCS communications antennas; nine (9) Clearwire communications antennas; nine (9) Sprint communications antennas; one (1) T-Mobile wireless communications facility equipment cabinet; six (6) AT&T wireless communications facility equipment cabinets;

one (1) Clearwire wireless communications facility equipment cabinet; two (2) Metro PCS wireless communications facility equipment cabinets; four (4) concrete equipment pads; one (1) Sprint equipment shelter; coaxial cable; utility meters; and fencing. The proposed antenna support structure will be a galvanized steel monopole and one-hundred and fifty feet (150') tall. T-Mobile's proposed antennas will be attached to the antenna support structure at an elevation of one-hundred and forty-five feet (145') above ground level; AT&T's proposed antennas will be mounted at one-hundred and thirty-five feet (135') above ground level; Metro PCS's proposed antennas will be mounted at one-hundred and twenty-five feet (125') above ground level; Clearwire's proposed antennas will be mounted at one-hundred and fifteen feet (115') above ground level; and Sprint's proposed antennas will be mounted at one-hundred and five feet (105') above ground level. The proposed antennas will not extend above the height of the antenna support structure. Coaxial cable will connect the antennas to the proposed wireless communications facility equipment cabinets. T-Mobile's, AT&T's, Clearwire's and Metro PCS's proposed equipment cabinets will be placed on their proposed concrete equipment pads, respectively. The concrete equipment pads will be ten feet (10') by twenty feet (20') in area. Sprint's proposed equipment will be located inside n equipment shelter. A security fence will enclose the antenna support structure, the equipment cabinets, the equipment pads and the utility meters.

The proposed communications facility will be occupied by T-Mobile, AT&T, Metro PCS, Clearwire and Sprint. Each of these carriers is a federally licensed wireless communications service provider. In the subject area of East Goshen Township, wireless communications services are inadequate. The lack of adequate wireless communications services in this area creates a significant gap in wireless communications services that prevents

697

wireless communications service users from making mobile telephone connections, receiving mobile telephone connections, and connecting to the national land based telephone network. Constructing and operating the proposed facility on the subject property will resolve the significant gap in wireless communications services in the subject area and allow each of the carrier's to provide adequate personal wireless communications service in the subject area of East Goshen Township.

The subject property is located within a C-2 Zoning District. According to section 240-15.B of the East Goshen Township Zoning Ordinance, hereinafter the Ordinance, wireless communications facilities are not a permitted use on property located within a C-2 Zoning District. In order to construct and operate the proposed wireless communications facility on the subject real property, the Applicant hereby requests the following relief from the East Goshen Township Zoning Hearing Board.

- 1. A variance from section 240-15.B of the Ordinance to allow construction and operation of the proposed facility in a C-2 zoning district; and
- 2. A variance from section 240-15.G of the Ordinance to permit a rear yard setback of less than 50' as required by the Ordinance.

The Applicant hereby requests that the required public hearing on this Application be placed on the next available agenda of the East Goshen Township Zoning Hearing Board.

Respectfully Submitted,

LEMANOWICZ, LLP

By:

Richard J. Lemanowicz, Esquire

Attorney for Applicant

Date: May 18, 2010

#### EAST GOSHEN TOWNSHIP PLANNING COMMISSION

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6189

June 4, 2010

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

Re:

Liberty Towers Variance Request

53-4-80.1 (1594 Paoli Pike)

Dear Board Members:

At our meeting on June 2, 2010 the Planning Commission voted unanimously in favor of the following motion:

I move that we recommend that the Board of Supervisors oppose these variance requests based on the fact that the applicant has not provided evidence of any hardship(s) to support either the use or the dimensional zoning variance request, as required by law. Granting these variance requests for a wireless communications tower use in the center of the community, next to two elementary schools (which would create an attractive nuisance) and adjacent to the Township historic district; would have a significant negative impact on the quality of life and greatly alter the essential character of the neighborhood.

Very truly yours,

Susan Carty

Vice Chairman



U.S. Department of Commerce Economics and Statistics Administration Bureau of the Census Regional Census Center 1234 Market Street, Suite 340 Philadelphia, PA 19107

East Goshen Township

RECEIVED
BY:

JUN 2 1 2910`

Dear Diane Degnan

Congratulations – we did it! With your help, we were able to recruit a qualified citizen workforce to complete the 2010 Census in West Chester. Without you, it never would have happened. At East Goshen Township, we trained hundreds of employees for the Census operation.

As you know, the 2010 Census is important to all of us. The Census determines how many seats each state has in the House of Representatives and is the basis for the determination of state legislative districts. Local decision-makers use census data to plan roads, hospitals, and schools. More than \$400 billion in federal funds are awarded to states and local communities each year based on census data. Business owners and entrepreneurs also use census-generated statistics to make business and marketing decisions that bring economic stability to your community. In the distant future, beginning 72 years from now, family historians will be able to use the 2010 Census data as they piece together the stories of your town. You made all of these things possible – that's quite a legacy.

As the Local Census Office Manager at the Folcroft Local Census Office of the U. S. Census Bureau, I am writing to thank you personally for your support in our recruitment and training efforts. You have set a new standard for social responsibility in your community.

THE CONTRACT OF A MICHAEL CHAPTER VISIT OF THE CONTRACT CONTRACTOR

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Sincerely,

George E. Simon

Local Census Office Manager

Folcroft Census Office

Geo. Simon

1850 Delmar Drive

Folcroft, Pa 19032

484.493.7060

5. 8 pg/



June 10, 2010

- Engineering
- Remediation

· Consulting

Ms. Lauren Mapleton PA Department of Environmental Protection Southeast Regional Office 2 East Main Street Norristown, PA 19401

RE: Remedial Action Plan

Sunoco Service Station #0004-7969

1425 Paoli Pike

West Chester, Pennsylvania Facility I.D. # 15-20353 RECEIVED

JUN 1 4 2010

Dear Ms. Mapleton,

Enclosed please find the Remedial Action Plan for the above referenced Sunoco site.

If you should have any questions or require additional information, please do not hesitate to contact me at (302) 234-4400.

Sincerely,

ENVIRONMENTAL ALLIANCE, INC.

Joseph Rossi

Program Manager

Enclosure

2 copies

C: T. Aubel, ICF (Claim #06-186)

Rick Smith, East Goshen Township

Fiona Livingston, Sunoco, Inc. (R&M)

Yvonne Monti, Sunoco, Inc. (R&M)

J:\EAI\_files\PCG\Sun\2199\_Paoli Pike\Reports\RAP\2199\_RAP cover.doc

# 6.0 REMEDIAL ACTION PLAN

The remedial strategy for the Site consists of a groundwater recovery system designed to pump and treat impacted groundwater from the onsite shallow bedrock well MW-7B and maintain hydraulic control of the dissolved phase MtBE plume.

# 6.1 Remedial Action Objectives

The goal of the groundwater remediation system is to reduce concentrations of dissolved-phase petroleum compounds, mainly MtBE, in the groundwater to levels at which there are no significant risks to health, safety, public welfare, and the environment, for the current and foreseeable future. The ultimate goal of the remediation system is to reduce groundwater concentrations in order to obtain a release of liability through demonstration of attainment of used aquifer Statewide Health Standards.

# 6.2 Remediation System Components

The following section lists the essential components comprising the pump and treat remediation system. The system components are listed in the order they appear within the system train. Please refer to Figures 8 and 9 for the Process and Instrumentation Diagram (P&ID) and the P&ID Legend detailing system operation.

# 6.2.1 Groundwater Extraction Pump System (P-101)

- ♦ (1) Stainless steel submersible Grundfos Pump, Model 5E3, with Teflon seals and bearings capable of 1.2 to 7 Gallons per Minute (GPM).
- ♦ 1/2 Horse Power (HP), 230 Volt (V), single phase environmental motor.
- Density water level probe with high/low/low override actuation points and 50 feet of cable.



# 6.2.2 Water Holding Tank

- ♦ (1) Polyethylene, single-walled, vertical holding tank.
- ♦ Tank volume: 250 gallons.
- ♦ Dimensions: 40" diameter; 64" height, with a 14" manway
- ♦ 3-Position Level Probe.
- ♦ Effluent Transfer Pump assembly with a ½ HP 230V motor.

# 6.2.3 Sediment Filters (F-1 & F-2)

- (2) Big Bubba® glass-reinforced, polypropylene filter housings capable of handling 150 GPM.
- ♦ Interchangeable, pleated, 50 micron cartridge filters.
- ♦ Dimensions: 12" diameter; 40" height.

# 6.2.4 Air Stripper System (AS-1)

- (1) GeoTech, ORS LO-PRO™ II, Low Profile Air Stripper
- ♦ Air Stripper Design Criteria:

Type of Air Stripper = Low Profile

Water Flow Rate Range = 1-20 GPM

Water Temperature = 55° F

Sump Transfer Pump =  $\frac{1}{2}$  HP

Air Stripper Specifications:

Trays (# & type) = (6) Ten-inch trays

Total height = 85 inches

Sump Dimensions = 66 inch length by 27 inch width

Blower/Motor = 5 horsepower, 230V, three phase

Air Flow Rate (Suction) = 40-295 Standard cubic feet per minute

(SCFM)

♦ 30 gallon sump



- Static pressure gauge
- Multiple aeration trays with stainless steel bubble plates
- Mist eliminator & 2 effluent water fittings (2 inch FNPT ports)
- Sump Probe with high-high, high, and low actuation points to control effluent transfer pump and interlock influent pumps.
- High Pressure Switch to interlock stripper blower if the trays become fouled.
- Low pressure switch to interlock influent pump if the blower shuts down.
- Signal junction box to allow connection of probes and switches to panel.
- Effluent Transfer Pump assembly with a HP 230V motor.

# Liquid Phase Carbon Treatment (LGAC-1 & LGAC-2)

- (2) Liquid Phase Carbon Vessels capable of handling 125 GPM.
- 200 pounds of granulated activated carbon (GAC) per vessel
- Dimensions: 18" diameter; 72" height

# 6.2.6 Vapor Phase Carbon Treatment (VGAC-1 & VGAC-2)

- (2) Calgon VentSorb PE Vapor Phase Carbon vessel capable of handling 200 cubic feet per minute (CFM) from the off-gas of the air stripper.
- 170 pounds of GAC per vessel
- Dimensions: 21¾" diameter, 36½" height

#### 6.3 Permitting

All mechanical and plumbing work completed conform to state and local codes. Building and electrical permits were secured through East Goshen Township.



# 6.3.1 Air Discharge Permit

In accordance with Pennsylvania's state air regulations PA Code Section 127.14(a) (8) paragraph 43, the PADEP no longer requires the application of a Request for Determination / Plan Approval for exhaust points from equipment used for remediation of petroleum contaminated groundwater or soil provided engineering controls with a minimum VOCs control efficiency of 90% and actual emissions of less than one ton per year are employed.

# 6.3.2 Water Discharge Permit

A PAG-05 Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES) General Permit for discharges from petroleum product contaminated groundwater remediation systems was issued on June 1, 2010 (NPDES Permit No. PAG050086).

# 6.4 Remediation System Operation

Following the system installation a submersible pump was deployed in the most impacted monitoring well, MW-7B. Currently there are plans to operate only one pumping well at the site; though wells MW-1 and MW-2B have been outfitted with the needed equipment should pumping from those wells become necessary. Refer to Figure 10 for the Trenching Layout at the site. Figure 11 shows the details of the trenches onsite.

The groundwater from MW-7B will be pumped at a rate of approximately 2.5 GPM to the remediation system shed (shed) through the tubing laid in the main trench. Upon entering the shed the water will collect in a 250-gallon polyethylene holding tank. The tank will be outfitted with a level float system. When enough water has accumulated in the tank, the high level float will be triggered, activating a water transfer pump that will pump the water through a cartridge filter housing. The first filter will serve to eliminate any sediment or debris that may have been brought up from the well and prevent it from accumulating in the air stripper. After passing through the cartridge filter housing the groundwater will enter into the air stripper.

Once the contaminated water enters into the top of the air stripper it will slowly cascade through a series of six trays each of which has a stainless steel bubble plate. The term bubble plate refers to the bottom side of each tray which contains a configuration of holes that allow air to pass through and create bubbles within the water. While water is cascading down from tray to tray, a blower forces air up through the trays causing the water to be aerated. The aeration causes the dissolved phase volatile organic compounds to diffuse from the water phase into the air phase. The off-gas from the air stripper is conveyed through 4-inch diameter PVC piping to two vaporphase granulated activated carbon (VGAC) filters plumbed in series outside of the shed. The granulated activated carbon within the vessels will eliminate volatile organic compound vapors prior to being discharged to the atmosphere. The vapor emissions equipment (VGACs) will be installed and operated in accordance with the specifications detailed for PADEP's Air Quality Permit Exemptions (July 26, 2003) for exhaust points from equipment used for remediation of petroleum contaminated groundwater or soil detailed above.

The treated groundwater collects at the bottom (or sump) of the air stripper. The air stripper sump is also equipped with a level float system. Once the high-level float has been activated a transfer pump is initiated and pumps the water out of the sump and through a second cartridge filter. The second filter serves to protect the liquid carbon filter vessels by preventing sediment and debris from accumulating on the carbon beds. Though the water should be effectively stripped of any volatile organic compounds once it passes through the air stripper, the two fiberglass vessels containing granulated activated carbon will act as a polish prior to the water being discharged to the storm water sewer.

According to the specifications provided by the remediation equipment manufacturer it is expected that air stripping will be 99.77% effective in eliminating the primary chemical of concern for the site, MtBE. The efficiency rate is based on the highest MtBE concentration ever recorded at pumping well MW-7B, 63,000 parts per billion (ppb), the target influent pumping flow rate of 2.5 GPM and the target air flow rate of 225 cubic feet per minute from the air stripper blower. In addition to the air stripping effectiveness there will also be the two carbon vessels to act as a polish for the water before it is discharged from the remediation shed. Once discharged, the water will be conveyed in two-inch diameter PVC pipe (detailed as C – C' on



Figure 11) to a storm water catch basin located on the southwest corner of the site. After collecting in the catch basin the discharge water will flow underneath the access road connecting east bound Boot Road with south bound Paoli Pike, and become over land flow until it collects in the detention basin located adjacent to Paoli Pike. Following that the treated water will continue through a series of culverts until it discharges to Tributary 11 of the East Branch of Chester Creek just southwest of the intersection of Reservoir Road and Paoli Pike.

# 6.5 Groundwater Remediation System Monitoring

Upon start up operations and maintenance (O&M) visits will be conducted on a weekly basis. As part of the O&M visits groundwater flow rates in GPM and total gallons pumped will be recorded with the use of an analog water flow meter or totalizer and reported on a monthly basis. Required routine maintenance will be performed per manufacturer specifications. In addition, groundwater samples will be collected along the treatment train to track system removal efficiency and maintain permit compliance in accordance with the NPDES permit issued by PADEP.



# 7.0 REMEDIAL ACTION PROGRESS REPORTS

Quarterly groundwater sampling will continue during remediation of the site. All Site monitoring wells (on-site and off-site) will be sampled on a quarterly basis for the pre-March 2008 PA UST unleaded gasoline short list (benzene, toluene, ethyl benzene, xylenes (total), MTBE, cumene, and naphthalene) via EPA method 8260B.

Data from the quarterly groundwater sampling and analysis will be presented within quarterly Remedial Action Progress Reports (RAPR). RAPRs will include tabulated groundwater elevation and contaminant concentration tables, a groundwater elevation contour map with depicted groundwater analytical concentrations, and a narrative of the quarterly results. Remediation system field data and analytical data will be summarized in report tables, as well as, graphical representation of dissolved phase contaminant recovery rates. RAPRs will be submitted by the end of the month following the quarter.



C. 2pg



June 15, 2010

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

Certified Mail: 7009 3410 0000 9748 3469

RECEIVED BY: JUN 1 7 2010

RE:

Ashbridge Preserve

Stepping Stone Crossings

Acts 14, 67, 68 and 127 Notifications

Dear Mr. Smith:

The purpose of this notice is to inform you of our intent to submit an application to the Pennsylvania Department of Environmental Protection (PADEP) for the following application:

Project Name:

Ashbridge Preserve

Project Description:

Placement of poured-in-place concrete stepping stones in two

locations in the Ashbridge Preserve

Applicant Name:

Willistown Conservation Trust

Applicant Contact:

William Hartman

Willistown Conservation Trust

925 Providence Road

Newtown Square, PA 19073

610-353-2562

Site Locations:

Two locations within the Ashbridge Preserve

1 – on the Ridley Creek approximately 50 feet upstream from a

Texas Eastern Pipeline Easement.

2 – on a tributary approximately 40 down stream from a Texas.

Eastern Pipeline Easement.

All locations are identified on the attached General Information Form

Mr. Lewis F. Smith June 15, 2010 Page Two

Section 1905-A of the Commonwealth Administrative Code, as amended by Act 14, requires that each application for a DEP permit must give written notice to the municipalities and county in which the permitted activity is located. The written notices shall be received by the municipalities and county at least 30 days before the Department may issue or deny the permit.

"Acts 67 and 68, which amended the Municipalities Planning Code to support sound land use practices and planning efforts, direct state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of facilities or infrastructure, and specify that state agencies may rely upon comprehensive plans and zoning ordinances under certain conditions as described in Sections 619.2 and 1105 of the Municipalities Planning Code. Enclosed is a General Information Form (GIF) we have completed for this project. PADEP invites you to review the attached GIF and comment on the land use aspects of this project; please be specific to PADEP when identifying any areas of conflict. If you wish to submit comments for PADEP to consider in a land use review of this project, you must respond within 30 days to the PADEP regional office listed below. If there are no land use comments received by the end of the comment period, PADEP will assume that there are no substantive land use conflicts and proceed with the normal application review process.

Please submit any comments concerning this project within 30 days from the date of receipt of this letter to the PADEP Permitting and Technical Services Section at SE Regional Office, 2 E. Main Street, Norristown, PA 19401-4915.

For more information about this land use review process, please visit <a href="https://www.depweb.state.pa.us">www.depweb.state.pa.us</a> (keyword: Land Use Reviews.)

Sincerely,

David S. Cavanaugh

Enclosure: Completed GIF Form

CC: William Hartman

WORKSHOP

## **BOARD OF SUPERVISORS MEETING**

**WORKSHOP** 

Tuesday July 6, 2010 7:00 PM

#### EXECUTIVE SESSION

Personnel Matter ABC Interview 7:00 to 7:15

- 1. Review Agenda which includes the minutes and invoices
- 2. Emergency Preparedness
- 3. Review draft resolution related to the Deer Management Program
- 4. Review draft resolution clarifying what action will be taken at formal meetings and workshops.
- 5. Consider Wireless Communications Facility at the Township Building.
- 6. Review information from ABC workshop on May 15, 2010
- 7. Review draft resolution re PA HB 2431 and SB 1357
- 8. Consider making application for a DOT/HUD Bikeway Grant?
- 9. Review Action List
- 10. Any Other Matter
- 11. Liaison Reports
- 12. Subdivisions/Land Developments/ZHB Applications

Reminder -

### **NEWSLETTER ARTICLE SUBMISSION DUE DATES:**

**DELIVERY DATE:** 

August 11, 2010 November 10, 2010 October 1, 2010 January 1, 2011

Worksylop 3. 5 pgs

## 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: 6/28/2010

To: Board of Supervisors

Cc: Rick Smith, Township Manager

From: Mark Gordon, Township Zoning Officer

Re: 2010-11 Deer Management Program

Dear Board Members,

It's that time of year again and I'd like to highlight for you two significant changes the PA Game Commission (PGC) is imposing on hunters in SE PA this year, which we believe will have an impact on our Deer Management Program.

The PGC has amended Hunting Regulations as they do annually and has removed baiting as an approved activity, from the regulations. Baiting Deer is not permitted during the 2010 -11 Hunting season. We feel this is going to impact our program due to the size of our program, the small individual openspace areas where hunting is occurring and the close proximity of the hunting areas to developed properties. The PGC has also shortened the archery season by two weeks in the SE wildlife management unit areas. Hunting is not permitted between December 13 and December 25 for the 2010 hunting season. Additionally, we have not permitted hunting between Christmas and New Years day. This will create three weeks of no hunting; Dec 13- January 1, 2011. The DC requests that the Board allow the Groups to hunt between December 27 and January 1 as allowed by the PGC, since there is already a mandatory two week break in the season during the holiday period. Therefore the Groups shall hunt during the dates and times with no additional restrictions placed by the Township. The DC makes this request in an attempt to provide as much time to the program in order to improve the harvest in response to the PGC Hunting season changes, and also because there have been no reported openspace co-use complaints between Hunting Groups and the residents to date.

The Deer Committee also requests that the Board approve the new meeting schedule for the Committee, the Committee recommends meeting quarterly beginning in 2011. Meetings will be held on the Third Monday of the month in February, May, August and November.

The Deer Committee has asked that the Board Consider approving the 2010-2011 Deer Management Program as outlined contained herein and adopt the following resolution as required by the ordinance:

- §163-4B: the passive Parks to be utilized for the program are listed in Part 2 of the program outline; Supplee East and West, Wentworth, Grand Oak – Millstream, and Bowtree - Clocktower.
- 2. §163-4D: the groups to participate in the program are; Chester County Trackers, Deer Management Professionals, Main Line Whitetail Managers, and Tri-County Deer Management.
- 3. §163-4F: Deer Management activities may occur as outlined by the Pennsylvania Game Commission beginning September 18, 2010 until January 29, 2011 as outlined in the PGC Hunting Rules and regulations
- 4. §163-4G: the reporting requirements for harvested deer are outlined in the East Goshen Township Deer Harvest Report, and shall be forwarded to the Township within 48 hours of the harvest.
- 5. §163-4H: the complaints procedure is outlined in Part 7 of the Program and should be filed in writing and hand delivered or emailed to the Township using the following email address: egtadmin@eastgoshen.org
- 6. §163-4I: additional guidelines or procedures: None at this time.

The formal resolution format is attached separately.

## EAST GOSHEN TOWNSHIP CHESTER COUNTY, PENNSYLVANIA

**RESOLUTION NO. 10-**

## A RESOLUTION ADOPTING SPECIFIC PROVISIONS OF THE DEER MANAGEMENT PROGRAM

WHEREAS, Section 163-4B of the Code of the Township of East Goshen requires the Board of Supervisors shall designate the areas of Township land to be utilized for hunting as part of the Deer Management Program; and

**WHEREAS**, Section 163-4D of the Code of the Township of East Goshen authorizes the Board of Supervisors to identify Deer Management Groups to participate in the program; and

WHEREAS, Section 163-4F of the Code of the Township of East Goshen requires the Board of Supervisors to designate the days and times when deer management activities may occur; and

WHEREAS, Section 163-4G of the Code of the Township of East Goshen requires the Board of Supervisors to designate the procedure for reporting harvested deer; and

**WHEREAS,** Section 163-4H of the Code of the Township of East Goshen requires the Board of Supervisors to designate the procedure for reporting complaints; and

WHEREAS, Section 163-4I of the Code of the Township of East Goshen allows the Board of Supervisors to designate by resolution additional guidelines and procedures; and

**BE IT RESOLVED THAT** the Supervisors of the Township of East Goshen hereby adopts as follows that:

Pursuant to Section 163-4B, the Board of Supervisors designates the open space in Bowtree/Clocktower, Supplee Valley East & West, Grand Oak/Millcreek and Wentworth for hunting as part of the Deer Management Program.

Pursuant to Section 163-4D the Board of Supervisors authorizes the following Deer Management Groups to participate in the program: Chester County Trackers, Deer Management Professionals, Main Line Whitetail Managers, and Tri-County Deer Management.

Pursuant to Section 163-4F the Board of Supervisors authorizes the following dates and times: hunting may occur as outlined by the Pennsylvania Game Commission beginning September 18, 2010 until January 29, 2011.

495

Pursuant to Section 163-4G, the Board of Supervisors authorizes the following procedure for reporting harvested deer: Each hunter shall complete the Deer Management Program Harvest Report form for each harvested deer and forward it to the Township electronically within 48 hours of harvesting a deer.

Pursuant to Section 163-4H the Board of Supervisors authorizes the following procedure for reporting complaints; Complaints shall be filed in writing and hand delivered or emailed to the Township using the following email address: <a href="mailto:egtadmin@eastgoshen.org">egtadmin@eastgoshen.org</a>.

Pursuant to Section 163-4I the Board of Supervisors has no additional guidelines or procedures to designate at this time.



## **Deer Management Program Harvest Report**

Public, Private, Unknown, Not Recovered  X (Yards)  Buck, Doe  Consumed by hunter, family, or friend(s).
X (Yards) Buck, Doe
Buck, Doe
Buck, Doe
Buck, Doe
Buck, Doe
Buck, Doe
Buck, Doe
Consumed by hunter family or friend(s)
Consumed by hunter family or friend(s)
Consumed by hunter family or friend(s)
Donated to EGT resident  Donated to food bank  Donated to other  Other
icks on the harvested deer below
like to share about the deer:
1

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: June 16, 2010

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: Action at meetings

## Facts

Under the Sunshine Law, the Board of Supervisors can take formal action at any properly advertised meeting. The Sunshine Law does not distinguish between a regular meeting and a workshop. East Goshen holds both formal meetings and workshops.

## History

Historically the Board has not taken action on various action items at workshops. The Board initiated this "policy" when the Township was undergoing a lot of development activity and the theory was that it was unfair to make residents attend every meeting if they had a concern about a specific development. This issue came to a head a few years ago when the Board approved the purchase of a tractor at the advertised Annual Planning Session in Hershey. We then got into the practice of approving invoices and minutes at workshops.

## Discussion

At the June 8 meeting, the question was raised about the purpose of having workshops if the Board, after discussing a matter, was precluded from taking action on it. The concern was that most matters would be discussed twice, once at the workshop and again at the following formal meeting where action was taken.

Attached is a draft resolution for the Board's consideration which I believe would solve the problem.

Keep in mind that we post the agenda and the entire packet on the web page. We have also been pushing "constant contact" for a couple of years. It is not like the "old days" where you had to physically attend a Board meeting to find out if a particular matter was on the agenda.





## EAST GOSHEN TOWNSHIP CHESTER COUNTY, PENNSYLVANIA

## RESOLUTION NO.

## A RESOLUTION ESTABLISHING WHAT ACTIONS THE BOARD OF SUPERVISORS WILL TAKE AT WORKSHOPS AND FORMAL MEETINGS

WHEREAS, the East Goshen Township Board of Supervisors holds public meetings pursuant to the Sunshine Law throughout the year; and

WHEREAS, the East Goshen Township Board of Supervisors has both formal meetings and workshops, both of which are open to the public: and

WHEREAS, the Board of Supervisors is permitted to take action at both formal meetings and workshops; and

WHEREAS, the Board of Supervisors believes that it is appropriate to establish a policy concerning what actions may be taken at formal meetings and workshops.

**BE IT RESOLVED THAT** the East Goshen Township Board of Supervisors hereby state that it will only conduct and/or take action on the following items at a formal meeting unless the Board has previously announced that action will be taken at a workshop.

- A. Action on the preliminary or final approval of a subdivision or land development plan.
- B. Action on a conditional use application or ordinance.
- C. Conduct a public hearing.
- D. Action on the Board's position with respect to a Zoning Hearing Board application for variance or special exception.
- E. Adoption of the budget or action on non-budget transfers from one fund to another fund.

AND BE IT FURTHER RESOLVED THAT the East Goshen Township Board of Supervisors in their sole discretion may take action on any other matter that comes before it at any workshop.

RESOLVED AND ADOPTED, this	day of	, 2010.	
ATTEST:		EAST GOSHEN TOWNSHIP BOARD OF SUPERVISORS	
Secretary			

workstop 5. 22pgs

## 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: 6/30/2010

To: Board of Supervisors

From: Mark Gordon, Township Zoning Officer AND

Re: Wireless Site Info

Dear Board Members,

As you may recall TowerOne and Liberty Towers provided some information and photo simulations of Wireless Towers for your review in March. I have copied all that information for you for your review again. Also, Rick asked me to contact Mr. Pullen from TowerOne and ask a few more questions regarding the height, type and location of a possible tower installation on township property. I spoke with Mr. Pullen and these are the questions and responses from our conversation.

Q: Could the Township Park Location on the North side of Paoli Pike ~ 1000' East of the Rt. 352 intersection be a viable location in lieu of the Township Building Site for a Wireless Tower?

A: Yes, the township park location will most likely provide the coverage that the carriers are looking for in this area.

Q: Could three 100' flagpoles be an option at the park?

**A:** Maybe, however the design of the flagpole type tower significantly limits the number of carriers that can locate within the pole, and some carriers will not locate within flagpoles, i.e. AT&T and Verizon; thus reducing revenues. These structures are also more expensive to build and therefore making them less profitable for the township.

Please let me know what additional questions you have.

## Memorandum

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

Voice: 610-692-7171 Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

- NICK PULLAN - 267-

Date: 3/5/2010

Board of Supervisors

MC From: Mark Gordon, Township Zoning Officer

Wireless Site Info Re:

Dear Board Members,

Mr. Pullen from TowerOne Partners has beat us to the punch and submitted a proposal for your review and information to build a tower on the Township Property including some very good photo simulations of a 120' and a 150' tower.

I explained to Mr. Pullen that we are working on an RFP / Bid Proposal document and it will be advertised in the near future and he may submit at that time; however he asked me to forward this information to you as an FYI anyway.



115 West Court Street, 2<sup>nd</sup> Floor, Doylestown, Pa 18901

### **VIA ELECTRONIC MAIL**

March 2, 2010

Mark A. Gordon
Director of Code Enforcement/Zoning Officer
1580 Paoli Pike
West Chester, Pa 19380-6199

Dear Mark:

Enclosed please find the proposal of TowerOne Partners ("TowerOne") to develop, construct, own and manage a proposed monopole at the East Goshen Township Municipal Complex. As we discussed, TowerOne is a cellular tower development company, based in Doylestown, Pennsylvania, that works exclusively with municipal governments to site towers on appropriate parcels of municipal property. We count as clients over a dozen municipalities, including Middletown Township, Bucks County, Upper Pottsgrove, Montgomery County, the City of Bethlehem, Northampton County, and the City of York, York County. We have over 10 projects under construction and/or development that are and/or will produce in excess of \$250,000 annually to our clients. I have also enclosed a reference sheet for you.

Our business model is predicated on the fact that TowerOne believes that its municipal clients should be fully invested throughout the entire co-location process of a cellular tower. That is why we offer all of our clients 40% revenue sharing for every tenant that co-locates on a cellular tower. With 7 wireless carriers in the Philadelphia market, and the coming expansion of 4G, cellular towers are leasing up very quickly. We believe that it is imperative that our municipal clients enjoy the economic benefits of every tenant that co-locates on a cellular tower. The traditional model relies on a fixed ground rent with a modest 10-20% co-location fee. In those instances, municipal governments only win on the first tenant but will lose over the life of the lease, especially as carriers are expanding their networks. In this case, there are

five carriers who have expressed interest in this location and missing out on the revenue from any carrier is unacceptable for any municipality.

In this vein, I have enclosed a pro forma that details what we expect the tower to generate on behalf of the Township. Our pro forma assumes that we will be able to obtain \$2,000 a month in rent from every carrier, which is consistent in the market, and which we have received on other towers we have built. In addition, our standard template assumes a three percent (3%) annual escalator for every lease. Under our business model, East Goshen would generate the following revenues on a five tenant pole: annual: \$48,000; the first five years: \$260,000; and the life of the lease (with one additional tenant): \$2.5 million. Under the traditional ground rent model, East Goshen will lose \$15,000 annually.

TowerOne will pay for all costs of construction, labor, steel, engineering and any legal fees associated with the tower. In addition, TowerOne will handle all maintenance and will pay any taxes associated with the tower. TowerOne will also actively market this site to other carriers to make sure that it is leased up quickly and efficiently. We have a vested interest in making sure that future tenants will co-locate on this tower, so we will actively market this tower to the carriers. Finally, TowerOne has experience working with municipal governments. In fact, we are the only tower development company that works exclusively with municipal governments. We have never worked on development on a private piece of property, and we never will. As a result of our experience, we will collaborate to make sure the construction does not impede with core governmental functions.

TowerOne is committed to assisting East Goshen Township make a responsible decision on the process moving forward. In that regard, we have also enclosed two sets of photo simulations that we have already completed that show the proposed tower at the heights of 120 and 150 feet respectively. TowerOne will continue to work with East Goshen Township to answer any other questions it may have.

TowerOne is extremely gratified to have the opportunity to submit this proposal to East Goshen Township. We are excited to work together. If you have any questions, please do not hesitate to call me at (267)-252-8237 or via email at <a href="mailto:npullen@toweronepartners.com">npullen@toweronepartners.com</a>.

Sincerely,

Nicholas S. Pullen, Esquire

Valle (2



115 West Court Street, 2<sup>nd</sup> Floor, Doylestown, Pa 18901

## **REFERENCE SHEET**

- Jack P. Layne, Jr.
   Township Manager
   Upper Pottsgrove Township
   1409 Farmington Avenue
   Pottstown, Pa 19464
   (610)-323-8675
- Dennis Reichard
   City Administrator
   City of Bethlehem
   10 East Church Street
   Bethlehem, Pa 18018
   (610)-865-7000
- Stephen Sechriest
   Township Manager
   1328 California Road, Suite A
   Quakertown, Pa 18951
   (215)-536-4066

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## East Goshen Township Pro Forma

This pro forma ssumes that TowerOne is constructing a monopole at the Township complex that will have capacity for six tenants. It is our understanding that there are currently 5 carriers interested in locating on this tower immediately.

The columns are the carriers, projected rent, and the 40% revenue to the Township. We will be able to obtain above market rent. East Goshen will bear no costs for steel, construction, maintenance, taxes, engineering, legal or any costs.

## Revenue at Launch of Pole (2010) (assuming we build by July 2010)

					•
Carrier	Monthly Rent		40%	40% Revenue Share	1
	1 \$	2,000.00	❖	800.00	
	2 \$	2,000.00	↔	800.00	
	÷ €	2,000.00	❖	800.00	
	\$ 4	2,000.00	❖	800.00	
	ጭ <b>የ</b>	2,000.00	s	800.00	
	Total Monthly Rent (2010)		❖	3,200.00	
	Total Annual Rent (July-December)	_	ς,	22,400.00	

## Full Year Revenue in 2011

Monthly Rent			40% Revenue Share	5
1 \$	2,00	00.000,	<b>\$</b>	800.00
2 \$	2,00	00.00	\$	800.00
3 \$	2,00	2,000.00	\$	800.00
4 \$	2,00	2,000.00	\$	800.00
5 \$	2,00	2,000.00	\$	800.00
	Total Monthly Rent		\$	4,000.00
	Total Annual Rent		\$ 48	48,000.00

## Full Year Revenue in 2012 (with one additional carrier)

ひこころ こころ	40% Revenue Share	800.00	800.00	800.00	800.00	800.00	800.00	4,800.00	57,600.00
	40% Rev	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ C	❖	❖
		2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00		
	Rent							Total Monthly Rent	Total Annual Rent
	Monthly Rent	1 \$	2 \$	3	4 \$	5	ę \$		
	Carrier								

# r life of the lease (29 years)

<b>٠</b> ٠٠	Year Annual Revenue with 3% escalator	Annual Revenue with 3% escalator   22,400.00     2011   \$ 22,400.00     2012   \$ 25,928.00     2013   \$ 59,328.00     2014   \$ 61,107.84     2015   \$ 67,77.41     2015   \$ 64,829.31     2017   \$ 64,829.31     2018   \$ 67,77.41     2019   \$ 70,840.73     2020   \$ 77,409.58     2021   \$ 77,409.58     2022   \$ 77,409.58     2022   \$ 77,409.58     2022   \$ 77,409.58     2022   \$ 77,409.58     2022   \$ 77,409.58     2022   \$ 82,123.83     2022   \$ 87,125.17     2023   \$ 87,125.17     2020   \$ 89,738.92     2020   \$ 89,738.92     2020   \$ 80,00.14     2021   \$ 101,001.95     2032   \$ 104,032.01     2033   \$ 110,367.56     2036   \$ 113,678.58     2036   \$ 113,678.58     2037   \$ 110,088.94     2037   \$ 120,601.61     2037   \$ 120,601.61     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038   \$ 2038     2038
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Chossicads

1934 West Arad Steet, Suite 186 Grebuteren, PA 18651 Fac: 216-536-0654 Phone: 216-536-6606

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Tower One

## AERIAL EXHIBIT

SITE ID - PA-EGT-001 TOWERONE - EAST GOSHEN TOWNSHIP PAOLI PIKE

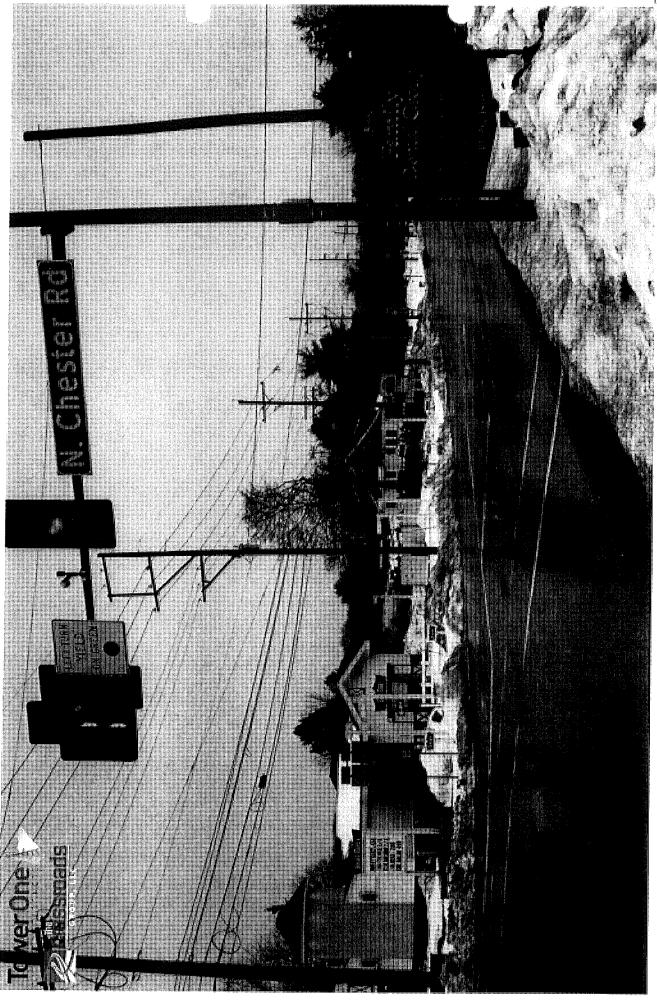
EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

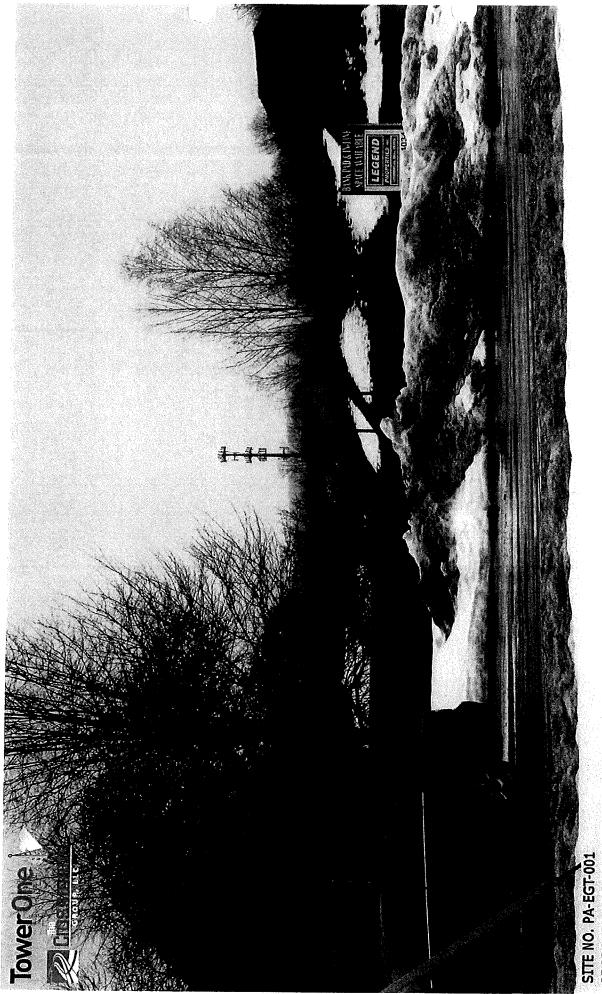
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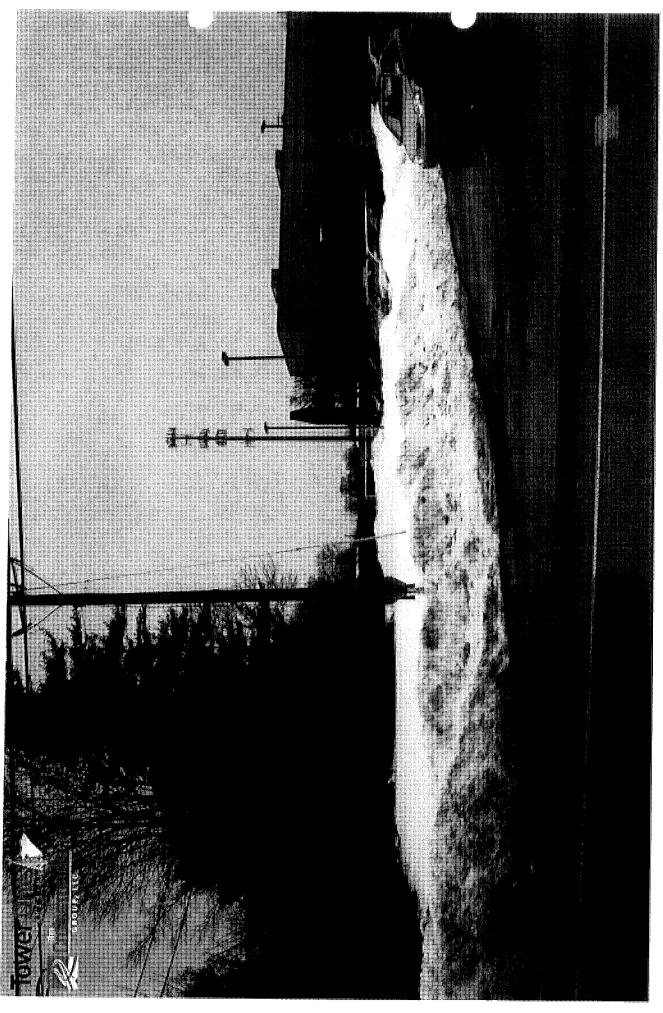
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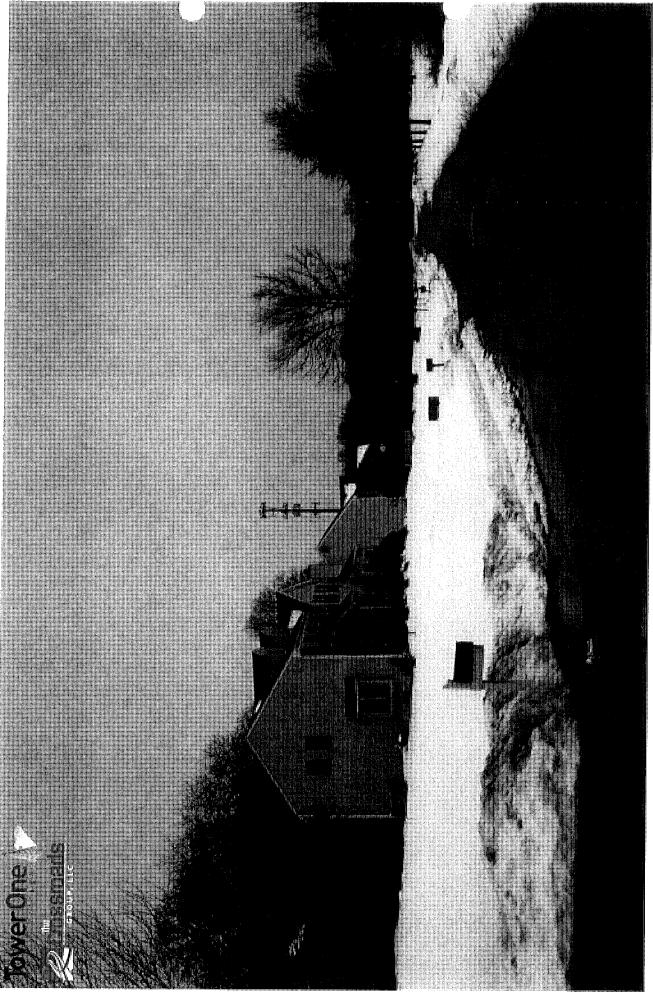
HULT 1 OF 1





SITE NO. PA-EGT-001 PROPOSED 150' MONOPOLE (VIEW 1)









1934 West Broad Shoet, Sale 100 Castertows, PA 18951 Fast 215-334-3334 Phone 215-334-3334 # 13 85 6 8 8 6 8 8 9 7 8 9 110 . com

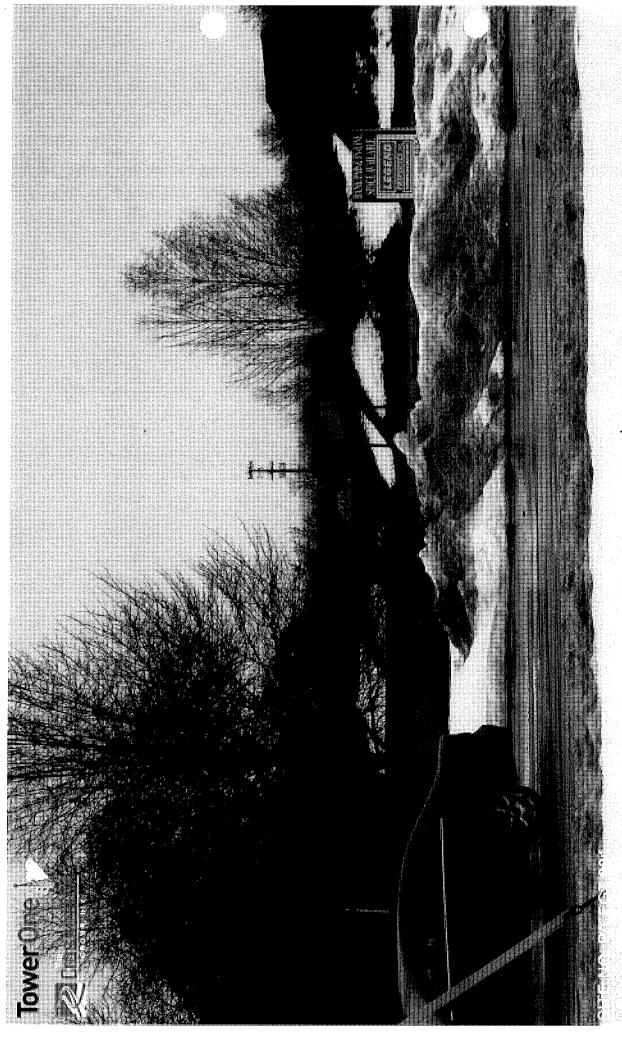


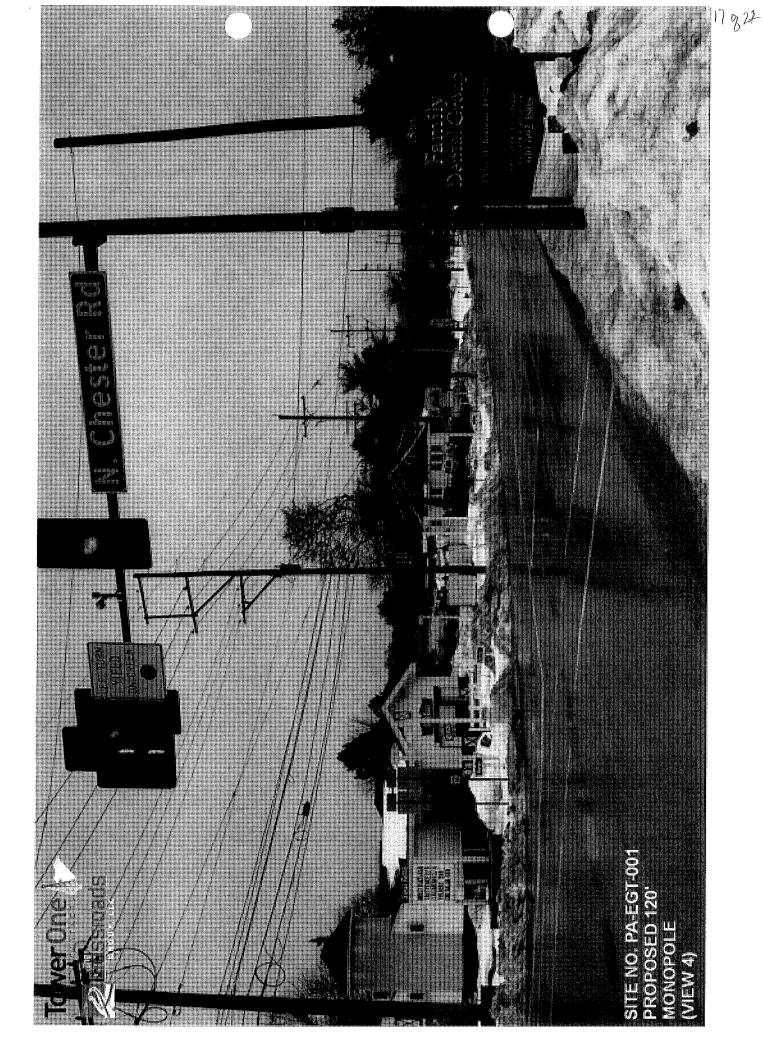
## AERIAL EXHIBIT

SITE ID - PA-EGT-001 TOWERONE - EAST GOSHEN TOWNSHIP PAOLI PIKE

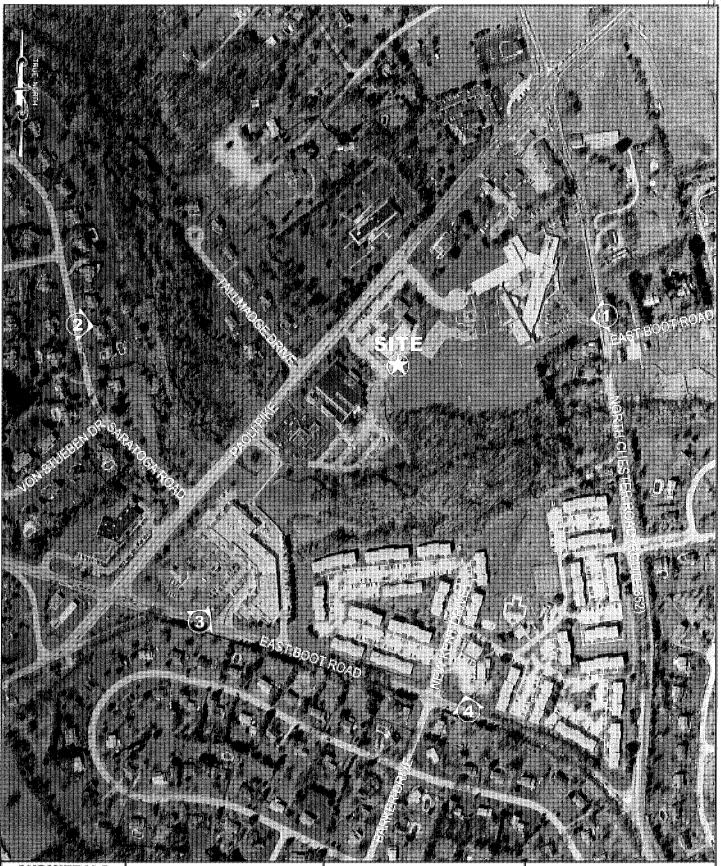
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	SCALE: NTS
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## SUBMITTALS

PRELIMINARY 03-47-08



1555 BUSTARD ROAD, SUITE 100 LANSDALE, PA 19446 PH (215) 381-6050 FAX (215) 412-2704

ANGEORGE - PERMITER - REPORTED - REPORTED - REPORT - REPO

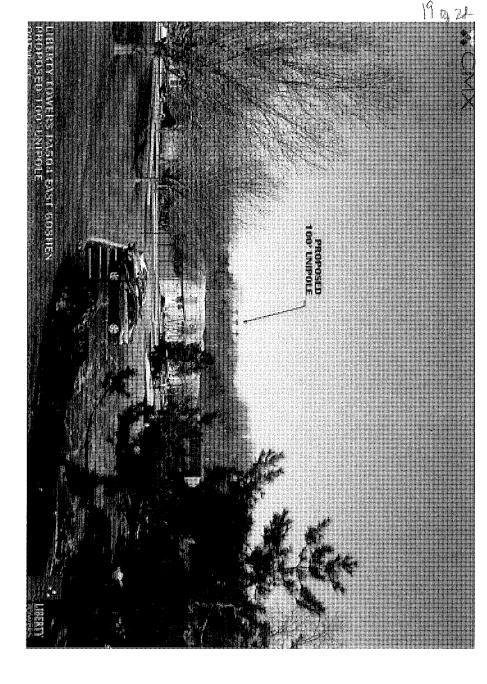
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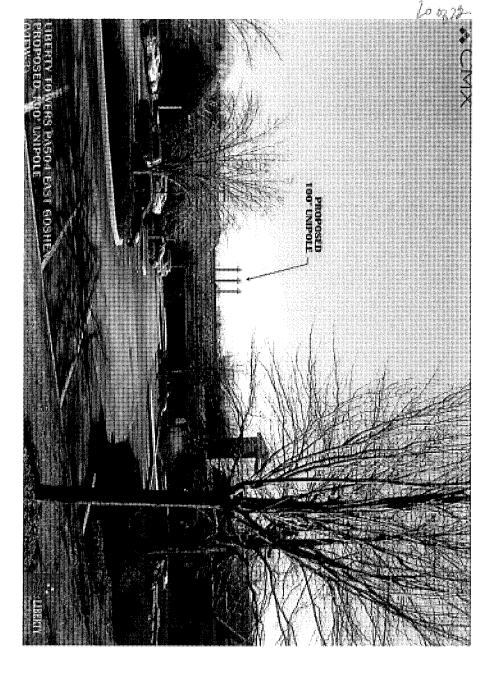
EAST GOSHEN
PA504
1580 PAOLI PIKE
WEST CHESTER, PA 19380



: LIBERTY TOWERS

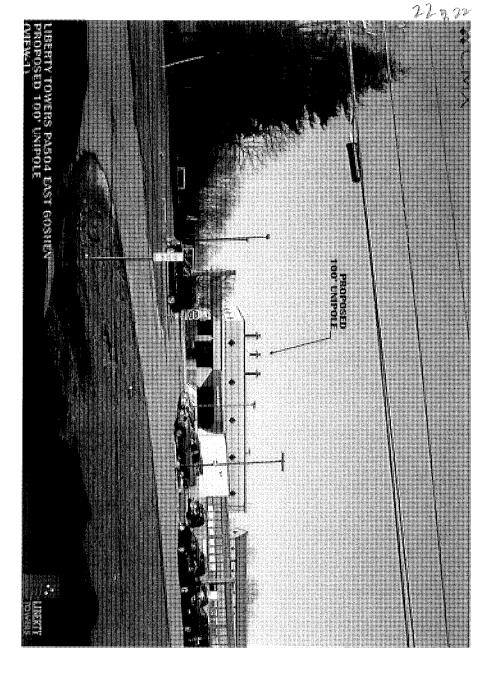
51 MONROE STREET SLITE PEOO7 ROCKYILLE, MD 20050-2403 PH (202) 420-7303





.

21 922 IBERTY TOWERS PA504 EAST GOSHEN ROPOSED 100' UNIPOLE PROPOSED 100' UNIPOLE





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: June 9, 2010

To: Board of supervisors

From: Rick Smith, Township Manager Re: Wireless Communications Facility

It has been suggested that the Township look into the possibility of leasing space to a company that would construct a commercial communications facility (cell tower) on township property. The company would then lease spaces to various carriers.

Revenue - It is my understanding that the going rate is \$1,300 to \$1,500 per month per carrier. A 150-foot cell tower would accommodate five (5) carriers and therefore generate between \$78,000 and \$90,000 a year.

Location – We would need to find a location for the tower and the equipment. Attached is an aerial photo of the Township property that depicts two (2) possible locations. The equipment could be screened from view with a board on board fence.

Zoning – We will need to amend the zoning to allow a commercial communications facility (cell tower) on township property. The Township Solicitor is currently drafting changes to clean up some of the existing language in the ordinance and this can be incorporated into those revisions.

Lease – We will need to solicit sealed bids for leasing the space. I spoke to the Township Solicitor who opined that we could ask for bids based on general parameters such as square footage need for the equipment, height, and monthly revenue per carrier. The bid would be awarded subject to the lease being acceptable to the Township Solicitor.

Concerns – I would expect that residents whose children attend East Goshen Elementary might voice some concerns about the "safety" of their children.

Next Step – I would suggest that amending the zoning be the first step. Once the zoning was amended, we could then solicit bids for the commercial communications facility (cell tower) on township property.

adoc Able To 7/6



DISCUSS ON 6/22

## EAST GOSHEN TOWNSHIP ALL ABC'S WORKSHOP ADGENDA SATURDAY, May 15, 2010 – 8:30 AM

10F 4

- 1. CALL TO ORDER (Use of recording devise)
- 2 PLEDGE OF ALLEGIANCE
- 3. GREETING AND PURPOSE
- 4. DISCUSSION SUGGESTIONS
  - · Communications with Boards, Employees and Residents
  - Shared Tasks, Programs, Knowledge and Resources
  - Promoting Other ABC's
  - Speed limit on Paoli Pike and Pedestrian Crosswalk
  - Promote EGT and ABC's Economizing
  - Liaison Responsibilities and Duties
  - National Land Trust (NLT) Recommendations
  - · Events posted on Message Boards
  - Avenues of Publicity, Promotions and Marketing
  - Education Factor for our Residents
  - Pumping Stations Landscaping
  - Disposition of Lockwood Treatment Plant and Spray Fields
- 5. PUBLIC COMMENT
- 6. CLOSING COMMENTS
- 7. ADJOURMENT

These are the suggestions we received, many mirrored the P&R recommendations:

2054

- This is just something I've wondered about personally: why is the speed limit 45 mph along Paoli Pike most of the way through our township? Particularly with the bridge going in to extend the Applebrook path, it would be nice for the speed limit to be lowered to 35 mph along the parks to safely encourage crossings over Paoli Pike. I've also noticed that drivers rarely yield to pedestrians who are waiting at the blinking yellow light at the crossing between East Goshen Park and Applebrook Park; would it be possible to put "Yield to Pedestrian" signs at that crossing?
- Hope much of the input revolves around our \$1.37M projected deficit, and tax generating ideas to promote EGT by pointing realtors & chamber of business/commerce towards unused, unoccupied properties. Also, towards how we - as ABCs - can economize and save our taxpayers from any frivolous expenses.
- Do we have to send a liason to every ABC... every month? Can't we just check the agenda?

The Conservancy Board reviewed the National Lands Trust report and makes the recommendations listed below:

- 1. Page 9/10 European Adlers The approximately 100' long growth of European Adlers along the path in Applebrook Park have some desirable trees mixed in with them. We suggest that ribbons should be used to mark the salvageable trees/shrubs before the Euopean Adlers are removed.
- 2. Page 11 Water Quality The 100' riparian buffer should be marked in Applebrook Park.
- 3. Page 12 Native Habitat Restoration A mowing regimen needs to be planned, along with a meadow project in phases. The temporary storage area will probably be gone after the last section of the Applebrook Park trail is done.
- 4. Page 14 Serpentine Barrens restoration plan is a big project and would probably require a grant. An area in Hershey's Mill was restored and the Board should contact them to see it. Wildlife Bird boxes need to be maintained/cleaned each year, while allowing dead trees for nesting instead of boxes. Hazards Some dead trees should be preserved for bird nesting. We will work with P&R to identify good trees and trees that should be removed.
- 5. Page 15 Education The CB will get new posters to post in the parks. The CB suggests labeling the new (YMCA) trees with identification tags.
  - Cooperative programs -- both direct and indirect
  - Events posted on the Message Boards
  - Advocacy -- for the Township, our own ABC and for each of the other ABCs
  - · Avenues of Publicity, Promotion and Marketing
  - Education Factor for our Residents
  - · Liaison Responsibility -- what it entails and why it's important
  - Perhaps Conservancy Board would like to visit each of our Pumping Stations and make suggestions for plantings or removal of plants. They might also want to review the planting plans for the Ridley Creek Sewer Treatment Plant. The contractor now plans to finish that project by the end of July.
  - Consider the future of the area that is now the Lochwood Chase Treatment Plant and Spray Fields.

## EAST GOSHEN TOWNSHIP ALL ABC'S WORKSHOP SATURDAY, MAY 15, 2010

The first all ABC's workshop was held at the East Goshen Township building on Saturday, May 15, 2010. Those present were: Ruth Scadding, Ann Marie Fletcher-Moore, Phyllis Marron, and Bob Huebner, Park & Recreation Board; Senya Isayeff, Board of Supervisors; Rick Smith, Township Manager; George Martynick, Planning Commission; Virginia Newlin, Conservancy Board; and Kathryn Yahraes, Ben Rohrbeck and Judy Schafer; Historical Commission.

- Call to Order and Pledge of Allegiance Ruth Scadding called the meeting to order at 8:30 a.m. and led
  the Pledge of Allegiance. No one was recording the meeting.
- Greeting and Purpose Ruth thanked everyone for coming on a Saturday morning. The purpose of the
  meeting is to exchange ideas and knowledge and to discuss events and methods of communication with the
  residents.

### Items Discussed

- A. Communication with residents Rick feels the least expensive way to communicate is on the website. The Township Newsletter is mailed 4 times a year and is costly. The next Newsletter will provide the option of receiving it electronically via the website instead of the mail. Concerns were voiced about the elderly and others who don't have access to a computer. Ben commented that he uses the internet on a regular basis. He feels the "Meetings Board" at the intersection of Boot Road and Paoli Pike is the most important visual communication because there is a traffic light there. He asked if events can be added to this board. Kathryn suggested 2 smaller boards be posted in the township. However, Senya noted that it takes time for the township staff to manually post the information on the boards. He feels educating people to use the internet is critical. He stated that there are more elderly using the internet than we think. He mentioned the possibility of an electronic bulletin board at the intersection that can be changed from the Township office. Bob suggested a common calendar showing the dates of all of the ABC meetings and township events. Rick noted that this is going to be added to the website. Kathryn volunteered to start coordinating a calendar for the ABCs. She would like to have updates on the 15<sup>th</sup> and the 30<sup>th</sup> of the month.
- B. Shared Tasks The idea for this joint meeting came from a meeting that Frank Vattilano, Jane Fava, Ruth Scadding and Ann Marie Fletcher-Moore had to discuss the township parks.
- C. Promoting other ABCs When residents voice concerns, refer them to the appropriate ABC and/or the Township website for more information. Invite them to the appropriate Board meeting by providing them the boards meeting date and time.
- D. Speed Limit on Paoli Pike Megann Hedgecock of the Planning Commission couldn't attend but asked why the speed limit is 45 mph on Paoli Pike and can it be lowered to 35 mph? The Park and Recreation Board and Township staff have started to address the issue of the crosswalk on Paoli Pike between the East Goshen Park and Applebrook Park. Rick pointed out that this is a State road. The Township Police have counted cars and Township Staff counted pedestrians. A request was sent to PennDOT for crosswalk signs and a pedestrian crossing cone, the Township is waiting for their response. A traffic light at Line Road and Paoli Pike may slow the traffic but it is dependent on the developer for that corner in Willistown.
- E. Economizing Senya noted that the figures on the "suggestions" page are projected not actual. The list sent to the ABC's has this correction noted. All ABCs should use grants for their projects whenever possible. There was discussion about the proposed 501C3 committee. Each ABC was asked to submit a member to serve on this committee. Senya noted that this must be a stand alone group with its own administrator and accounting. It is a very serious responsibility. Ben commented that he served as treasurer of a 501C3 and it is very detailed and time consuming for a volunteer.
- F. Promote East Goshen (Publicity, Promotions & Marketing) Kathryn suggested that a photo be taken of an event and submitted to the Daily Local with a cut line (description of event) to get publicity on the paper's activities page. Rick noted that photos can be put on the website. Also businesses that have their mailing address in the Township do get a copy of the newsletter. New residents also get a newsletter and voting information. Ruth Scadding does this in her neighborhood. Kathryn feels overall publicity comes for the township volunteers. This should be incorporated into all ABCs goals. The Historical Commission works with outside groups which promotes the township. Ben tells everyone he meets that he is from East Goshen Township. Kathryn

suggested a list be made of all the ABCs members and any organizations they are affiliated with. Judy commented that the Chester County library system had to develop a profile listing resources for each library. The list also shows what additional features the library has, i.e. computers, etc. She will get a copy.

- G. Liaisons Ann Marie noted that when Mary Powell was on the Board of Supervisors, they made a booklet listing the responsibilities of board members and liaisons. A liaison is supposed to provide information between the two boards. Ginnie commented that the Board must also make the liaison welcome. The Planning Commission does this and often asks for input from the liaison.
- H. Education of Residents The articles in the Township Newsletter and the website are the best sources of education for the residents. Getting residents, especially the young people, involved in events is critical. Kathryn reminded everyone that the Historical Commission has several events planned, plus the Plank House and Blacksmith Shop are open on weekends now. They always need volunteers.
- I. Pumping Stations Landscaping The Municipal Authority suggested that the Conservancy Board visit the pumping stations and make landscaping suggestions. Rick will provide the Conservancy Board with the landscape plan for the Ridley Creek Treatment Plant for their review.
- J. Lochwood Rick confirmed that this property will be returned to the Home Owners Association in a few years. The Conservancy Board may want to offer assistance to the HOA.
- K. Natural Lands Trust Ginnie reported that the Conservancy Board gave a list of recommendations to items that are on the NLT report. Whatever is done in the parks must have a plan. Whenever an area is cleared of invasives, there must be a plan to immediately put native plants in or the invasives will return. The Conservancy Board would like to have a 100' buffer which is already in place in some townships. Senya noted that this would require not only not building within 100' of a stream, but also not mowing within 100' of a stream. There was discussion about marking the YMCA trees. It was discussed that memorial signs at the base of trees in the park have been stolen. There is a way to put plaques on trees. Kathryn suggested talking to Sue Ciorletti who did this in Lower Merion. Ginnie will research this.

Scout Projects – Ben noted that the markers in the wetlands are gone because there was no maintenance. This should be incorporated into the project. Ann Marie stated the maintenance can not be incorporated into an Eagle Scout project. Maintenance could be done by other resources, i.e. school community projects.

## 4. Other Comments

- A. Kathryn reported that as part of Earth Day, Jane Fava did some seminars at the East Goshen Elementary School, which sparked interest in the Historic Area. The school has contacted the Historical Commission to set up tours for the students.
- B. Senya feels we must get residents more involved. We need to visit resources (scout troops, HOA, etc.) and personally invite them to participate in meetings and events. He also feels that the "Public Comments" part of meeting agendas should be moved to the beginning of the meeting instead of last.
- C. Ginnie said the Conservancy Board wants to talk to the Park & Recreation Board about increasing meadows.
- D. Kathryn noted that the Chester County Park & Recreation website is a good resource for ideas. The Town Tour and Village Walks will feature East Goshen on Thursday, July 22, 2010. They need volunteers. Also, she requested that the Conservancy Board clear the bushed with thorns away from the Boardwalk as soon as possible.
- 5. Adjournment The next meeting will be scheduled for September or October 2010. The meeting was adjourned at 11:00 a.m.
  Respectfully submitted,

Ruth Kiefer Recording Secretary

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MORKSHOP
Ragewhofun
7

## Smith, Rick

From:

Don McConathy [dmcconathy@verizon.net]

Sent:

Wednesday, June 30, 2010 12:20 AM

To:

Rick Smith

Cc:

Senya Isayeff

Subject:

Resolution

Attachments: Resolution to oppose HB 2431 \_6-23-10\_.pdf

Rick -

Please add the attached proposed resolution from PSATS to our workshop agenda for July 6. Given the nature of the request the Board should consider this action.

Don McConathy dmcconathy@verizon.net

HOUSE BILL 2431 AND SENATE BILL 1357 ARE ATTACHED

RESOLUTION NO
Opposition to Forced Local Government Mergers and Consolidations
A RESOLUTION of the Township of, County of, the Commonwealth of Pennsylvania, in opposition to forced mergers and consolidations of local governments in Pennsylvania.
Whereas, townships are excellent fiscal stewards that have been doing more with less ever since the days of William Penn and are run by elected officials that live and work in the communities they represent, and are more committed to pinching pennies and working together to stretch tax dollars than anyone else in government today; and
Whereas, various special interests suggest that there are too many local governments in Pennsylvania and that by reducing this figure through forced boundary change will somehow lead to greater economic conditions and the better delivery of services in the Commonwealth; and
Whereas, no one has ever proven that bigger, centralized government is better or even more cost-effective than township government; and
Whereas, governments that rely on consolidated county-based governments generally have higher tax burdens than smaller governments; and
<b>Whereas,</b> recent reports of financially distressed municipalities in Pennsylvania are largely contained to the Commonwealth's large cities and urban areas; and
<b>Whereas,</b> HB 2431 (Session of 2010) would, if adopted, would change the Pennsylvania Constitution and establish the county as the basic level of local government in Pennsylvania, with municipalities existing only under the jurisdiction of the county and having only those duties and responsibilities as determined by the county; and
<b>Whereas,</b> SB 1357 (Session of 2010) would, if adopted, establish an unelected, statewide boundary commission to review and make conclusions to the General Assembly for the merger, consolidation, or annexation of municipalities; and
Whereas, the township supports the voluntary merger or consolidation of local governments if the process is initiated at the local level and it has the support of the majority of the residents of all affected municipalities; and
<b>Resolved,</b> that the Township of, County of, opposes any measure, initiative, or plan that mandates the forced merger or consolidation of local governments; and be it further
<b>Resolved,</b> that the General Assembly be urged to oppose HB 2431, SB 1357, and any similar kind of legislation that has been, or may be introduced in the future to weaken the responsiveness and effectiveness of local government.
Adopted by the Board of Supervisors of Township of, County of, the Commonwealth of Pennsylvania, this day of, 20

#### THE GENERAL ASSEMBLY OF PENNSYLVANIA

# **HOUSE BILL**

No. 2431 Session of 2010

INTRODUCED BY CALTAGIRONE, DALEY, GIBBONS, HARHAI, HARKINS, MAHONEY, MARSHALL, McILVAINE SMITH, PRESTON, SWANGER AND YOUNGBLOOD, APRIL 20, 2010

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 20, 2010

#### A JOINT RESOLUTION

- Proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, reorganizing local government
- 3 with a county basis.
- 4 The General Assembly of the Commonwealth of Pennsylvania
- 5 hereby resolves as follows:
- 6 Section 1. The following integrated amendments to the
- 7 Constitution of Pennsylvania are proposed in accordance with
- 8 Article XI:
- 9 (1) That section 1 of Article IX be amended to read:
- 10 § 1. Local government.
- 11 (a) The General Assembly shall provide by general law for
- 12 local government within the Commonwealth.
- 13 (b) Such general law shall [be]:
- 14 (1) Establish the county as the basic unit of local
- 15 government, with jurisdiction over:
- 16 <u>(i) personnel;</u>
- 17 <u>(ii) law enforcement;</u>
- 18 (iii) land use;

- 1 (iv) sanitation; and
- 2 (v) health and safety.
- 3 (2) Establish municipalities under the jurisdiction of the
- 4 county and determine the relationship among these municipalities
- 5 and the county.
- 6 (3) Establish classes of counties and municipalities on the
- 7 <u>basis of population</u>.
- 8 (4) Be uniform as to all classes of local government
- 9 regarding procedural matters.
- 10 (2) That section 5 of Article IX be amended to read:
- 11 § 5. Intergovernmental cooperation.
- 12 A municipality by act of its governing body may, upon its own
- 13 volition or upon being required by initiative and referendum in
- 14 the area affected [shall], and with the approval of the
- 15 governing body of the county in which it is located, cooperate
- 16 or agree in the exercise of any function, power or
- 17 responsibility with, or delegate or transfer any function, power
- 18 or responsibility to, one or more other governmental units
- 19 including other municipalities or districts, the Federal
- 20 government, any other state or its governmental units, or any
- 21 newly created governmental unit.
- 22 (3) That section 7 of Article IX be amended to read:
- 23 § 7. Area-wide powers.
- The General Assembly may grant powers to [area governments or
- 25 to municipalities] counties within a given geographical area in
- 26 which there exists intergovernmental cooperation or area
- 27 government and designate the classes of municipalities subject
- 28 to such legislation.
- 29 (4) That section 9 of Article IX be amended to read:
- 30 § 9. Appropriation for public purposes.

- 1 The General Assembly shall not authorize any county,
- 2 municipality or incorporated district to become a stockholder in
- 3 any company, association or corporation, or to obtain or
- 4 appropriate money for, or to loan its credit to, any
- 5 corporation, association, institution or individual. The General
- 6 Assembly may provide standards by which counties, municipalities
- 7 or school districts may give financial assistance or lease
- 8 property to public service, industrial or commercial enterprises
- 9 if it shall find that such assistance or leasing is necessary to
- 10 the health, safety or welfare of the Commonwealth or any county,
- 11 municipality or school district. Existing authority of any
- 12 municipality or incorporated district to obtain or appropriate
- 13 money for, or to loan its credit to, any corporation,
- 14 association, institution or individual, is preserved.
- 15 (5) That section 10 of Article IX be amended to read:
- 16 § 10. Local government debt.
- 17 Subject only to the restrictions imposed by this section, the
- 18 General Assembly shall prescribe the debt limits of all units of
- 19 local government [including municipalities and school
- 20 districts]. For such purposes, the debt limit base shall be a
- 21 percentage of the total revenue, as defined by the General
- 22 Assembly, of the unit of local government computed over a
- 23 specific period immediately preceding the year of borrowing. The
- 24 debt limit to be prescribed in every such case shall exclude all
- 25 indebtedness (1) for any project to the extent that it is self-
- 26 liquidating or self-supporting or which has heretofore been
- 27 defined as self-liquidating or self-supporting, or (2) which has
- 28 been approved by referendum held in such manner as shall be
- 29 provided by law. The provisions of this paragraph shall not
- 30 apply to the City or County of Philadelphia.

- 1 Any unit of local government[, including municipalities and
- 2 school districts, ] incurring any indebtedness, shall at or
- 3 before the time of so doing adopt a covenant, which shall be
- 4 binding upon it so long as any such indebtedness shall remain
- 5 unpaid, to make payments out of its sinking fund or any other of
- 6 its revenues or funds at such time and in such annual amounts
- 7 specified in such covenant as shall be sufficient for the
- 8 payment of the interest thereon and the principal thereof when
- 9 due.
- 10 (6) That section 11 of Article IX be amended to read:
- 11 § 11. Local reapportionment.
- 12 Within the year following that in which the Federal decennial
- 13 census is officially reported as required by Federal law, and at
- 14 such other times as the governing body [of any municipality]
- 15 shall deem necessary, each county or municipality having a
- 16 governing body not entirely elected at large shall be
- 17 reapportioned, by its governing body or as shall otherwise be
- 18 provided by uniform law, into districts which shall be composed
- 19 of compact and contiguous territory as nearly equal in
- 20 population as practicable, for the purpose of describing the
- 21 districts for those not elected at large.
- 22 (7) That the definition of "municipality" in section 14 of
- 23 Article IX be amended to read:
- 24 § 14. Definitions.
- 25 As used in this article, the following words shall have the
- 26 following meanings:
- "Municipality" means a [county,] city, borough, incorporated
- 28 town, township or any similar general purpose unit of government
- 29 which shall hereafter be created by the General Assembly.
- 30 \* \* \*

- 1 Section 2. (a) Upon the first passage by the General
- 2 Assembly of these proposed constitutional amendments, the
- 3 Secretary of the Commonwealth shall proceed immediately to
- 4 comply with the advertising requirements of section 1 of Article
- 5 XI of the Constitution of Pennsylvania and shall transmit the
- 6 required advertisements to two newspapers in every county in
- 7 which such newspapers are published in sufficient time after
- 8 passage of these proposed constitutional amendments.
- 9 (b) Upon the second passage by the General Assembly of these
- 10 proposed constitutional amendments, the Secretary of the
- 11 Commonwealth shall proceed immediately to comply with the
- 12 advertising requirements of section 1 of Article XI of the
- 13 Constitution of Pennsylvania and shall transmit the required
- 14 advertisements to two newspapers in every county in which such
- 15 newspapers are published in sufficient time after passage of
- 16 these proposed constitutional amendments. The Secretary of the
- 17 Commonwealth shall submit the proposed constitutional amendments
- 18 under section 1 to the qualified electors of this Commonwealth
- 19 as a single ballot question at the first primary, general or
- 20 municipal election which meets the requirements of and is in
- 21 conformance with section 1 of Article XI of the Constitution of
- 22 Pennsylvania and which occurs at least three months after the
- 23 proposed constitutional amendments are passed by the General
- 24 Assembly.
- 25 Section 3. Upon the first passage of these proposed
- 26 constitutional amendments, the Local Government Commission and
- 27 the Legislative Reference Bureau shall prepare legislation to
- 28 implement the reorganization of local government in accordance
- 29 with the amendment section 1(b)(1), (2) and (3) of Article IX.

#### THE GENERAL ASSEMBLY OF PENNSYLVANIA

### SENATE BILL

No. 1357 Session of 2010

INTRODUCED BY MUSTO, WOZNIAK, FONTANA, TARTAGLIONE AND WASHINGTON, MAY 7, 2010

REFERRED TO LOCAL GOVERNMENT, MAY 7, 2010

#### AN ACT

1 2 3 4 5	Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, creating the Boundary Review Commission; providing for municipal dissolutions, incorporations, annexations, mergers and consolidations; and making an appropriation.
6	The General Assembly finds and declares as follows:
7	(1) It is declared to be public policy of the
8	Commonwealth to foster the fiscal integrity of municipalities
9	to assure that they can provide for the health, safety and
10	welfare of their citizens. The failure of a municipality to
11	so provide is determined to adversely affect the health,
12	safety and welfare not only of the citizens of the
13	municipality but also of the citizens of this Commonwealth.
14	(2) It is in the interest of the Commonwealth to
15	encourage orderly growth and development essential to the
16	social, fiscal and economic well-being of this entire
17	Commonwealth.
18	(3) The formation and adjustment of municipal boundaries
10	are important factors in promoting orderly development.

- encouraging sound economic growth, conservation of resources
- 2 and efficient delivery of government services.
- 3 (4) Assuring adequate fiscal and operational capacity of
- 4 local governments to provide needed facilities and services
- 5 to their residents and businesses is essential to the well-
- 6 being and economic potential of this Commonwealth.
- 7 The General Assembly of the Commonwealth of Pennsylvania
- 8 hereby enacts as follows:
- 9 Section 1. Title 53 of the Pennsylvania Consolidated
- 10 Statutes is amended by adding a chapter to read:
- 11 <u>CHAPTER 9A</u>
- 12 <u>BOUNDARY REVIEW COMMISSION</u>
- 13 Sec.
- 14 9A901. Definitions.
- 15 <u>9A902</u>. Boundary Review Commission.
- 16 9A903. Powers and duties.
- 17 9A904. Petitions for study.
- 18 9A905. Adoption, submission and action.
- 19 <u>9A906</u>. Rights of parties.
- 20 9A907. Construction and harmless irregularities.
- 21 § 9A901. Definitions.
- The following words and phrases when used in this chapter
- 23 shall have the meanings given to them in this section unless the
- 24 context clearly indicates otherwise:
- 25 "Affected county." Any county which contains, or would
- 26 contain, any territory for which a reorganization is proposed or
- 27 ordered or which contains all or any part of an incorporated
- 28 municipality for which a change of boundaries reorganization is
- 29 proposed or ordered.
- 30 "Affected municipality." Any city, borough, township or town

- 1 which contains territory for which a reorganization is proposed.
- 2 "Annexation." The absorption, inclusion, attachment or
- 3 addition of territory from one municipality to another
- 4 municipality.
- 5 "Area government." A unit of government created by the
- 6 General Assembly to provide some or all of the functions of a
- 7 specific group of municipalities or counties and which shall be
- 8 governed by an independent governing board elected by the voters
- 9 residing in the affected municipalities or affected counties.
- 10 "Commission." The Boundary Review Commission.
- "Commission proceedings." Activities and proceedings which
- 12 are taken by the Boundary Review Commission under this chapter.
- "Consolidation." The combination of two or more counties or
- 14 municipalities which results in the termination of the existence
- 15 of each of the counties or municipalities to be consolidated and
- 16 the creation of a new county or municipality which assumes
- 17 jurisdiction over all of the local governments which have been
- 18 terminated.
- "Contiguous." Any of the following:
- 20 (1) In the case of annexation, a parcel or parcels of
- 21 land adjacent to or a parcel or parcels adjoining territory
- 22 within, the local government to which annexation is proposed.
- 23 (2) In the case of consolidation, territory of a county
- or municipality which is adjacent to, contiguous with or
- adjoining the territory of another local government, both of
- 26 which are to be consolidated.
- "Contiguous territory." A territory of which a portion abuts
- 28 the boundary of another municipality, including territory
- 29 separated from the exact boundary of another municipality by a
- 30 street, road, railroad or highway or by a river or other natural

- 1 or artificial stream of water.
- 2 "Function." Any power granted by law to a municipality or a
- 3 county to provide services or facilities for the use, benefit or
- 4 protection of persons or property.
- 5 "Incorporation." The formation, creation and establishment
- 6 of a municipality with corporate powers consistent with
- 7 <u>applicable statutory authority.</u>
- 8 "Interested agency." Each local agency or municipal
- 9 authority which provides facilities or services in the affected
- 10 territory of a boundary change or reorganization.
- "Merger." The combination of two or more counties or the
- 12 combination of two or more municipalities which results in the
- 13 termination of the existence of all but one of the counties to
- 14 be merged or all but one of the municipalities to be merged,
- 15 with the surviving county or municipality absorbing and assuming
- 16 jurisdiction over the counties or municipalities which have been
- 17 <u>terminated</u>.
- 18 "Plan of reorganization." A plan or program for effecting a
- 19 reorganization or a change in the means by which public services
- 20 are provided and which contains a description of all changes of
- 21 organization, changes in services and changes in responsibility
- 22 to provide public services and which sets forth all terms,
- 23 conditions and matters necessary or incidental to the
- 24 effectuation of that reorganization or change in service
- 25 providers.
- 26 "Reorganization." Any of the following:
- 27 (1) A merger of contiguous counties or contiguous
- 28 <u>municipalities or a combination thereof.</u>
- 29 (2) A consolidation of counties or a consolidation of
- municipalities or a combination thereof.

1	(3) An annexation of a portion of a county or
2	municipality by a contiguous county or municipality.
3	(4) Creation of area government as authorized by
4	sections 6 and 7 of Article IX of the Constitution of
5	Pennsylvania.
6	§ 9A902. Boundary Review Commission.
7	(a) Creation The Boundary Review Commission is created to
8	exercise the powers specified under this chapter.
9	(b) Purposes The commission shall study and recommend
10	boundary changes to the General Assembly and affected local
11	governments that promote orderly development, encourage sound
12	economic growth, conservation of resources and effective
13	delivery of government services. Boundary change recommendations
14	shall be developed for the purpose of creating and maintaining
15	municipal corporations that have a sufficient tax base and a
16	sound prospect for fiscal health.
17	(c) Members Except as otherwise provided, the commission
18	shall consist of the following members:
19	(1) Five members appointed by the Governor, one each
20	from lists of not less than three persons submitted by the
21	County Commissioners Association of Pennsylvania, the
22	Pennsylvania League of Cities and Municipalities, the
23	Pennsylvania State Association of Boroughs, the Pennsylvania
24	State Association of Township Commissioners and the
25	Pennsylvania State Association of Township Supervisors.
26	(2) Two at-large members appointed by the Governor.
27	(3) Four legislative appointees as follows:
28	(i) One individual appointed by the President pro
29	tempore of the Senate.
30	(ii) One individual appointed by the Minority Leader

1	<u>of the Senate.</u>
2	(iii) One individual appointed by the Speaker of the
3	House of Representatives.
4	(iv) One individual appointed by the Minority Leader
5	of the House of Representatives.
6	(d) Term of office Four appointees of the Governor under
7	subsection (c)(1) and (2) shall be appointed to initial terms of
8	four years, and three shall be appointed for initial terms of
9	two years. Upon expiration of the initial terms, all appointees
10	of the Governor shall serve for terms of four years. The
11	legislative appointees shall serve at the pleasure of the
12	appointing authority. Any vacancy in the membership of the
13	commission appointed by the Governor shall be filled by the
14	Governor for the unexpired term of that member.
15	(e) Chairman and meetings The chairman and vice chairman
16	of the commission shall be appointed by the Governor. Meetings
17	shall be held at the call of the chairman. The chairman, and in
18	his absence, the vice chairman, shall preside at all meetings of
19	the commission.
20	(f) Reimbursement of actual expenses Commission members
21	shall be reimbursed for the actual amount of reasonable and
22	necessary expenses incurred in attending meetings and in
23	performing the duties of their office.
24	(g) Open meetings and Right-to-Know Law The commission
25	shall be subject to the provisions of the following:
26	(1) The act of February 14, 2008 (P.L.6, No.3), known as
27	the Right-to-Know Law.
28	(2) 65 Pa.C.S. Ch. 7 (relating to open meetings).
29	(h) Notice of proceedings The commission shall cause
30	notice to be published in the Pennsylvania Bulletin of all

- scheduled commission proceedings in accordance with 65 Pa.C.S. Ch. 7 and guidelines adopted by the commission. 2 § 9A903. Powers and duties. 3 The commission shall have all of the following powers and 4 duties: (1) To appoint an executive director who shall direct 6 and supervise the work of the commission. 7 (2) To contract for professional or consulting services 8 to carry out and effect the functions of the commission. 9 (3) To obtain administrative and other staff services, 10 including legal staff services, from the Department of\_ 11 Community and Economic Development. The commission shall 12 enter into agreements with the department setting forth the 13 rights and obligations each has in carrying out its 14 respective responsibilities under, and to further the intent 15 of, this chapter. 16 (4) To conduct studies and make findings and 17 recommendations to the General Assembly and the affected 18 municipalities regarding changes to municipal boundaries or 19 reorganization of municipal governments consistent with 20 written policies, procedures and guidelines adopted by the\_ 21 commission. The commission's studies shall include a cost and 22 benefit analysis of the proposed changes. 23 (5) To conduct studies and make findings and recommendations to the General Assembly and to affected
- 24
- 25
- 26 municipalities or to affected counties regarding
- 27 consolidation of services provided by two or more
- municipalities or counties which shall otherwise continue to 28
- exist and exercise all other functions authorized by 29
- 30 applicable State law.

1	(6) To conduct studies and make findings and
2	recommendations to the General Assembly and to affected
3	municipalities or to affected counties regarding options for
4	municipalities or counties that have been found to be
5	nonviable by the Secretary of Community and Economic
6	Development under criteria established in the act of July 10,
7	1987 (P.L.246, No.47), known as the Municipalities Financial
8	Recovery Act. The Secretary of Community and Economic
9	Development shall promptly notify the commission of
10	determinations of nonviability under the Municipalities
11	Financial Recovery Act. In these cases, and based on a
12	finding of the need for a boundary change or reorganization,
13	the commission may recommend to the General Assembly and the
14	affected municipalities or affected counties the following:
15	(i) Annexation of parts of a nonviable municipality
16	by a contiguous municipality or municipalities.
17	(ii) Consolidation of one or more contiguous
18	municipalities with the nonviable municipality.
19	(iii) Merger of one or more contiguous
20	municipalities with the nonviable municipality.
21	(7) To propose a plan or plans of reorganization
22	applicable to two or more contiguous municipalities or
23	portions of municipalities, two or more counties or portions
24	of counties or a county and one or more of its
25	municipalities. The plans may include municipalities in all
26	classes of counties and municipalities except that the plans
27	of reorganization shall not be proposed to include cities of
28	the first class, cities of the second class or counties of
29	the first class or any portion of these municipalities unless
30	the cities and counties seek to be included in a plan of

1	<u>reorganization.</u>
2	(8) (i) The commission may propose a plan or plans of
3	reorganization for affected municipalities and affected
4	counties if it finds that at least three of the following
5	criteria indicative of nonviability and fiscal distress
6	are present in the affected counties or affected
7	municipalities:
8	(A) Inability to pay due principal and interest
9	on debt obligations.
10	(B) Inability to meet financial obligations to
11	employees, vendors and suppliers.
12	(C) Inability to provide for proper financial
13	accounting procedures, budgeting and taxing practices
14	and functions as mandated by their respective
15	municipal codes.
16	(D) Inability to provide adequately for the
17	health, safety and welfare of their residents and
18	business.
19	(E) Stagnant or declining property values and
20	tax base and other factors rendering the municipality
21	incapable of providing municipal services and meeting
22	its debts and incurred expenses of the municipal
23	corporation.
24	(F) The population of the municipality is less
25	than 400 persons or the population has declined over
26	the most recent ten-year period by 25% or more based
27	on biannual census data provided by the State Data
28	Center and the population is no longer stable enough
29	to support municipal government.
30	(G) Inability to appoint boards, commissions and

Т	municipal employees for needed functions of to elect
2	representatives to the governing body.
3	(ii) Any studies or recommendations made by the
4	commission under this paragraph shall consider the
5	adopted comprehensive plan of the affected county, any
6	comprehensive plan of the affected municipality or
7	affected municipalities and public comment received by
8	the commission on any plan or plans of reorganization
9	recommended by the commission.
10	(9) To incur usual and necessary expenses for the
11	accomplishment of its functions.
12	(10) To hold at least one public hearing prior to
13	issuing recommendations.
14	(11) To adopt written policies, procedures and
15	guidelines necessary for the completion of its powers under
16	this chapter.
17	(12) To prepare and submit to the Governor a proposed
18	annual budget for its activities and obligations which may be
19	incorporated into the Governor's budget request to the
20	General Assembly.
21	§ 9A904. Petitions for study.
22	(a) Initiation by petition The commission shall initiate a
23	boundary study upon receipt of a petition signed by at least 5%
24	of registered voters residing within each of the affected
25	counties or affected municipalities as of the date of the last
26	general election. The petition shall contain the names of those
27	individuals who are initiating the petition and shall name the
28	municipalities to be included in the study and the type of
29	proposed boundary change or reorganization. Petitions shall
30	include signatures, printed names and addresses of the persons

- 1 signing the petition and the date signed by each.
- 2 (b) Acceptance or rejection. -- If the commission finds that a
- 3 petition does not contain the required number of signatures of
- 4 <u>qualified registered voters</u>, the commission shall reject the
- 5 petition and shall return the petition to the individual or
- 6 individuals identified as the initiators. If the commission
- 7 finds that the petition is proper, it shall proceed to conduct
- 8 the studies requested in the petition.
- 9 (c) Actions initiated by governing bodies. -- The commission
- 10 shall initiate a boundary change study upon receipt of a
- 11 resolution enacted by the governing body of each affected county
- 12 or municipality setting forth the counties' or municipalities'
- 13 interest in a proposed boundary change or plan of reorganization
- 14 and a commitment to participate in the study and process and to
- 15 provide all relevant information necessary to complete the
- 16 study.
- 17 (d) Appeal of decision. -- The decision by the commission to
- 18 accept or reject a petition under this section shall be
- 19 appealable to the Commonwealth Court.
- 20 § 9A905. Adoption, submission and action.
- 21 (a) Completion of study. -- Any study undertaken under this
- 22 chapter that results in a recommendation for a plan or plans for
- 23 reorganization shall require adoption and approval by the
- 24 commission by a majority vote.
- 25 (b) Submission to the General Assembly. -- An approved plan or
- 26 plans of reorganization shall be submitted to the General
- 27 Assembly upon a majority vote to approve the plan of
- 28 <u>reorganization</u>.
- 29 (c) Response study. -- In the case of a study undertaken in
- 30 response to a petition, the study shall be completed within 18

- 1 months of the filing of the petition with the Secretary of
- 2 Community and Economic Development or within 18 months of
- 3 receipt of resolutions from one or more governing bodies in the
- 4 area proposed in the petition for study of a proposed plan or
- 5 plans of reorganization.
- 6 (d) Publication. --Within 30 days of approval of a plan or
- 7 plans of reorganization and submission of the plan or plans to
- 8 the General Assembly, the commission shall publish the plan or
- 9 plans in the Pennsylvania Bulletin and the plans shall be
- 10 published on the commission's Internet website, the Internet
- 11 website of the General Assembly and the Internet website of the
- 12 <u>department</u>. The commission shall specify a 60-day public comment
- 13 period and shall publish a summary of public comments received
- 14 in the Pennsylvania Bulletin within 30 days of the close of the
- 15 comment period.
- 16 (e) Vote. -- The General Assembly shall vote by resolution to
- 17 approve or reject any plan of reorganization or plans of
- 18 reorganization prepared as a package of recommended
- 19 reorganizations without amendment within six months of
- 20 publication of public comment in the Pennsylvania Bulletin.
- 21 § 9A906. Rights of parties.
- 22 <u>Notwithstanding any other provision of this chapter, or of</u>
- 23 any change of boundary or reorganization recommended or approved
- 24 under this chapter, each bondholder or other creditor may
- 25 <u>enforce all of his rights in the same manner and to the same</u>
- 26 extent as if the change of boundaries or reorganization had not
- 27 been made. Rights may also be enforced as follows:
- 28 <u>(1) Annexation or detachment against the municipality to </u>
- or from which territory is annexed or detached.
- 30 (2) Incorporation against the newly incorporated

- 1 <u>municipality</u>.
- 2 (3) Consolidation against the consolidated successor
- 3 <u>municipality</u>.
- 4 § 9A907. Construction and harmless irregularities.
- 5 This chapter shall be liberally construed to effectuate its
- 6 stated purposes. No change of boundary or reorganization ordered
- 7 by the General Assembly shall be invalidated because of any
- 8 <u>defect, error, irregularity or omission in any act,</u>
- 9 determination or procedure related to the commission that does
- 10 not adversely and substantially affect the rights of any person,
- 11 county, municipality, district, the Commonwealth or any of its
- 12 agencies or political subdivisions.
- 13 Section 2. The General Assembly shall appropriate funds as
- 14 it deems necessary for the operation of the Boundary Review
- 15 Commission.
- 16 Section 3. This act shall take effect immediately.

NOCKSHOP Page 1 of 8

#### Smith, Rick

DOT/HUD GRAMI

From: EMShane@aol.com

Sent: Wednesday, June 30, 2010 5:25 PM

To: dmcconathy@verizon.net; rsmith@eastgoshen.org; psuthom@verizon.net

Cc: senya@aesfirst.com; carmenrbattavio@aol.com; jgill@eastgoshen.org

Subject: Re: FW: News from TMACC

Rick,

I suggest that you make this an agenda idea for discussion. Bike trails are used extensively if there is a place to put them. It is amazing that there are not more bike/car accidents.

E. Martin (Marty) Shane 14 Line Road Malvern, PA 19355-2865 Tel: (610) 647-8873 Cell: (610) 405-4305

E-mail: emshane@aol.com

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

In a message dated 6/30/2010 2:35:15 P.M. Eastern Daylight Time, dmcconathy@verizon.net writes:

Gentlemen -

In looking at the DOT/HUD "Livable Community Effort" below it occurs to me that we have a number of bike riders using local roads that are not equipped to handle bikes and therefore present a potential safety issue. In particular, Strasburg Rd and Paoli Pike seem to be frequently used and maybe other roads as well. These roads connect between adjoining municipalities and if properly set up could provide excellent bike routes for both pleasure and work. Would it make sense to see if the County would work with us to propose a multi-jurisdictional application to improve/implement bike trails in our area? It would appear this funding source should be available for this purpose. COG is another resource to work this issue.

Don McConathy

dmcconathy@verizon.net

From: Derrick Stokes [mailto:derrick@tmacc.ccsend.com] On Behalf Of Derrick Stokes

Sent: Friday, June 25, 2010 1:00 PM To: dmcconathy@eastgoshen.org
Subject: News from TMACC

# Chester County e-Connection

#### Weekly Edition

June 25, 2010

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Other Transportation News

communities."

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Commission)

The Dept. of Transportation (DOT) and the Dept. of Housing and Urban Development (HUD) are launching a collaborative funding effort to help spur the creation of "livable communities" that integrate transportation, housing and economic development.

DOT, HUD Kick Off "Livable Community" Funding Effort

Under the joint plan, DOT and HUD will award up to \$75 million in joint funding - \$35 million in DOT TIGER (Transportation Investment Generating Economic Recovery) II planning grants drawn from a \$600 million pool of such funds, and \$40 million in HUD Sustainable Community Challenge Grants (SCCG), which comes from a \$200 million pool of funds approved by Congress to foster such "livable"

TIGER II grants may be used to plan, prepare or design surface transportation projects that include highways, bridges, transit, railways, ports or bicycle and pedestrian facilities. HUD's SCCG funding, in turn, targets urban and community planning projects that foster affordable, economically vital and sustainable community planning.

HUD Secretary Shaun Donovan noted such efforts may include amending or replacing local master plans, zoning codes, and building codes either on a jurisdiction-wide basis or in a specific neighborhood or sector to promote mixed-use development, affordable housing and the re-use of older buildings for new purposes with the goal of promoting sustainability at the local level.

Rather than have applicants proceed through two separate grant application procedures that might be on different timelines and with different requirements, the joint notice of funding availability (NOFA) between the two agencies is intended to create one point of entry to federal resources.

Examples cited by DOT and HUD of projects that qualify for this funding include:

- Planning activities that support the development of affordable housing near transportation through the adoption of inclusionary zoning ordinances and other activities such as acquisition of land for affordable housing projects.
- Preparing or amending local codes and ordinances that prevent the private sector from developing neighborhoods more sustainably and inclusively, with housing located near transportation and retail.
- Planning activities related to the development of a particular transportation corridor or regional transportation system that promotes mixed-use or transit-oriented development with an affordable housing component.
- Planning activities related to the development of a freight corridor that seeks
  to reduce conflicts with residential areas and with passenger and nonmotorized traffic. In this type of project, DOT might fund the transportation
  planning activities along the corridor, and HUD might fund changes in the
  zoning code to support appropriate siting of freight facilities and route the
  freight traffic around town centers, residential areas and schools.
- Developing expanded public transportation options, including accessible public transportation and para-transit services for individuals with disabilities, to allow individuals to live in diverse, high opportunity communities and to commute to areas with employment and educational opportunities.

This new program builds on the "Partnership for Sustainable Communities" interagency collaboration launched by President Obama in June 2009 between DOT, HUD, and the Environmental Protection Agency (EPA).

# Homes & Communities U.S. Department of Housing

and Urban Development

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# Notice of Funding Availability for the Department of Housing and Urban Development's Community Challenge Planning Grants and the Department of Transportation's TIGER II Planning Grants

- NOFA
- General Section
- CDFD: HUD 14.704 DOT 20.933
- Funding Opportunity No. FR-5415-N-12
- Opportunity Title: Community Challenge and Transportation Planning Grants.
- Competition ID:
- Open Date: June 24, 2010
- Close Date: July 26, 2010
- Contact Person: For further information concerning this notice please contact the TIGER II Discretionary Grant program manager via email at <a href="mailto:TIGERIIGrants@dot.gov">TIGERIIGrants@dot.gov</a>, or call Robert Mariner at (202) 366–8914 (this is not a toll-free number). A TDD is available for individuals who are deaf or hearing impaired, at (202) 366–3993 (this is not a toll-free number). In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's website at

http://www.dot.gov/recovery/ost/TIGERII. Questions regarding HUD's Community Challenge Planning Grant Program should be directed to sustainablecommunities@hud.gov or may be submitted through the www.hud.gov/sustainability website. HUD's contact person is Zuleika K. Morales-Romero, Office of Sustainable Housing and Communities, 451 Seventh Street SW, Washington, DC 20410-3000, telephone number (202) 402-7683 (this is not a toll-free number) facsimile (202) 708- 0465, or email: zuleika.k.morales@hud.gov. For the hearing- or speech-impaired, contact the above telephone number via TTY by dialing the toll-free Federal Information Relay Service at 1-800-877-8339.

Apply

Return to the Funds Available page

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#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### **DEPARTMENT OF TRANSPORTATION**

[Docket No. FR-5415-N-12]

Notice of Funding Availability for the Department of Housing and Urban Development's Community Challenge Planning Grants and the Department of Transportation's TIGER II Planning Grants

AGENCY: Office of Sustainable Housing and Communities, Office of the Deputy Secretary, HUD; and Office of the Secretary, DOT.

**ACTION:** Notice of Funding Availability (NOFA).

SUMMARY: This notice announces the availability of funding and requests proposals for the Department of Housing and Urban Development's ("HUD's") Community Challenge Planning Grants ("Community Challenge Planning Grants") in conjunction with a portion of the Department of Transportation's ("DOT's") National Infrastructure Investments Grants that can be used for transportation planning grants.

transportation planning grants.
On December 16, 2009, the President signed the Consolidated Appropriations Act, 2010 (Pub. L. 111-117) that provided \$40 million for HUD's Community Challenge Planning Grants and up to \$35 million for DOT's transportation planning grants to be awarded as part of the National Infrastructure Investments program. The National Infrastructure Investments program is similar, but not identical to, the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grant Program." Because of the similarity in program structure, DOT is referring to the grants for National Infrastructure Investments under the FY 2010 Appropriations Act as "TIGER II Discretionary Grants" and the transportation planning grants as "TIGER II Planning Grants."

HUD's \$40 million Community Challenge Planning Grant Program will foster reform and reduce barriers to achieving affordable, economically vital, and sustainable communities. Such efforts may include amending or replacing local master plans, zoning codes, and building codes, either on a jurisdiction-wide basis or in a specific neighborhood, district, corridor, or sector to promote mixed-use development, affordable housing, the reuse of older buildings and structures for new purposes, and similar activities with the goal of promoting sustainability at the local or neighborhood level. HUD's Community

Challenge Planning Grant Program also supports the development of affordable housing through the development and adoption of inclusionary zoning ordinances and other activities such as acquisition of land for affordable housing projects.

The Community Challenge Planning Grant Program differs from HUD's Sustainable Communities Regional Planning Grant Program, a \$100 million program also created in the FY2010 Appropriations Act. While the latter program is designed to support regional planning efforts, the Community Challenge Planning Grant Program focuses on individual jurisdictions and more localized planning. HUD will publish a separate NOFA for the Sustainable Communities Regional Planning Grant Program.

DOT is authorized to use up to \$35 million of the funds available for TIGER II Discretionary Grants for TIGER II Planning Grants to fund the planning, preparation, or design of surface transportation projects that would be eligible for funding under the TIGER II Discretionary Grant program.

DOT and HUD have decided to issue this NOFA jointly in order to better align transportation, housing, economic development, and land use planning and to improve linkages between DOT and HUD's programs. HUD's funding is designed to target housing, economic development, and land use planning strategies that will increase the efficiency and effectiveness of a related transportation project being planned. Therefore, DOT and HUD believe this joint effort has the potential to encourage and reward more holistic planning efforts that result in better projects being built with Federal dollars. The effort is also consistent with the Obama Administration's priority on removing artificial barriers between Federal programs and barriers to State and local governmental level innovation.

On April 26, 2010 (75 FR 21695), DOT published an interim notice announcing the availability of funding for TIGER II Discretionary Grants. Because the TIGER II Discretionary Grant program is a new program, the interim notice requested comments on the proposed selection criteria and guidance for awarding TIGER II Discretionary Grants. In the interim notice, DOT specifically requested comments on its intention to conduct a multi-agency evaluation and award process with HUD for the Community Challenge Planning Grants and the TIGER II Planning Grants. DOT indicated that this multi-agency approach for the planning grants would be consistent with DOT and HUD's

participation in the "Partnership for Sustainable Communities" with the U.S. **Environmental Protection Agency** ("EPA") to help American families in all communities—rural, suburban and urban—gain better access to affordable housing, more transportation options, lower transportation costs, and a cleaner environment, HUD and DOT have considered the comments that were submitted in accordance with the interim notice and decided to conduct a multi-agency evaluation and award process. The details of this multi-agency planning grant program, including information about eligibility, selection criteria, and pre-application and application requirements are included in this joint notice. The final notice for the TIGER II Discretionary Grant program (the "TIGER II Discretionary Grant NOFA") was published on June 1, 2010 (75 FR 30460). Interested parties are encouraged to review the TIGER II Discretionary Grant NOFA for more information about that program. DATES: Pre-applications are due by July

DATES: Pre-applications are due by July 26, 2010, at 5 p.m. EDT, and applications must be submitted by August 23, 2010, at 5 p.m. EDT. Only pre-applications received and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications and applications are included in Section VI.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice please contact the TIGER II Discretionary Grant program manager via e-mail at TIGERIIGrants@dot.gov, or call Robert Mariner at 202-366-8914 (this is not a toll-free number). A TDD is available for individuals who are deaf or hearing-impaired, at 202-366-3993 (this is not a toll-free number). In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's Web site at http://www.dot.gov/recovery/ost/ TIGERII. Questions regarding HUD's Community Challenge Planning Grant Program should be directed to sustainablecommunities@hud.gov or may be submitted through the http:// www.hud.gov/sustainability Web site. HUD's contact person is Zuleika K. Morales-Romero, Office of Sustainable Housing and Communities, 451 Seventh Street, SW., Washington, DC 20410-3000, telephone number 202-402-7683 (this is not a toll-free number) facsimile 202-708-0465, or e-mail: zuleika.k.morales@hud.gov. For the hearing- or speech-impaired, contact the above telephone number via TTY by dialing the toll-free Federal Information Relay Service at 1-800-877-8339.

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#### SUPPLEMENTARY INFORMATION:

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VIII. Other Information

#### Overview Information

A. Federal Agency Name: Office of Sustainable Housing and Communities, Office of the Deputy Secretary, HUD; and Office of the Secretary, DOT.

B. Funding Opportunity Title: Community Challenge and Transportation Planning Grants.

C. Funding Opportunity Number: The funding opportunity number is FR–5415–N–12. Community Challenge and Transportation Planning Grant. The OMB Approval Number is 2501–0025.

D. Catalog of Federal Domestic
Assistance (CFDA) Number: The Catalog
of Federal Domestic Assistance (CFDA)
numbers for the HUD Community
Challenge and DOT TIGER II Planning
Grant are 14.704 and 20.933,
respectively.

E. Additional Overview Information:

1. Background. a. TIGER II Planning Grants.

On February 17, 2009, the President signed the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-05) (Recovery Act), which appropriated \$1.5 billion of discretionary grant funds to be awarded by DOT for capital investments in surface transportation infrastructure. DOT refers to these grants as Grants for Transportation Investment Generating Economic Recovery or "TIGER Discretionary Grants." DOT solicited applications for TIGER Discretionary Grants through a notice of funding availability published in the Federal Register on June 17, 2009 (74 FR 28775) (an interim notice was published on May 18, 2009 (74 FR 23226)). Applications for TIGER Discretionary Grants were due on September 15, 2009, and DOT received more than 1,400 applications with funding requests totaling almost \$60 billion. Funding for 51 projects was announced on February 17, 2010.

On December 16, 2009, the President signed the Fiscal Year (FY) 2010 Consolidated Appropriations Act, which appropriated \$600 million to DOT for National Infrastructure Investments using language that is similar, but not identical to, the language in the Recovery Act authorizing the TIGER Discretionary

Grants. DOT is referring to the grants for National Infrastructure Investments as TIGER II Discretionary Grants. The FY 2010 Appropriations Act permits DOT to use up to \$35 million of the funds available for TIGER II Discretionary Grants for TIGER II Planning Grants. The TIGER II Discretionary Grant NOFA was published on June 1, 2010 (75 FR 30460), and awards will be announced at the same time as awards made under this NOFA.

b. Community Challenge Planning Grants.

The FY 2010 Appropriations Act also appropriated \$40 million to HUD to establish a Community Challenge Planning Grant Program "to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities." The Community Challenge Planning Grant Program differs from HUD's Sustainable Communities Regional Planning Grant Program, a \$100 million program also created in the FY 2010 Appropriations Act. While the latter program is designed to support regional planning efforts, the Community Challenge Planning Grant Program focuses on individual jurisdictions and more localized planning. HUD will publish a separate NOFA for the Sustainable Communities Regional Planning Grant Program.

2. Available Funds. Up to \$75 million, including \$40 million for Community Challenge Planning Grants and up to \$35 million for TIGER II Planning

Grants.

3. Funding Categories. Given the range of planning activities that potential applicants are trying to accomplish, DOT and HUD will support a variety of eligible activities spelled out in Section III.C.1.a–c.

4. Authority. The program was authorized by the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, approved December 16, 2009).

5. Application of HUD's General Section. All applicants accessing resources available through HUD's Community Challenge Planning Grants are subject to the requirements of the General Section to HUD's FY 2010 NOFAs for discretionary programs. Applicants for such grants should carefully review the requirements described in this NOFA and HUD's General Section is not applicable to applicants accessing resources available through TIGER II Planning Grants.

#### **Full Text Announcement**

I. Funding Opportunity Description: This notice announces DOT's and HUD's intention to offer funding through a competition made available as a NOFA under its Community Challenge and TIGER II Planning Grants.

A. The Partnership for Sustainable Communities. This NOFA is being initiated in close coordination between DOT, HUD and the EPA, through the Partnership for Sustainable Communities (the Partnership).

The Partnership was conceived to coordinate Federal housing, transportation and environmental investments, protect public health and the environment, promote equitable development, and help address the challenges of climate change. Recognizing the fundamental role that public investment plays in achieving these outcomes, the Administration charged three agencies whose programs most directly impact the physical form of communities—HUD, DOT, and EPA—to lead the way in reshaping the role of the Federal government in helping communities obtain the capacity to embrace a more sustainable future.

One of the first acts of the Partnership was to agree to a set of six "Livability Principles" to govern the work of the Partnership and for each of the three agencies to strive to incorporate into their policies and funding programs to the degree possible. In addition, each agency has clear and defined roles: HUD will take the lead in funding, evaluating, and supporting integrated regional planning for sustainable development, and will invest in sustainable housing and community development efforts. DOT will focus on building the capacity of transportation agencies to integrate their planning and investments into broader plans and actions that promote sustainable development, and investing in transportation infrastructure that directly supports sustainable development and livable communities. EPA will provide technical assistance to communities and States to help them implement sustainable community strategies, and develop environmental sustainability metrics and practices. The three agencies have made a commitment to coordinate activities, integrate funding requirements, and adopt a common set of performance metrics for use by grantees.

B. Program Goals.

1. To better align Federal programs to support the building of projects that further the six Livability Principles (listed in rating factor 1 below).

2. To remove artificial or bureaucratic barriers among Federal programs and create a more coordinated point of contact for State and local governments building innovative projects that coordinate housing, economic

development, transportation, and environmental policies and goals.

#### II. Award Information

A. Award Size. For both Community Challenge Planning Grants and TIGER II Planning Grants, there is no minimum grant size, but the maximum grant size is \$3 million.

B. Type of Awards. All awards will be made in the form of Cooperative Agreements. HUD and DOT anticipate having substantial involvement in the work being conducted under this award to ensure the purposes of the grant program are being carried out and that entities are following through on their commitments. This includes making progress in meeting established performance metrics, and ensuring consistency in projects in participating jurisdictions that are funded through other HUD, DOT, and EPA programs so that they are implemented in a manner consistent with the Livability

C. Period of Performance. The period of performance shall not exceed 36 months from the date the funds are obligated. All funds awarded must be obligated by September 30, 2012.

D. Statutory Distributional Requirements Only Applicable to TIGER II Funds. This joint notice was developed and is being published in conjunction with the TIGER II Discretionary Grants NOFA. The selection process for TIGER II Planning Grants will be conducted in parallel with the selection process for TIGER II Discretionary Grants, and awards of TIGER II Planning Grants are subject to several distributional requirements under the FY 2010 Appropriations Act. These requirements do not apply to HUD Community Challenge Planning Grants. First, no more than 25 percent of the funds made available for TIGER II Discretionary Grants (or \$150 million), including any funding used for TIGER II Planning Grants, may be awarded to projects in a single State. Additionally, not less than \$140 million of the funds provided for TIGER II Discretionary Grants, including TIGER II Planning Grants, is to be used for projects located in rural areas. For purposes of this notice, DOT is generally defining "rural area" as any area not in an Urbanized Area, as such term is defined by the Census Bureau<sup>1</sup> and will consider a project to be in a

rural area if all or the majority of a project is located in a rural area. Finally, on awarding TIGER II Discretionary Grants, including TIGER II Planning Grants, DOT must take measures to ensure an equitable geographic distribution of grant funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes.

TIGER II Discretionary Grants, including TIGER II Planning Grants, may be used for up to 80 percent of the costs of a project; however, applications will be more competitive to the extent they include significant non-Federal financial contributions. The minimum and maximum grant sizes established by the FY 2010 Appropriations Act for TIGER II Discretionary Grants do not apply to TIGER II Planning Grants.

#### III. Eligibility Information

A. Eligible Applicants. State and local governments, including U.S. territories, tribal governments, transit agencies, port authorities, metropolitan planning organizations (MPOs), other political subdivisions of State or local governments, and multi-State or multijurisdictional groupings.

B. Cost Sharing or Leveraging Resources. For those seeking TIGER II Planning Grants, a 20 percent match is required. DOT will consider any non-Federal funds as a local match for purposes of this program, whether such funds are contributed by the public sector (State or local) or the private sector. However, DOT will not consider funds already expended as a local match. The 20 percent matching requirement does not apply to projects in rural areas. For those seeking HUD Community Challenge Planning Grants, applicants must provide 20 percent of the requested funding amount in leveraged resources in the form of cash and/or verified in-kind contributions or a combination of these sources. In-kind contributions may be in the form of staff time, donated materials, or services. All assistance provided to meet this requirement must be identified by their dollar equivalent based upon accepted salary or regional dollar values. Cash contributions may come from any combination of local, state and/or Federal funds, and/or private and philanthropic contributions dedicated to the express purposes of this proposal.

Applicants will receive credit for leveraging or matching resources greater than 20 percent of the requested amount as described in Rating Factor 4. If an applicant does not include the minimum 20 percent leveraged or matched resources with its appropriate

supporting documentation, that application will be considered ineligible.

C. Other Requirements.

1. Eligible Activities. In order to explain the variety of activities eligible for funding under this joint notice, the activities are described in three groupings:

a. TIGER II Planning Grants: Activities related to the planning, preparation, or design of surface transportation projects, including, but

not limited to:

(1) Highway or bridge projects eligible under Title 23, United States Code;

- (2) Public transportation projects eligible under Chapter 53 of Title 49, United States Code;
- (3) Passenger and freight rail transportation projects; and
- (4) Port infrastructure investments. b. Community Challenge Planning Grants: Activities related to the following:
- (1) Development of master plans or comprehensive plans that promote affordable housing co-located and/or well-connected with retail and business development and discourage development not aligned with sustainable transportation plans or disaster mitigation analyses;

(2) Development and implementation of local, corridor or district plans and strategies that promote livability and sustainability (see the Livability Principles in Section V);

- (3) Revisions to zoning codes, ordinances, building standards, or other laws to remove barriers and promote sustainable and mixed-use development and to overcome the effects of impediments to fair housing choice in local zoning codes and other land use laws, including form-based codes and inclusionary zoning ordinances to promote accessible, permanently affordable housing that reduces racial and poverty housing concentration and expands fair housing choice for lowincome minorities;
- (4) Revisions to building codes to promote the energy-efficient rehabilitation of older structures in order to create affordable and healthy housing;
- (5) Strategies for creating or preserving affordable housing for low-, very low-, and extremely low-income families or individuals in mixedincome, mixed-use neighborhoods along an existing or planned transit corridor;
- (6) Strategies to bring additional affordable housing to areas that have few affordable housing opportunities and are close to suburban job clusters; and

<sup>&</sup>lt;sup>1</sup> For the 2000 Census, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Web site. Urban Clusters (UCs) will be considered rural areas for purposes of this

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(7) Planning, establishing, and maintaining acquisition funds and/or land banks for development, redevelopment, and revitalization that reserve property for the development of affordable housing within the context of sustainable development

c. Combination of TIGER II Planning Grant and Community Challenge Planning Grant activities. There are a variety of projects that may include eligible activities under both the TIGER II Planning Grants and the Community Challenge Planning Grants programs. Rather than have applicants proceed through two separate grant application procedures, this joint NOFA is intended to create one point of entry to Federal resources to support related components of a single project. To illustrate the possible combination of activities, please consider the following examples:

(1) Planning activities related to the development of a particular transportation corridor or regional transportation system, that promotes mixed-use, transit-oriented development with an affordable housing

component.

(2) Planning activities related to the development of a freight corridor that seeks to reduce conflicts with residential areas and with passenger and non-motorized traffic. In this type of project, DOT might fund the transportation planning activities along the corridor, and HUD may fund changes in the zoning code to support appropriate siting of freight facilities and route the freight traffic around town centers, residential areas, and schools.

(3) Developing expanded public transportation options, including accessible public transportation and para-transit services for individuals with disabilities, to allow individuals to live in diverse, high opportunity neighborhoods and communities and to commute to areas with greater employment and educational opportunities.

DOT and HUD are expecting to award the TIGER II Planning Grants and the Community Challenge Planning Grants for planning activities that ultimately lead to the development of projects that integrate transportation, housing and economic development components.

DOT and HUD plan to make joint awards, where appropriate. However, we also expect DOT to make awards for TIGER II Planning Grant activities alone and for HUD to make awards for Community Challenge Planning Grants alone. Applicants may apply for funding from only TIGER II Planning Grants or from only Community Challenge Planning Grants. To the extent that an application has a project that has linked

activities and would benefit from funding and associated activities in both DOT and HUD's programs, applicants should indicate that in their application and the agencies may both award funding to the project, with DOT and HUD each awarding its funds for the eligible activities under its own respective program. However, only one application per project will be accepted (see Threshold Requirements, Section IV.C.).

#### IV. Threshold Requirements

Evaluation teams from DOT and HUD will review each pre-application that is received on or prior to the Pre-Application Deadline and will be responsible for analyzing whether the pre-application satisfies the following key threshold requirements:

A. The project and the applicant are eligible for funding under the TIGER II Planning Grant or Community Challenge Planning Grant program; and

B. Local leveraging, or matching funds are committed to support 20 percent or more of the costs of the transportation planning activities to be funded; this requirement is not applicable to transportation planning projects located in rural areas.

C. Only one application per project will be accepted for review. An applicant that submits more than one application per project may have some or all of the submissions deemed ineligible.

D. Resolution of Outstanding Civil Rights Matters for Applicants for HUD Funding. If you, the applicant:

1. Have received a charge from HUD concerning a systemic violation of the Fair Housing Act or a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination based on race, color, religion, sex, national origin, disability or familial status;

2. Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination pursuant to 42 U.S.C. 3614(a);

3. Have received a letter of findings identifying systemic noncompliance under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or Section 109 of the Housing and Community Development Act of 1974;

4. Have received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law

proscribing discrimination in housing based on sexual orientation or gender identity; or

5. Have received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a state or local law proscribing discrimination in housing based on lawful source of income; and

a. The charge, cause determination, lawsuit, or letter of findings referenced in subparagraphs (1), (2), (3), (4), or (5) above has not been resolved to HUD's satisfaction before the application deadline, then you, the applicant, are ineligible for funding. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline are sufficient to resolve the matter.

b. Examples of actions that would normally be considered sufficient to resolve the matter include, but are not limited to:

 c. Current compliance with a voluntary compliance agreement signed by all the parties;

(1) Current compliance with a HUDapproved conciliation agreement signed

by all the parties;

(2) Current compliance with a conciliation agreement signed by all the parties and approved by the State or local administrative agency with jurisdiction over the matter;

(3) Current compliance with a consent order or consent decree; or

(4) Current compliance with a final judicial ruling or administrative ruling or decision.

#### V. Application Review Information

A. Criteria.

1. Rating Factor 1—Purpose and Outcomes (35 points): An applicant's score on this rating factor will be based on a clear statement of the existing condition that the proposed project is intended to address and the proposed project's alignment with the six "Livability Principles." Applicants that demonstrate that their project aligns well with the Livability Principles and are consistent with any existing region wide plans that consider transportation, economic development, housing, water, and other infrastructure needs and investments will receive a higher score. The Livability Principles are as follows:

a. Provide More Transportation Choices. Develop safe, reliable and affordable transportation choices to decrease household transportation costs, reduce energy consumption and dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.

b. Promote equitable, affordable housing. Expand location- and energyefficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.

c. Ēnhance Economic Competitiveness. Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets.

d. Support Existing Communities. Target Federal funding toward existing communities—through strategies like transit oriented, mixed-use development, and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural

landscapes.

e. Coordinate Policies and Leverage Investment. Align Federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

f. Value Communities and Neighborhoods. Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods-rural, urban, or

suburban.

In order for points to be awarded, applicants shall also provide data to support outcomes of the proposed project claimed in the application. Based on the project being proposed, the applicant shall identify the Livability Principle(s) that will be addressed and detail how that success will be documented. For example, if the proposed program intends to expand the presence of equitable, affordable housing, the applicant should provide data to support this claim.

As there is a wide range of projects that can be supported through this notice, not every project is expected to address all six Livability Principles. Points will be awarded based on the extent to which the proposed project furthers the specifically identified principles supported with data.

The applicant is required to clearly identify the benefits or outcomes of its proposed program. Because this application seeks support to develop a plan for a specific project, all of the outcomes will not be realized during the duration of the grant period. Rather, applicants will be evaluated on their ability to identify the outcomes they seek to achieve, the clarity with which

they articulate the elements of their plan that will help achieve those outcomes, and the specificity of the benchmarks that they establish to measure progress toward a completed product that guides all of the necessary work.

Applicants that receive awards will be expected to report on the progress of the project and outcomes realized at the mid-way point and at the end of the term of the grant, Where outcomes have been realized, they should be detailed and backed with data. For projects that must go to construction for many benefits to be realized, benchmarks will focus more on the progress of plan development, any changes in the scope of the work that occur during the planning process, and how those changes might impact the anticipated outcomes.

For projects that must go to construction for benefits to be realized, benchmarks will focus more on the progress of plan development, any changes in scope that occur, and how those changes might impact the

anticipated outcomes.

DOT and HUD recognize that each project is unique. As such, the agencies are allowing significant latitude to the applicant to set the desired outcomes that will result from implementation of the project. DOT and HUD have identified six possible outcomes, listed below, from which each applicant must select a minimum of two outcomes that it must pursue and report on during its period of performance.

a. Travel changes, such as changes in mode share or vehicle miles traveled per

capita.

b. Impact on affordability and accessibility, including the supply of affordable housing units, household transportation costs, or proportion of low- and very-low income households within a 30-minute transit commute of major employment centers.

c. Economic development, including infill development or recycled parcels of land or private sector investment along

a project or corridor.

d. Ímprovement to the state of repair of infrastructure.

e. Environmental benefits, such as greenhouse gas or criteria pollutants emissions, oil consumption and recreational areas or open space preserved.

f. Increased participation and decision-making in developing and implementing a plan, code, development strategy, or project by populations traditionally marginalized in public planning processes.

2. Rating Factor 2—Work Plan (35 points): An applicant's score on this rating factor will be based on how well the application addresses the quality and cost effectiveness of the proposed work plan. Applicants must develop a work plan that includes specific deliverables, and measurable, timephased objectives for each major activity.

This factor also addresses the performance metrics that will be used to measure the success of the proposed activities. For a proposed project to achieve results, expected outcomes and outputs must be clearly defined, and evaluation must take place to ensure that those outcomes and outputs are met. Outcomes are the ultimate objectives of a project, and outputs are the interim activities or products that lead to the achievement of those objectives. To track progress toward the outputs and outcomes, a project must be evaluated based upon performance measures. Performance measures should be objectively quantifiable, and allow one to assess the degree of actual achievement against the expected outputs and outcomes. Applications that demonstrate how outputs and outcomes are fully defined and easily measured will receive a higher score.

The applicant's budget proposal should thoroughly estimate all applicable costs (direct, indirect, and administrative), and be presented in a clear and coherent format. The applicant must thoroughly document and justify all budget categories, costs, and all major tasks, for the applicant, sub-recipients, joint venture participants, or other contributing

resources to the project.

3. Rating Factor 3—Leveraging and Collaboration (15 points): An applicant's score on this rating factor will be based on how well the application demonstrates the project's ability to obtain other community, local, State, private, and Federal support, as applicable, and resources that can be combined with DOT and HUD program resources to achieve program objectives. Resources may include cash or in-kind contributions of services, equipment, or supplies allocated to the proposed program. In evaluating this factor, HUD and DOT will consider the extent to which the applicant has established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities.

When evaluating this factor, HUD and DOT will take into account two considerations: the amount of resources leveraged or matched that exceeds the required 20 percent, and per capita income in the applicable jurisdiction relative to the metropolitan average.

Data must be provided for the indicator when responding to this rating factor. The 20 percent of leveraged or matched resources that are a threshold requirement will not count as points toward this rating factor. To score points in this rating factor, resources may be provided by governmental entities, public or private organizations, and other entities. Other resources from the private sector or other sources committed to the program that exceed the required 20 percent leveraged or matched resources will be given extra weight for this rating factor. The applicant should provide supporting documentation of all committed funds. Please refer to Section VI., Application and Submission, for more details.

4. Rating Factor 4—Capacity (15 points): An applicant's score on this rating factor will be based on how well the application demonstrates the applicant's capacity to successfully implement the proposed activities in a timely manner. The applicant will provide specific examples of previous projects similar to the proposed effort that demonstrate its capacity to implement the proposed work plan. DOT and HUD will give priority to applications that demonstrate the prior experience to bring this type of project(s) that is the subject of the planning activities to completion. Priority will also be given to applications that demonstrate strong collaboration among a broad range of participants, including public, private and nonprofit entities.

The applicant shall designate the staff that is anticipated to manage the proposed project, as well as other staff anticipated to contribute to the project's completion. Ratings under this factor are based on the capacity of the applicant's organization, and its team, as applicable, and should include an assessment of the capacity of subcontractors, consultants, sub-recipients, community-based organizations, and any other entities that are part of the project application, as applicable.

Applicants should be prepared to initiate eligible activities within 120 days of the effective date of the grant award. DOT and HUD reserve the right to terminate the grant if sufficient personnel or qualified experts are not retained within these 120 days. In rating this factor, DOT and HUD will consider, among other factors, the extent to which the application demonstrates that the applicant has an adequate number of key staff or the ability to procure individuals with the knowledge and recent experience in the proposed activity.

All applicants for HUD funding are subject to the requirements to Affirmatively Further Fair Housing. HUD will award additional points to applicants that prioritize additional measures to advance civil rights, such as Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Applicants should indicate if, and describe how, the following policy priorities will be addressed: (1) Capacity Building and Knowledge Sharing and (2) Expand Cross-Cutting Policy Knowledge. One point will be awarded for each policy priority. Identify specific activities, outputs and outcomes that further these policy priorities over the period of performance.

a. Capacity Building and Knowledge Sharing.

HUD recognizes that successful program implementation can only occur in partnership with effectively prepared grantees. It is therefore critical to strengthen the capacity of each consortium by developing partnerships that will advance the objectives of proposed programs. HUD's Strategic Plan emphasizes the importance of strengthening the capacity of state and local partners to implement HUD programs, participate in decisionmaking and planning processes, and coordinate on cross-programmatic, place-based approaches through grant making and technical assistance. To receive policy priority points, applicants are expected to describe how they will achieve the following outcomes:

(1) Increase the skills and technical expertise of partner organizations to manage Federal awards, provide solid financial management, and perform program performance assessment and evaluation. The applicant must describe the methods that will be used to achieve this outcome. Examples include inservice trainings, online information provision (e.g., webinars, podcasts, etc.), and structured observation of best practices. According to the proposed methods, the applicant should identify the anticipated outputs (e.g., number of people trained, number of training events, volume of easily accessible training materials for targeted capacities, etc.) during the 3-year period of performance.

(2) Share knowledge among partners so that key personnel responsible for grant implementation coordinate crossprogrammatic, placed-based approaches. The applicant must

describe the outreach methods that will be used to achieve this outcome. Examples include establishing regular partner dialogues, and structured peer exchange. According to the proposed methods, the applicant should establish and specify the anticipated outputs (e.g., number of meetings, Web postings, number of participating partners, total staff exposed to new learning and promising practice, number of briefings, issuance of monthly fact sheets, etc.) during the 3-year period of performance. HUD will work with grantees to support knowledge sharing and innovation by disseminating best practices, encouraging peer learning, publishing data analysis and research, and helping to incubate and test new ideas

b. Expand Cross-Cutting Policy Knowledge.

Broadening the use of successful models to other communities requires definitive evidence of which policies work and how, and a plan for public dissemination of this information.

To achieve full points, the applicant must indicate what data they and/or partner organizations will collect on outcomes for the defined target area (e.g., changes in commuting time, improved health outcomes, VMT measures, etc.). The grantee must document a plan to engage credible policy researchers to assist in the analysis of that data in order to measure policy impact, and clarify the extent of data that will be made available to those researchers through a data-sharing agreement.

(1) For household-level data, this may be an agreement with a university or other policy research group that regularly produces peer-reviewed research publications.

(2) For parcel-related data, this agreement may be with a regional planning, non-profit, or government agency that provides consolidated local data on a regular basis to the public for free.

The applicant should specifically describe how they intend to disseminate policy lessons learned during the planning process to a diverse range of potential audiences, including policymakers, other regional consortia, and interested community leadership. The collection method and specific data elements will not be prescribed by HUD, but may be determined by the applicant.

The applicant must establish and provide the anticipated outputs within the period of performance. Examples include the number of policy publications, number of research studies, anticipated distribution of findings, etc.

B. Evaluation and Selection Process.

1. Rating and Ranking.

Evaluation teams made up of a representative from DOT, HUD, and EPA initially will evaluate each application as to how well it scores against the "Rating Factors" identified below, and will assign it a score on a scale of 1-100. The scoring system will not determine the specific projects that will be selected for funding; rather, the scoring system will be used to generate a list of highly recommended projects. The highly recommended projects will then be forwarded to a senior-level review team for review, and the seniorlevel review team will make funding recommendations to the Secretaries of DOT and HUD, based on how the project performed under the four rating factors, how each project addresses the Program Goals identified in Section I.B. and statutory distributional considerations required in the National Infrastructure Investments provision of the FY 2010 Consolidated Appropriations Act for the DOT Planning Grants. The review teams will include senior-level representatives from the three Partnership for Sustainable Communities agencies: DOT, HUD, and EPA.

#### VI. Application and Submission Information

A. Address To Request Application Package. Applications are available on the Federal Web site www.Grants.gov. To find this funding opportunity at Grants.gov, go to http://www.grants.gov/ applicants/find grant opportunities.jsp at the www.Grants.gov Web site, where you can search by agency and/or perform a Basic Search. Additional information on applying through Grants.gov is available at http:// www.grants.gov.

B. Čontenť and Form of Application Submission. Applicants eligible to apply under this NOFA are to follow the submission requirements described

below:

1. Pre-Application. Unless otherwise indicated in this joint notice, applicants should submit pre-applications and applications in accordance with the procedures specified in the TIGER II Discretionary Grant NOFA. To submit an application, please access http:// www.dot.gov/recovery/ost/tigerii/ index.html or http://www.hud.gov/ sustainability. Pre-applications must be submitted by the Pre-Application Deadline, which is July 26, 2010, at 5 p.m. EDT. The pre-application system will be hosted by DOT, on behalf of DOT and HUD, and will open no later than June 23, 2010, to allow prospective applicants to submit pre-applications. Final applications must be submitted

through Grants.gov by the Application Deadline, which is August 23, 2010, at 5 p.m. EDT. The Grants.gov "Apply" function will open on July 30, 2010, allowing applicants to submit applications. While applicants are encouraged to submit pre-applications in advance of the Pre-Application Deadline, pre-applications will not be reviewed until after the Pre-Application Deadline. Similarly, while applicants are encouraged to submit applications in advance of the Application Deadline, applications will not be evaluated until after the Application Deadline. Awards will not be made until after September

To apply for funding through Grants.gov, applicants must be properly registered. Complete instructions on how to register and submit applications can be found at www.grants.gov. Please be aware that the registration process usually takes 2-4 weeks and must be completed before an application can be submitted. If interested parties experience difficulties at any point during the registration or application process, please call the toll free Grants.gov Customer Support Hotline at 1-800-518-4726, Monday to Friday from 7 a.m. to 9 p.m. EDT.

Applicants must submit a preapplication as Stage 1, which qualifies applicants to submit an application in Stage 2. An application submitted during Stage 2 that does not correlate with a properly completed Stage 1 preapplication will not be considered.

2. Contents of Pre-Applications. An applicant for a TIGER II Planning Grant or a Community Challenge Planning Grant should provide in its preapplication form, all of the information requested below in its pre-application form. DOT and HUD reserve the right to ask any applicant to supplement the data in its pre-application but expect pre-applications to be complete upon submission. Applicants must complete the pre-application form and submit it electronically on or prior to the Pre-Application Deadline, in accordance with the instructions specified at http://www.dot.gov/recovery/ost/ TIGERII. The pre-application form must include the following information:

a. Name of applicant (if the application is to be submitted by more than one entity, a lead applicant must be identified);

b. Applicant's DUNS (Data Universal Numbering System) number;

c. Type of applicant (State government, local government, U.S. territory, Tribal government, transit agency, port authority, metropolitan planning organization, or other unit of government);

- d. State(s) where the project is located;
- e. County(s) where the project is located;
- f. City(s) where the project is located; g. Zip code(s) where the project is located;

h. Project title (descriptive);

i. Project type: specify eligible activities proposed for funding, such as transportation planning activity, site area plan, corridor plan, land assembly or acquisition, etc.;

j. Project description: describe the project in plain English terms that would be generally understood by the public, using no more than 50 words; this should be purely descriptive, not a discussion of the project's benefits, background, or alignment with the selection criteria in this description;

k. Total cost of the project;

1. Total amount of TIGER II Planning Grant and Community Challenge Planning Grant funds requested;

m. Contact name, telephone number, email address, and physical address of the applicant;

n. Type of jurisdiction where the project is located (urban or rural); and

o. An assurance that local matching funds are committed to support 20 percent or more of any transportation planning activities to be funded. (This requirement does not apply to projects located in rural areas).

3. Applications. An application for a TIGER II Planning Grant or a Community Challenge Planning Grant should include all of the information requested below. DOT and HUD reserve the right to ask any applicant to supplement the data in its application, but expect applications to be complete upon submission.

a. Standard Form SF-424, Application for Federal Assistance. Please see www07.grants.gov/assets/ SF424Instructions.pdf for instructions on how to complete the SF-424, which is part of the standard Grants.gov submission. Additional clarifying guidance and Frequently Asked Questions (FAQs) to assist applicants in completing the SF-424 will be available at http://www.dot.gov/recovery/ost/ TIGERII by July 30, 2010, when the "Apply" function within Grants.gov opens to accept applications under this notice.

b. In Responding to the First and Second Rating Factor. (Attachment to SF-424). A TIGER II Planning Grant and HUD Community Challenge Grant application must include information required for DOT and HUD to assess each of the rating factors specified in Section III (Application Review and Rating Factors). Applicants are

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encouraged to demonstrate the responsiveness of a project to any and all of the rating factors with the most relevant information that applicants can provide, regardless of whether such information has been specifically requested, or identified, in this notice.

In order to fulfill the requirements of the first rating factor, an applicant must:

(1) Submit a narrative describing how the applicant will use the funding sought to achieve its desired outcomes and how the desired outcomes support the six Livability Principles. The narrative should also state the problems or barriers the project seeks to address, why they are an impediment to promoting a more sustainable future for the applicant community, and the outcomes the project seeks to achieve.

(2) Submit data supporting any assertions made about the expected outcomes, as well as the nature and the extent of the problems or barriers the

project seeks to remove.

In responding to the second rating factor, applicants must provide a narrative to discuss their project outcomes, outputs, and performance measures. Applicants should also identify important milestones (e.g., the end of specific phases in a multiphase project), which should also be clearly indicated in the proposal timeline. Applicants should also identify potential obstacles in meeting outcomes and outputs and related performance measures and discuss steps they would take to respond to these obstacles. Finally, applicants should describe how project evaluation information will be obtained, documented, and reported.

Applicants should submit a work plan

that includes the following:

(1) Proposed Activities. Briefly describe the overall activity you propose to undertake, including any coordinated components that will not be directly funded under the TIGER II Planning Grant Program or the Community Challenge Planning Grant Program. Describe the regional or local significance of the project and whether it is a part of a comprehensive regional plan. Include public outreach and participation activities, including minority and disadvantaged populations.

(2) Uses of Funds/Budget. Indicate how you will use the grant funds you are seeking by providing a list or table showing the amount of funds budgeted for each activity you will undertake to achieve your desired result. Indicate the entity responsible for each use and activity, including any elected bodies or bodies appointed by elected officials. Specify administrative costs.

(3) Project Completion Schedule. Briefly describe the project completion schedule, including milestones in each month for the critical management actions for you and any other entity whose cooperation or assistance is necessary to achieve your desired result, including the end dates of each required action and your expected metrics and results.

(4) Performance Measures. List the performance measures you will use to evaluate the success of your project or activity, as well as the benchmarks you expect to reach during the term of the grant and a timeline for reaching them.

- c. In Responding to the Third Rating  ${\it Factor}$ . Applicants will not receive full points if they do not submit evidence of a firm commitment and the appropriate use of leveraged or matched resources under the grant program. Such evidence must be provided in the form of letters of firm commitment, memoranda of understanding, or other signed agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment, and the organization's responsibilities as they relate to the proposed project. The commitment must be signed and dated by an official of the organization legally able to make commitments on behalf of the organization. Applicants should describe how they will ensure that commitments to sub-grantees will be honored and executed, contingent upon an award from DOT or HUD.
- (1) Applicants must support each source of contributions, cash or in-kind, both for the required minimum and additional amounts, by a letter of commitment from the contributing entity, whether a public or private source. The letter must describe the contributed resources that you will use in the program and their designated purpose. Staff in-kind contributions should be given a monetary value based on the local market value of the staff skills. If you do not provide letters from contributors specifying details and the amount of the actual contributions, those contributions will not be counted.
- d. In Responding to the Fourth Rating Factor. DOT and HUD will consider how the applicant entity is organized and how it will function in implementing the grant. The application should include a description of the leadership responsibilities and procedures for allocating resources, setting goals, and settling disputes. It should also include an explanation of the capacity and relevant, recent

experience of the applicant entity. The application should also include a description of the applicant's experience in outreach efforts involving low-income persons, particularly those living in revitalization areas where funds are proposed to be used, residents of public housing, minorities, socially and economically disadvantaged individuals, non-English speaking persons, and persons with disabilities.

Applicants should demonstrate that they either have sufficient personnel or the ability to procure qualified experts or professionals, with the knowledge, skills, and abilities with relevant experience to carry out the proposed activity.

Contact information is requested as part of the SF-424. This information will be used in order to inform parties of the selection of projects for funding, as well as to contact parties in the event additional information is needed.

- e. Page Limit. Applications should be limited to a total of 15 pages. HUD and DOT will not refer to Web sites for information pertinent to the narrative response. All applications should include a detailed description of the proposed project and geospatial data for the project, including a map of the area to be planned and where other work will occur.
- C. Submission Dates and Times. All pre-applications must be submitted in accordance with the instructions specified at http://www.dot.gov/recovery/ost/TIGERII. The pre-application system will be hosted by DOT, on behalf of DOT and HUD. Final applications must be submitted electronically through Grants.gov. Pre-applications are due by July 26, 2010, at 5 p.m. EDT, and applications must be submitted by August 23, 2010, at 5 p.m. EDT.
- D. Funding Restrictions. Applicants should also be aware that DOT is accepting applications for capital expenditures associated with surface transportation projects in the TIGER II Discretionary Grant notice (Docket No. DOT-OST-2010-0076). As part of that program, applicants may request planning funds associated with their capital request. If DOT awards planning funding to an applicant to the TIGER II Discretionary Grant program, the funding available through this notice will be lessened by that amount. Further, DOT has the option to use less than the \$35 million permitted in the statute and may do so based on distributional requirements or the need to fund highly recommended capital grant applications.

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#### VII. Award Administration Information

A. Award Notices.

1. Applicants Selected for Award. Projects selected for a TIGER II Planning Grant will be administered by one of DOT's modal administrations, pursuant to a grant agreement between the TIGER II Planning Grant recipient and the DOT modal administration.

HUD awardees will be required to negotiate a final statement of work and will enter into a Cooperative Agreement with HUD. The Cooperative Agreement will also contain an agreed upon Logic Model identifying specific activities and performance criteria to be reported against over a period of time. HUD grantees must meet the requirements contained in the General Section to HUD's FY 2010 Funding Notices.

2. Adjustment of Funding. DOT and HUD reserve the right to fund less than the full amount requested in an application based on the availability of funds, geographic diversity, and to ensure that the maximum number of

grants may be made.

3. HUD grant recipients must comply with applicable Federal requirements, including compliance with the Fair Housing and Civil Rights Laws applicable to all Federal awards.

B. Administrative and National Policy Requirements.

1. Environmental Requirements. All applicants that are proposing to use grant funds for land acquisition must comply with HUD's environmental procedures. In accordance with 24 CFR 50.19(b)(1), (9), and (16), all other eligible activities assisted by HUD funds under this NOFA are categorically excluded from environmental review under the National Environmental Policy Act of 1969 and are not subject to environmental review under the related laws and authorities. For applicants requesting grant funds for transportation planning, NEPA is not typically triggered (and even if triggered, categorical exclusions typically exist). However, if any projects planned with funding under this NOFA move to the construction phase and Federal funds are later sought for construction, all appropriate NEPA analyses will need to be completed prior to any Federal expenditures.

Under HUD's environmental procedures, for those applications involving land acquisition activities requiring environmental review, the notification of award to a selected applicant will constitute a preliminary approval by HUD, subject to the completion of an environmental review of the proposed site(s), and the execution by HUD and the recipient of

a Grant Agreement. Selection for participation (preliminary approval) does not constitute approval of the proposed site(s). Each proposal will be subject to a HUD environmental review, in accordance with 24 CFR part 50, and the proposal may be modified or the proposed sites rejected as a result of that review.

Submission of an application involving a project requiring an environmental review will constitute an assurance that the applicant shall assist HUD in complying with 24 CFR part 50 and shall:

- (1) Supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR part 50;
- (2) Carry out mitigating measures required by HUD or select alternate eligible property; and
- (3) Not acquire, rehabilitate, demolish, convert, lease, repair, or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received.

For assistance, contact the HUD Environmental Review Officer in the HUD Field Office serving your area.

Contact information is requested as part of the SF-424. DOT will use this information to inform parties of DOT's decision regarding selection of projects, as well as to contact parties in the event that DOT needs additional information about an application.

2. Administrative and Indirect Cost Requirements. For reference to the Administrative Cost requirements and Indirect cost requirements, please see OMB Circulars A–21, A–87, and A–122, as applicable.

C. Reporting Requirements. HUD Award Agreements will include the terms and conditions of the award including the reporting requirements.

- 1. Final Work Plan and Logic Model. Final work plan and completed Logic Model are due 60 days after the effective date of the grant agreement. See the General Section for detailed information on the use of the "Master" eLogic Model.
- 2. Successful applicants will be required to submit bi-annual and final program reports according to the requirements of the award agreement. Your bi-annual and final report must include a completed Logic Model, form HUD-96010, approved and incorporated into your award agreement, showing specific outputs and outcome results against those proposed and accepted as part of your approved grant agreement.

3. Financial reporting requirements include, but are not limited to, the submission of the financial status report, SF–425, bi-annually.

#### VIII. Other Information

A. Compliance with Fair Housing and Civil Rights Laws and Affirmatively Furthering Fair Housing for Community Challenge Planning Grant Applicants

Fair Housing and Civil Rights Laws:

- 1. With the exception of Federally recognized Indian tribes and their instrumentalities, applicants and their sub-recipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105 (a), including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973.
- 2. If you are a federally recognized Indian tribe, you must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12, as applicable. See the General Section for further instructions on this requirement.
- 3. Affirmatively Furthering Fair Housing: Section 808(e)(5) of the Fair Housing Act imposes a duty on HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. This obligation further applies generally to recipients of HUD funds, including those awarded and announced under HUD's FY 2010 funding notices. Your application must include a discussion on how your proposed plans affirmatively further fair housing; applications that include specific activities and outcomes that address this requirement will be rated higher. Applicants for Community Challenge Planning Grants that are tribal governments are not subject to the affirmatively furthering fair housing submission requirement in the General Section.
- B. Additional Environmental Requirements. A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFA in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the FONSI must

be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number).

Dated: June 18, 2010.

Ray LaHood,

 $Secretary, Department\ of\ Transportation.$ 

Shaun Donovan,

Secretary, Department of Housing and Urban

Development.

[FR Doc. 2010–15353 Filed 6–21–10; 4:15 pm]

BILLING CODE 4210-67-P

## EAST GOSHEN TOWNSHIP ACTION LIST

Herron I TRANS FOR 6/22 WERE DISTRIBUTED ON 6/18

#	ltem	Action Due Date
ADM 09-05	Energy Conservation in Twp Bldg	22-Jun-10
ADM 10-14	Newsletter Advertising	22-Jun-10
FIN 09-03	Historic Books	22-Jun-10
FIN 10-03	Monthly Financial Reports - 2009	22-Jun-10
FIN 10-06	Friends of East Goshen Township 501c3	22-Jun-10
PCZ 06-01	Parking for Multi-Use Space in IP/BP District	22-Jun-10
PCZ 10-01	CTDI Parking	22-Jun-10
PCZ 10-04	Lieberman Early & Co	22-Jun-10
ADM 07-02	Pension Plan Conversion	6-Jul-10
ADM 08-02	Review Comp Plan Action List (Ch 10)	6-Jul-10
ADM 09-04	Quarterly Review of Right to Know Requests	6-Jul-10
ADM 09-08	Police Scheduling	6-Jul-10
ADM 10-16	Performance Evaluations	6-Jul-10
ADM 10-20	Planning Commission Vacancies	6-Jul-10
ADM 10-21	ABC Meeting Minutes of 5/15/10	6-Jul-10
DPW 07-02	Hershey's Mill Dam	6-Jul-10
DPW 07-04	Park Bridge Permit	6-Jul-10
DPW 10-06	Cost of Electric Work	6-Jul-10
FIN 10-09	Invoice Coding Review	6-Jul-10
PCZ 09-06	WCF Tower @ Township Building	6-Jul-10
ADM 09-11	2010 Sponsorships: Fireworks & Leaf Bags	13-Jul-10
ADM 10-15	Resolutions Book	13-Jul-10
DPW 07-01	Geese Management Program	13-Jul-10
DPW 08-02	Quarterly Report on I&I	13-Jul-10
DPW 08-06	Recycling Contract	13-Jul-10

#	ltem	Action Due Date
DPW 09-03	Road Resurfacing	13-Jul-10
DPW 10-04	Pedestrian Crosswalk @ Township Park	13-Jul-10
ADM 09-12	Deer Management Committee	20-Jul-10
ADM 10-18	DMP Resolution	20-Jul-10
DPW 10-02	Ridley Creek Expansion Monthly Update	20-Jul-10
ADM 07-01	Review Wireless Ordinance	27-Jul-10
ADM 09-02	Records Retention Resolution (Email System)	27-Jul-10
ADM 10-07	Staffing Analysis	27-Jul-10
FIN 09-01	Quarterly Summary of Pending Legal Cases	27-Jul-10
FIN 09-02	Capital Reserve Fund Analysis	27-Jul-10
FIN 10-02	Services List	27-Jul-10
FIN 10-05	Quarterly Financial Reports - 2010	27-Jul-10
FIN 10-08	DPW Expense Allocation	27-Jul-10
PCZ 09-01	Telecom Registration and Reporting	27-Jul-10
ADM 09-09	ARCView System (GIS)	10-Aug-10
DPW 08-01	Public Works Service Outsourcing	10-Aug-10
ADM 10-13	Sewer Metered Billing	24-Aug-10
ADM 09-07	Web Site Upgrade Status	7-Sep-10
DPW 08-04	Invasive Species	7-Sep-10
PCZ 10-03	Generator Installations	7-Sep-10
ADM 10-04	Information Systems Analysis	14-Sep-10
ADM 10-19	USDA Geese Round Up	14-Sep-10
ADM 10-03	Township Advisory Group	5-Oct-10
ADM 10-02	Annual Training Plan	7-Oct-10
DPW 10-01	Tree Vitalize Grant (Conservancy)	12-Oct-10
ADM 09-13	ABC Appreciation Event Guest List	2-Nov-10
ADM 09-10	Soccer Fields @ Line Road	7-Dec-10

#	Item	Action Due Date
ADM 10-01	Employee Benefits	19-Dec-10
ADM 10-17	ZHB Vacancy	Completed
FIN 10-07	Electricity Purchase - 2011	Completed

3 of 3 7/1/2010

Item:	Pension Plan Coi	nversion	No:	ADM 07-02
			_	
	List Date: 1/2/2007	Com	pleted Date:	
	Is it economically feasible to convert the	current defined benefit plan	to a	
Description.	Idefined contribution plan?			

Date	Action
	Investigation options. Tom Anderson to do actuarial study and draft papers for new plan.
4/6/2010	Per Anderson we should have report by 4/9.
4/20/2010	Memo from Rick regarding cost to switch and recommended Township contribution
5/4/2010	Can Township mandate move to Defined Contribution? Solicitor reviewing.
5/25/2010	Solicitor suggests current plan be "frozen" and new plan begun. Still reviewing legal aspects and will send memo within week.
6/8/2010	Recommendation on freezing old plan.
6/15/2010	Update
7/6/2010	Update distributed 6/18.

Item:	Review Comp Plan Action	List (Ch 10) No:	ADM 08-02
_			
	List Date: 5/20/2008	Completed Date:	
г			1
Description:			

Date	Action
4/19/2010	Didn't get to discuss at meeting. Reschedule.
5/11/2010	Review progress to date and discuss how to proceed. Memo from Joe.
5/25/2010	Rick & Joe to meet with ABC's to distribute lists and explain reporting needs.
7/6/2010	Comp Plan will be added to agendas for next ABC meetings.

#### 6.

#### EAST GOSHEN TOWNSHIP MEMORANDUM

TO: TOWNSHIP ABC'S

**FROM:** JOE GILL, ASSISTANT MANAGER

SUBJECT: COMPREHENSIVE PLAN

**DATE:** 6/22/2010

**CC:** RICK SMITH, MANAGER;

Attached are two summaries charting the progress of the Township Comprehensive Plan adopted in June 2005, and detailed Action Items from Chapter 10 sorted by Responsible Group.

The first chart, Action Summary, shows that, of the 183 items, 64% (117 items) are either Active or Completed, and 36% (66 items) are yet to be addressed. The second chart, Score by Priority, shows how many High, Medium, or Low Priority Items have been addressed or not addressed.

As fully two-thirds of the Items are being addressed, it would appear we are fairly successful in implementing the Plan. At this time, halfway into the ten-year plan, the Board of Supervisors wants to formalize the tracking of our progress.

Each ABC should review their Action Items and include updates of each item in their annual report to the Board for the January Annual Planning Session. For January 2011, reports should reflect 2010 accomplishments and 2011 goals and objectives in terms of the Plan Action Items.

		REQUEST FOR INFORMAT	REQUEST FOR INFORMATION LOG SECOND QUARTER		:
Date Requested	Name	Address	Information Requested	Date Completed	Time Spent
4/6/2010	Stephanie Neher	1239 Revere Dr, Chalfont, PA 18914	inground pool permits issued from 3/1/10- 4/1/10 contractor name , cost of project	4/6/2010	15 min
4/7/2010	Jeff Fry - Advantage Engineers, LLC	910 Century Drive, Mechanicsburg, PA 17055	info pertaining to environmental quality of the Right of Way at location of PECO wood pole in vicinity of 712 N Chester Rd, EGT	4/13/2010	15 min
4/15/2010	Jim Oconnor	158 Stoney Bank Rd, Glen Mills, PA 19342	Rd, Glen Mills, PA info on permit for 1780 Jefferson (Hunt Country development)	4/20/2010	15 min
4/26/2010	Christopher McGurk, Universal Atlantic Systems, Inc.	700 Abbott Dr.,Broomall, PA 19008	summary info for all commercial building permits issued in Mar and Apr 2010. If no summary then copies of all commercial building permits issued in Mar and Apr.	4/27/2010	15 min
4/27/2010	McTighe, Weiss, O'Rourke, Troncelliti & Morgan, Atty at Law	11 E Airy St., P.O. Box, Norristown, PA 19404	Khov at Hershey's Mill Inc v Lyons & Hohl, et al ("Hov Project" "The Yardley Village") 1990- 5/25/2010 early 2000	. 5/25/2010	2 hours
5/2/2010	Stephanie Neher	1239 Revere Dr, Chalfont, PA 18914	inground pool permitsissued from $4/1/10$ - $5/1/10$ contractor name , cost of project	5/3/2010	15 min
5/17/2010	Millie Caccamo	1420 Linden Lane, West Chester, PA 19380	property on market, neighbor said there was pool and was filled in. Orig owner 1987-1989 viewed file while at office 5/17/10 present owner purchased 2005	viewed file while at office 5/17/10	no action on my part handled by codes
5/20/2010	John A. Schorn	1401 Larch Lane, West Chester, PA 19380	information regarding original Milltown (Goshen Heights)sub., 19 School Ln, 1417 Center St.,1419 Center St., variance for Old West Chester Pike	5/26/2010	30 min

Item:	Quarterly Review of Right to Know	Requests	No: ADM 09-04
•	List Date: 2/10/2009	Completed Da	ate:
Description:			

Date	Action	
4/6/2010	Distribute copies of report.  Report to be modified to include time to complete request and date of pick-up	Done
7/6/2010	Distribute copies of report.	
10/5/2010	Distribute copies of report.	

Item:	Police Scheduling		No:	ADM 09-08
	List Date: 8/11/2009	Com	pleted Date:	
Description:	Review possible change of Police Scheduling.			

Date	Action
	Committee Established (Thom & Charlie)
7/6/2010	The Association has signed the 90 day extension. Negotiations will continue through to 9/30/2010.

Item:	Performance Evaluations	No:	ADM 10-16
	List Date: 4/13/2010	Completed Date:	
	LIST DATE. 4710/2010		
Description:	Unify format and complete Employee Performance Evaulations		

Date	Action
4/13/2010	Unify format and complete Evaluations
7/6/2010	Board to meet 7/14 @3:00 to discuss evaluations.

Item:	Planning Commission Vacancies		No:	ADM 10-20
			_	
	List Date: 6/15/2010	Com	pleted Date:	
Description:	Fill Commission vacancies			

Date	Action
7/6/2010	Review of applicants, interview if necessary, appoint members.

Item:	ABC Meeting of 5/15/10	ADM 10-21
	List Date: 6/1/2010 Completed Date:	
	Elot Buto.	-
Description:	Review minutes of ABC Meeting of 5/15/10	
		<b>.</b>
Date	Action	
7/6/2010	Review Minutes.	

Item:	Hershey's Mill Dam	No:	DPW 07-02
	List Date: 5/22/2007	Completed Date:	
r			
Description:			

Date	Action
	Grant declined. Committee formed to determine best option. Classification probably not changing. Hydrologic Study by advanced Geo Services.
4/6/2010	Groups met 4/5. Board to discuss 4/13/10
4/13/2010	Should we proceed with AGS or rebid work. What should be included in next phase of engineering work?
5/4/2010	Advanced GEO Proposal for breech analysis and potential solutions.
6/1/2010	Awaiting comments from Save the Dam group before taking action on GEO proposal. Phase 1 approved.
7/6/2010	Impoundment drained 6/30. Conceptual plans due for 7/20 meeting. Cost estimates due for 8/17.

Item:	Park Bridge Permit	No:	DPW 07-04
•	11.1 Day ( 7.01/0007 )	Completed Date: [	
	List Date: 7/24/2007	Completed Date: [	
Description:			

Date	Action
	Awaiting response from ACOE. Engineering issues resloved. Easement language approved. Execute easement.
4/6/2010	Permit issued. Work can start after June 15 per Fish & Boat Commission. Pulte soliciting quotes. Don contacting Joe McDonough about date for groundbreaking.
6/15/2010	Waiting on installation date from Pulte.
7/6/2010	Awaiting updated information from Pulte on schedule.
	1

16

Item:	Cost of Electric Work	No:	DPW 10-06
	List Date: 6/2/2010 Com	npleted Date:	
Description:	Are vendor charges for electric sservices competititve?		
Date	Action		
7/6/2010	Rates were negotiated by Mark Miller last year.		

Item:	Invoice Coding Review	No:	FIN 10-09
	List Date: 6/2/2010 Con	npleted Date:	
Description:	Improve accuracy of invoice charging.		

Date	Action
7/6/2010	Department Heads/Directors/Managers indicate coding on invoice. Deb will review before entry.
- 1	

FOR JULY 6 MITG

#### Gordon, Mark

From: Bryan Del Monte [bryandelmonte@comcast.net]

Sent: Thursday, June 10, 2010 10:04 AM

To: 'Mark Gordon'

Cc: 'Rick Smith'; Thom Clapper; 'Don McConathy'; Senya Isayeff; Carmen Battavio; 'Marty Shane'

Subject: Opposed to Liberty Towers, LLC application for a Zoning Variance

#### Mark Gordon,

I reside in East Goshen Township and am submitting my opposition to granting a Zoning Variance requesting relief from the zoning ordinance to Liberty Towers, LLC. It is my understanding that EGT Planning Commission continues to recommend opposing variances requested for the installation of this tower. Also, I recognize that the Board of Supervisors and Zoning Hearing Board retain substantial control over the placement, construction and modification of wireless facilities. I request that you exercise this control through reasonable moratoria and other traditional zoning techniques to not approve the Zoning Variance and further move to stop its construction within your legal authority.

A 150 foot tall Wireless Communications tower located behind the Wawa store at 1594 Paoli Pike would be aesthetically and architecturally unattractive. The imposing height of this tower and conspicuous appearance will not blend in with more traditional residential surrounding land uses. This tower will be seen from sensitive areas, including East Goshen Elementary School, the Historic Goshenville and wetlands walk areas along North Chester Road (Route 352) and the East Goshen Town Center along Paoli Pike, which is undesirable. Furthermore, the unlighted tower (lighting only required above 200 feet) will present a potential hazard to emergency helicopters flying into and out of Brandywine Airport approximately two miles away during instrument flight rule (IFR) conditions.

Preferred sites for this tower include industrial and commercial areas, locations along major thoroughfares (Routes 3 and 202), farther distances from airports, and existing towers and other tall structures in non-residential areas.

Please add my opposition comments to the record in the Zoning Variance meetings listed below for the Board of Supervisors and Zoning Hearing Board.

July 6, 2010 - Board of Supervisors meeting (workshop at 7:00pm, formal meeting @ 8:00pm)

July 15, 2010 - Zoning Hearing Board (meeting @ 7:30pm) (Zoning Hearing)

Bryan Del Monte 1710 Clock Tower Drive

#### **BOARD OF SUPERVISORS**

EAST GOSHEN TOWNSHIP

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

June 22, 2010

Dear Property Owner:

The purpose of this letter is to inform you that Schaffer Properties, LLC and The Food Source International, Inc. has submitted a Conditional Use application with the Township for the property at 734 N. Chester Rd., (The Tory Inne). The applicant is applying to adaptively reuse the existing building as a business office, in accordance with §240-38.5.A(3) of the Township Code.

Pursuant to Township policy, all property owners within 1000 feet of the subject property are notified of these types of applications. The tentative dates and times upon which this application will be discussed are as follows; and are subject to change.

**July 6, 2010** - Board of Supervisors meeting @ 8:00 pm (workshop @ 7 pm)

The Board of Supervisors will consider a request from the applicant for a waiver from the Historic Impact Study requirement of the Township Code.

July 7, 2010 - Planning Commission meeting @ 7:30 pm (workshop @ 7 pm) (Applicant's presentation)

July 8, 2010 - Historic Commission meeting @ 7:30 pm

July 21, 2010 - Planning Commission workshop session @ 7:30

August 3, 2010 - Board of Supervisors meeting @ 8:00 pm (workshop @ 7 pm) (Conditional Use Hearing)

All meetings and workshops are held at the Township Building and are open to the public. The Conditional Use application is available for review during normal business hours. Please give me a call at 610-692-7171 if you have any questions or need additional information.

Sincerely,

Mark A. Gordon

Township Zoning Officer

CC:

Board of Supervisors Planning Commission Historical Commission