AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
TUESDAY, July 12, 2011
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence – Supervisor Carmen Battavio
4. Ask if Anyone is Recording the Meeting?
5. Public Comment – Hearing of Residents (Optional)
6. Chairman's Report
   a. Announce that the Board meet in executive session on June 28 to discuss personnel and legal matter.
   b. Announce that the Board will not meet on July 19, 2011.
7. Public Hearing
   a. Consider Conditional Use Application submitted by Tru-Team, Inc. for adaptive reuse of 1422 Paoli Pike
   b. Consider Tree Ordinance
8. Police/EMS Report – 3rd Tuesday
9. Financial Report – 4th Tuesday – Brian McCool
10. Old Business
    a. Consider proposal from Liberty Towers to construct a cell tower at the Township Building.
11. New Business
    a. Consider the Historical Commission's request for a 9 member commission.
    b. Consider Park and Recreation Board's updates regarding TAG recommendations
    c. Consider Mark Miller's report regarding Traffic Signal Damage
    d. Consider Yard Waste Concern and Collection Tonnage
    e. Consider participating in the Federal Rooftop Solar Challenge.
    f. Consider opposing HR 763 that would increase truck weights
    g. Review draft HVAC Consultant RFP
12. Any Other Matter
13. Approval of Minutes
    a. June 28, 2011
14. Treasurer's Report
    a. Report – July 8, 2011
15. Review Action List
16. Correspondence, Reports of Interest
    a. Acknowledge letter dated June 22, 2011 from Richard and Lillian Fedor thanking Supervisors, Rick Smith, and Mark Miller for having geese removed from pond at Tanglewood
    b. Acknowledge e-mail and plan from Neil DeReimer regarding the Hershey Mill Dam.

c. Acknowledge receipt of the Planning Commission's recommendation on the Wireless Communications Facility Ordinance Amendment.

17. Meetings & Dates of Importance:

July 13, 2011	Conservancy Board	7:00 pm
July 14, 2011	Farmer's Market	3:00 – 7:00 pm
	Historical Commission	7:00 pm
July 19, 2011	Board of Supervisors Meeting Cancelled	
July 21, 2011	Local Traffic Advisory Committee	1:00 pm
	Farmer's Market	3:00 –7:00 pm
July 26, 2011	Board of Supervisors	7:00 pm
July 28, 2011	Farmer's Market	3:00 –7:00 pm
August 2, 2011	Board of Supervisors	7:00 pm
August 3, 2011	Pension Committee	1:00 pm
	Planning Commission	7:00 pm
August 4, 2011	Farmer's Market	3:00 –7:00 pm
	Park & Recreation Board	7:00 pm
August 8, 2011	Municipal Authority	7:00 pm
August 9, 2011	Board of Supervisors	7:00 pm
August 10, 2011	Conservancy Board	7:00 pm
August 11, 2011	Farmer's Market	3:00 –7:00 pm
	Historical Commission	7:00 pm

August 3, 2011	Newsletter Article Due Date
October 1, 2011	Newsletter Delivery Date

18. Public Comment – Hearing of Residents
19. Executive Session – Personnel Matter
20. Adjournment

The Chairperson, in his or her sole discretion, shall have the authority to rearrange the agenda in order to accommodate the needs of other board members, the public or an applicant.

Conditional Use Application and Checklist

FILE COPY

East Goshen Township

RECEIVED
MAR 29 2011
By

To: Township Zoning Officer

Name of Applicant: Tru-Team Inc.

Applicant Address: 63 Eastwood Road, Berwyn, PA 19312

Telephone Number: 610-420-3456 Fax: _____

Email Address: alexanderzelensky@gmail.com

Property Address: 1422 Paoli Pike, West Chester, PA 19380

Tax Parcel Number: 53-4-118 Zoning District: R-2 Acreage: 1 acre

Description of proposed use:
See attached.

Conditional Use is provided in Zoning Ordinance Section: 240-38.5.A(3)(a)

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

Alex Zelensky 3-28-11

Signature of Applicant Date

Attest: _____

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

Description of Proposed Use

Applicant's property contains the existing historic building with a barn, shed and two garages, which are currently vacant. The property, located at 1422 Paoli Pike, West Chester and fronts Paoli Pike. Applicant seeks to adaptively reuse the existing historic building as a business office, under Zoning Ordinance § 240-38.5.A(3)(a) and in accordance with Zoning Ordinance §§ 240-31, 240-38.7. Specifically, the building will be used for as a physician's office. The adaptive reuse will affect the interior of the historic building and an addition to the building under §240-38.5.C is proposed. Applicant seeks modifications to applicable area and bulk regulations, with the regard to the buffer yards and the building setbacks for the parking area and for the addition to the building. To the extent such a modification is necessary, Applicant seeks relief under Zoning Ordinance §240-38.6.

Conditional Use Application and Checklist

Township Administration use only:

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

Application Checklist:

Item	Date Complete
1. Completed Township Application Form:	3-29-11
2. All related materials submitted:	3-29-11
3. Township application and review fees paid:	3-29-11

Application accepted as complete on 3-29-2011 by MARC GORDON

Official Signature: _____ Title: ZONING OFFICER

Review Process Checklist

Item	Date
1. Start date:	3-29-11
2. Date of first formal Planning Commission Meeting following Submission of complete application:	4-6
3. Sent to Twp. Engineer:	4-1
4. Date presented to Planning Commission:	4-6
5. Abutting Property Letter sent:	3-31
6. Date sent to CB:	"
7. Date sent To MA:	"
8. Date sent to HC:	"
9. Date sent to PRB:	"
10. Date sent to TAB:	"
11. Date by which the PC must act:	5-4
12. Date by which Board of Supervisors must act:	5-24
13. Drop Dead Date; (Day 60):	5-28
14. Conditional Use Hearing Date:	5-24 → CONT. TO 7/12/11
15. Dates of hearing advertisement:	5/9 & 5/16/2011
16. Property Posted:	5/3/2011

Narrative Statement Accompanying Plan

The proposed business office is suitable to the property in question. It will be designed, operated and maintained so as to be in harmony with the existing development in the general vicinity and will not be detrimental to the other property in the vicinity. Applicant will continue to maintain the exterior of the historic building and lot as a whole. The adaptive reuse will have proper use of adequate setbacks, buffering, berming, locating of nuisance causing facilities, or screening. The proposed hours of operation are normal business hours. The adaptive reuse does not require any modification of area and bulk regulations, with the exception of the parking lot design requirements and for an addition to the building.

As stated previously, the proposed business office will be adaptively reusing an existing historic building on the property. An addition to the building and a parking lot are also proposed and will comply with the Ordinance except as requested under §240-38.6. The proposed business office will be properly located and designed to minimize disruption to existing natural topography, waterways, ponds, groundwater recharge, woods and other important natural resources on the site.

The proposed business office will be suitable in terms of permitting the logical, efficient and economic extension of public services and facilities, such as sanitary sewage and police and fire protection. The historic building will be connected to public sewer. The historic building is already connected to public water and an increase in usage is not anticipated. Adequate access for emergency service equipment is available. The proposed business office shall not create a significant hazard to the public health and safety, including but not limited to fire, toxic or explosive hazards.

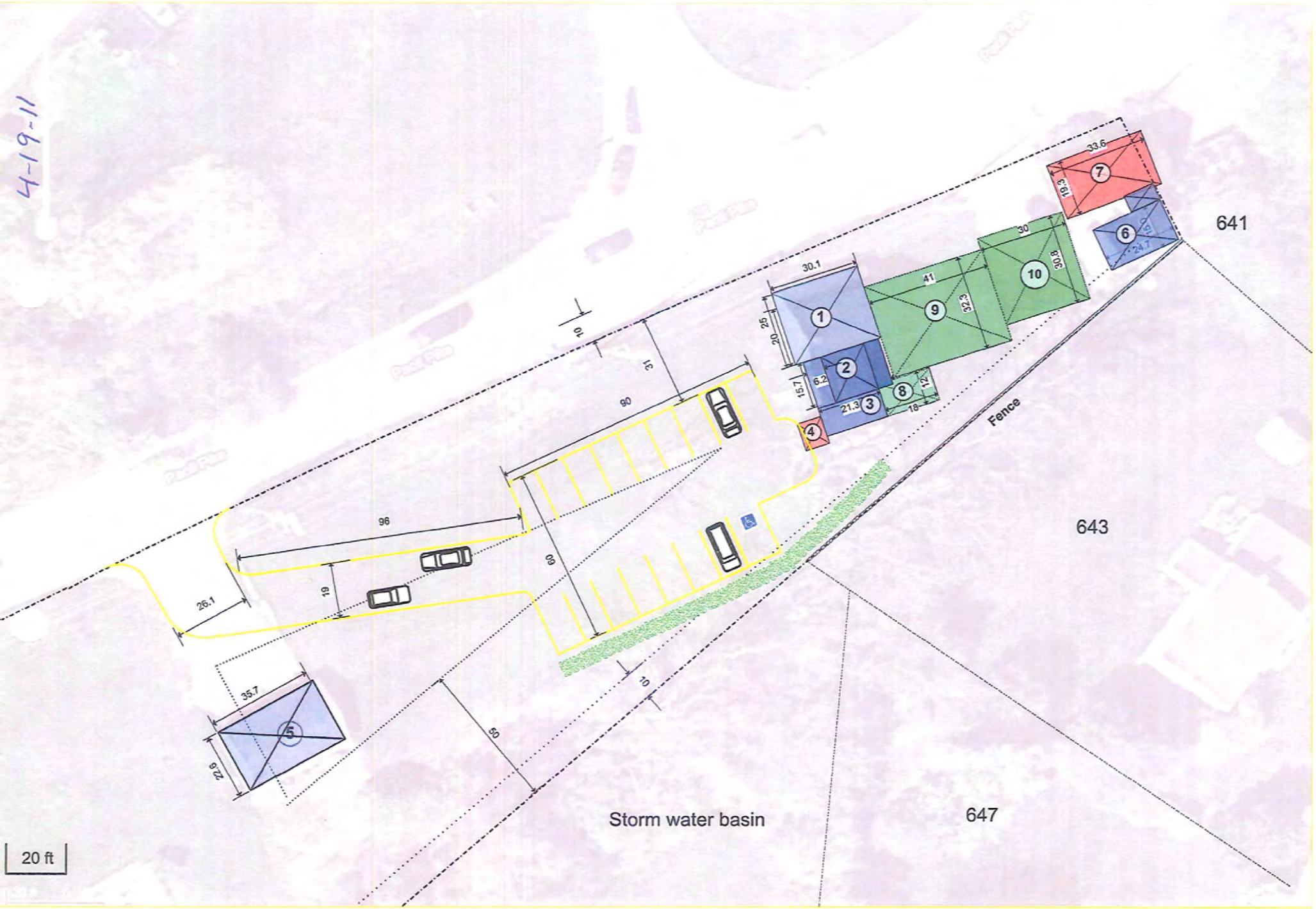
The proposed business office will not create significant traffic safety hazards or serious traffic congestion. Applicant shall provide a parking lot for employees and patients. It is anticipated that the proposed business office will be utilized by six employees (two doctors, four staff members) daily. No more than five patients per doctor will be visiting the property at any given time. It is not anticipated that these trips will cause traffic hazards or congestion. Applicant requests a sign in accordance with §240-38.5.E.

The granting of conditional use approval is necessary to the preservation of the historic building. In particular, it will generate revenue which will provide the economic means to care for and maintain the building. The proposed business office will minimize adverse impacts upon preservation and restoration of the historic building. The proposed business will be adaptively reusing the historic building on the property. The use will allow the historic building to be utilized in harmony with the existing uses on the lot and the surrounding community.

Waiver Request

As provided for in Zoning Ordinance § 240-38.8.A(5), Applicant seeks a waiver from the requirement found in Zoning Ordinance § 240-38.8.A(5) requiring the submission of twenty (20) copies of a Historic Resource Impact Study (HRIS). A waiver is justified given the current condition and state of the property. The property and the historic building are in need of significant repair. Previous owners have modified the exterior of the historic building and built additions that are not in keeping with the time period of the historic building. Applicant's adaptive reuse of the property is an opportunity to raise the character and condition of the property and historic building in such a manner that the historic building may be eligible for Class I consideration. The Applicant intends that any modifications to the historic building will be in keeping with the time period of the historic building, as will the facade of the addition to the historic building.

4-19-11



1422 Paoli Pike, East Goshen Township

1422 Paoli Pike
Impervious Surface Calculations

		Size		Surface	
Map #		f	f	s.f.	%
	EXISTING BUILDINGS				
1	Exiting house - main building	30	25	750	
2	Exiting house - extension 1	21.5	15.7	338	
3	Exiting house - extension 2	21.5	10	215	
4	Exiting house - shed	8.7	9.7	DEMOLISH	
5	Garage	35.7	22.6	807	
6	Garage	15	24.7	371	
		9	6	54	
7	Barn	19.3	33.6	DEMOLISH	
	TOTAL EXISTING			*1303*	
	NEW BUILDINGS				
8	New addition	17	14	238	
9	New addition	41	32	1312	
10	New addition	30	31	930	
	TOTAL NEW			**2480**	
	TOTAL BUILDINGS			**3783**	**7.6%**
	PARKING				
	Parking Lot	90	60	5400	
	Drive way	96	18	1728	
	Parking lot ext	15	16	240	
	Drive entrance			992	
	TOTAL PARKING			**8360**	**16.8%**
	IMPERVIOUS TOTAL			**12143**	**24.4%**
	TOTAL LOT SIZE			**49716**	**100%**

AREA CODE 610
692-7171
www.eastgoshen.org

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

Date: 5/4/2011

Plan: 1422 PAOLI PIKE / COND. USE / ADAPTIVE REUSE

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

Re: **Extension of Review Period**

Dear Board of Supervisors,

In regard to the above noted plan I authorize a 60 day extension to the review period. I understand that this extension doesn't mean that the application referenced will be approved within this period; it solely allows East Goshen Township additional time to review the application.

Applicant (Print): Alexander Zelensky TruTeam Inc.

Applicant (Sign): Alex Zelensky

AREA CODE 610
692-7171

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

May 9, 2011

Tru-Team, Inc.
63 Eastwood Rd.
Berwyn, PA 19312

Re: Conditional Use Application / Adaptive Reuse of an Historic Resource
Tru-Team, Inc. / 53-4-118 / 1422 Paoli Pike

Mr. Zelensky,

At their meeting on May 4, 2011 the Planning Commission requested a 60 Day Planning Review extension to review period for your Conditional Use application. Dr. Zelenska verbally granted the Planning Commission this extension on the record.

The reason the Planning Commission requested this extension is because they do not believe that sufficient information has been provided to show how the proposed office use and new, ~5,000 s.f building addition will impact the ~1,800 s.f. Historic Resource. There are also concerns that the proposed addition may not be feasible from a construction standpoint.

The Planning Commission requests that the following additional information be provided for their review and consideration:

1. Your application states: "Applicant seeks modifications to applicable area and bulk regulations with regard to the buffer yard and building setbacks for the parking and for the addition to the building." These modifications must be accurately presented to the Planning Commission for review. Specific information needs to be presented to support these modifications as per §240-38.6 and §240-38.7.
2. Due to the constraints of the property and the proposed 2 story addition to the existing historic resource; the Planning Commission requests that architectural renderings of the proposed addition be provided and a written description of how the historic resource will be physically incorporated into the proposed addition. In addition it would be useful if you could provide some information on the constructability of the proposed addition.
3. Although support for a waiver from the Historic Resource Impact study has been received from the Township Boards and Commissions, the Planning Commission still believes that some information needs to be submitted outlining the

potential impacts and proposed mitigation measures as described in §240-38.10.B(2) and §240-38.10.B(3).

4. Provide a written response and revised plans addressing the Township Engineers' review letter dated 4/29/2011.

As you know the Township has supported your proposed Adaptive Re-use of this property since you first approached us with a concept sketch in September of 2009. We look forward to working with you to overcome the planning and engineering challenges that this project presents. However, the Township has an obligation to ensure that proper planning is conducted and all Township regulations are followed.

At this time the Board of Supervisors will open and continue the Conditional Use Hearing on May 24, 2011 to a date certain, which will be determined on that evening.

I have enclosed our standard Planning Review extension form for your completion and authorization with a self addressed and stamped envelope. Please return this form to the Township. Please don't hesitate to contact me should you have any questions.

Sincerely,

Mark A. Gordon
Township Zoning Officer

Cc: Board of Supervisors
Historical Commission
John Smirga, P.E. (Via Email)
Michael Conrad, P.E. Township Engineer (Via Email)

Rick Smith

From: Mark Gordon [mgordon@eastgoshen.org]
Sent: Thursday, June 30, 2011 10:17 AM
To: alexanderzelensky@gmail.com
Cc: rsmith@eastgoshen.org
Subject: RE: Signed extension form
Attachments: Extension Letter 11022005.pdf

Mr. Zelensky,
Here's the extension form, please print and complete this form and present it to the Planning Commission on July 6th. The Township is willing to accept a 60 day extension and continue the hearing to September 13, 2011, as long as the Planning Commission agrees.
-Mark

From: Alexander Zelensky [mailto:alexanderzelensky@gmail.com]
Sent: Wednesday, June 29, 2011 4:32 PM
To: mgordon@eastgoshen.org
Subject: Re: Signed extension form

When is the next meeting?

On Wed, Jun 29, 2011 at 4:26 PM, Mark Gordon <mgordon@eastgoshen.org> wrote:

I don't have a problem with it however you should come to the Planning Commission meeting to give them an update and request the extension then.

From: Alexander Zelensky [mailto:alexanderzelensky@gmail.com]
Sent: Wednesday, June 29, 2011 4:02 PM
To: mgordon@eastgoshen.org
Subject: Re: Signed extension form

Hi Mark,

Can we request another extension for our application?

What do I need to provide for that?

Thank you,

Alex

On Wed, Jun 1, 2011 at 4:51 PM, Mark Gordon <mgordon@eastgoshen.org> wrote:

Memorandum

NOTE! THE APPLICANT DID NOT ATTEND THE PC MTG ON 7-6-11

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380
Voice: 610-692-7171
Fax: 610-692-8950
E-mail: mgordon@eastgoshen.org

Date: 6/28/2011
To: Planning Commission
From: Mark Gordon, Township Zoning Officer MAG
Re: 1422 Paoli Pike / Historic Resource Adaptive Reuse / Conditional Use / Draft Motion

Dear Commissioners:

As you know a conditional use application (the "Application") was submitted by Tru-Team, Inc. ("Applicant") requesting an adaptive reuse of the existing historic structure on the above-referenced property as a medical office building. Applicant proposes to build a 2,797 square foot addition to the existing dwelling, pave a new parking lot for 16 vehicles to be accessed from the western driveway entrance and to remove the eastern driveway access.

At the May 4, 2011 Planning Commission meeting, Applicant granted the Township an extension of 60 days to review and rule on the Application. On May 9, 2011, I wrote Applicant a letter outlining the items that it must submit in order for the Planning Commission to evaluate the Application and make an informed recommendation to the Board. To date, Applicant has not submitted any additional information or documents. The conditional use hearing is scheduled for July 12, 2011. At this time, absent Applicant granting another extension, the Planning Commission must make a recommendation to the Board of Supervisors for the Application. I have drafted the following motion for your consideration:

Draft Motion:

Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors deny the Conditional Use Application of Tru Team, Inc. for the adaptive reuse of the historic resource located at 1422 Paoli Pike, West Chester, PA 19380 for the following reasons:

1) Applicant has not provided the Township with the required information supporting the Conditional Use Application to adaptively reuse the current residential use as an office use. Specifically, Applicant has not provided the information required by Section 240-38.8 of the Zoning Ordinance or the information requested in a letter dated May 9, 2011 from the Township's Zoning Officer, Mark A. Gordon to Applicant. A copy of said letter is attached hereto and incorporated herein by reference.
2) Applicant has not complied with the outstanding comments in the Township Engineer's review letter dated April 29, 2011, a copy of which is attached hereto and is incorporated herein by reference.

610-692-7171
www.eastgoshen.org

BOARD OF SUPERVISORS

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

July 7, 2011

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

Re: Tru-Team, Inc. Conditional Use Application
1422 Paoli Pike, West Chester, PA
TPN 53-4-118

Dear Board Members:

At their meeting on July 6, 2011 the Planning Commission unanimously approved a motion to recommend that the Board of Supervisors deny the Conditional Use Application of Tru Team, Inc. for the adaptive reuse of the historic resource located at 1422 Paoli Pike, West Chester, PA 19380 for the following reasons:

1) Applicant has not provided the Township with the required information supporting the Conditional Use Application to adaptively reuse the current residential use as an office use. Specifically, Applicant has not provided the information required by Section 240-38.8 of the Zoning Ordinance or the information requested in a letter dated May 9, 2011 from the Township's Zoning Officer, Mark A. Gordon to Applicant. A copy of said letter is attached hereto and incorporated herein by reference.

2) Applicant has not complied with the outstanding comments in the Township Engineer's review letter dated April 29, 2011, a copy of which is attached hereto and is incorporated herein by reference.

3) As referenced in the Township Engineer's review letter dated April 29, 2011, the plan submitted with the Application does not comply with the following sections of the East Goshen Township Zoning Ordinance:
    a. § 240-31.C(3)(qq)- the proposed parking area encroaches into the required front yard;
    b. §240-33.B(7)- the handicapped space is not 11 feet wide.
    c. §240-33.C(8)- which requires any parking or off-street loading area of five or more spaces which abuts a lot in a residential district to have an appropriate screen;
    d. §240-33.C(3)- which requires a minimum of 5% of a parking area to be landscaped;
    e. §240-33.C(7)- which requires all parking areas for uses other than single family dwellings to be physically separated from any public street by a concrete curb and planting strip of at least 10 feet;

f. §240-33.C(9)-which requires parking areas to be illuminated after dusk;
g. §240-33.D(1)- which requires an off-street loading space;
h. §240-24.E- which requires a refuse storage area.

4) Applicant has not proven that its plan complies with the applicable area and bulk requirements for lots in the R-2 District. If Applicant seeks a modification of any of the area and bulk requirements pursuant to Section 240-38.6, it has not identified the modification that it seeks the Board to approve by conditional use.

5) Applicant has not proven the applicable criteria in Section 240-38.7. Namely, Applicant has not demonstrated that the granting of conditional use approval is necessary for the preservation of the historic resource, that the proposal will not be destructive to the integrity of the historic resource and that the proposed modifications will not be out of character with the existing uses in the immediate neighborhood.

6) Applicant has not proven compliance with the standards for conditional use in Section 240-31.C of the Zoning Ordinance. Specifically, it has not demonstrated that the proposed adaptive reuse shall not be detrimental to other property in the vicinity and that the use will not create significant traffic safety hazards or cause serious traffic congestion.

I have enclosed a copy of the Township Engineer's review letter for your use. Please give me a call at 610-692-7171 or e-mail me at rsmith@eastgoshen.org if you have any questions or need additional information.

Sincerely,

Louis F. Smith, Jr.
Township Manager

Enclosures

Cc: Tru-Team, Inc.

F:\Data\Shared Data\Property Management\53-4\53-4-118 (1422 Paoli Pk)\2011 Adaptive Re-Use CU\PC Denial 070411.doc

Yerkes

Yerkes Associates, Inc. Consulting Engineers / Site Planners / Land Surveyors

April 29, 2011

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

Attn: Mark Gordon, Township Zoning Officer

Re: Tru-Team Inc. - 1422 Paoli Pike
UPI#: 53-04-118
Conditional Use Application Review

Dear Mark:

A Conditional Use Application, prepared by John Smirga, P.E. on behalf of Tru-Team, Inc., has been submitted to this office for review. The application includes the following drawings and documentation:

- Sketch Plat Development Plan for Zelensky (herein noted as Option 1), Sheet 1 of 2, dated 09-18-08, last revised 03-17-11
- Sketch Plat Development Plan for Zelensky - Option 2, Sheet 2 of 2, dated 09-18-08, last revised 03-31-11
- Conditional Use Application and Checklist, dated 03-28-11
- East Goshen Township, Board of Supervisors letter dated 03-30-11
- Various exterior and interior building and property photographs, 8 pages

Tru-Team, Inc. is the property owner and applicant and is applying for an adaptive reuse of an existing historic building as a medical business office. The property located at 1422 Paoli Pike contains an existing historic structure, a barn, two garages, and a shed. The property is accessible with two separate paved driveways to Paoli Pike. The driveway on the west side of the property provides access to a detached garage and the driveway on the east side property provides access to the barn. The proposed modifications shown on the Option 2 Sketch Plat include a 2,797 square foot addition to the existing dwelling, a paved parking lot for 16 vehicles that will be accessed from the western driveway entrance, and the removal of the eastern driveway access.

The site is situated within the R-2 Low Density Residential District. It is our understanding that the Board of Supervisors approved the Applicant's waiver request to not provide an Historic Resources Impact Study. The following comments are offered for consideration:

Zoning Ordinance

R-2 Low Residential Zoning District

1. Section 240-9.G – Within the R-2 zoning district, the maximum lot coverage by buildings is 25 percent and the maximum lot coverage by impervious surfaces is 35 percent. The plan should note the existing and proposed building coverage and impervious surface coverage.

2. Section 240-9.G – Within the R-2 zoning district, the maximum building height is three stories or 30 feet. The plan should note the height of the existing historic building and the height of the proposed addition. Architectural sketch drawings and sections that depict the height of the existing building and proposed addition should also be provided with the plan submission.

General performance Standards

3. Section 240-24.E – Refuse storage areas shall be adequate in size, screened from view from any public right-of-way, and be situated to prevent blockage or interference with accessways or parking spaces. The plan should indicate the location of a refuse storage area.

4. Section 240-24.F – The narrative notes and the plan indicates that the proposed office will be connected to public sewer. Public sanitary sewer service availability will need to be discussed with the Municipal Authority.

Conditional Use

5. Section 240-31.C (2) (d) – All conditional uses shall not be detrimental to other property in the vicinity and shall include proper use of adequate setbacks, buffering, berming, proper location of nuisance-causing facilities, screening, and proper control of operations to avoid conflicts. Where, in the opinion of the Board of Supervisors, the distance of setbacks and/or the methods of screening and buffering otherwise established by this chapter would be insufficient, additional screening, buffering and/or widths of setbacks shall be required as a condition of any approval. It is recommended that the proposed parking area and proposed building addition location be adjusted as necessary to provide sufficient separation from the southern property line for grading and landscape buffering and screening.

6. Section 240-31.C (2) (f) - All conditional uses shall not create significant traffic safety hazards or cause serious traffic congestion. A traffic study or assessment should be provided to address traffic ingress and egress from the proposed parking lot. Paoli Pike is classified as an Arterial Highway. Restrictions regarding left turns into and from the proposed parking lot may be necessary.

Off-Street Parking and Loading

7. Section 240-31.C.3.qq – The proposed parking area encroaches into the required front yard. Vehicle parking within the required front yard is permitted by conditional use if all the requirements of this section are met: justification of need; minimum setback of 20 feet from the street right-of-way line, except that additional parking shall not be located between the right-of-way line of Paoli Pike and the building setback line; stormwater management for the increased; and the submission of a landscape plan. The conditional use application should be amended to also include a request for conditional use approval per this section and the applicant will need to demonstrate to the Board's satisfaction that the requirements of this section are addressed.

8. Section 240-33.B. (7) - Handicapped accessible parking spaces must be provided in accordance with 2010ADA requirements. The minimum number of required handicapped parking spaces is one where the overall number of parking spaces ranges between four to 25 spaces. One handicapped space has been provided. However, such space shall be van accessible or 132 inches (11 ft.) wide (ADA Sect. 502). The handicapped spaces are 10 feet wide but should be widened to 11 feet, not including the 5 foot access aisle.

9. Section 240-33.C (8) - Any parking or off-street loading area of five or more spaces which abuts any lot in a residential district shall be provided with a suitable fence, wall, raised berm or evergreen planting at least four feet in height, designed to screen visibility and headlight glare from such residential lot. The property abuts residential lots and should be provided with suitable screening.

10. Section 240-33.C(3) – A minimum of five percent of a parking area shall be landscaped and continually maintained as such. Planting along the perimeter of a parking area shall not be considered as part of the five percent minimum parking area landscaping. The proposed parking lot should be reconfigured to address minimum landscaping requirements within the parking area.

11. Section 240-33.C(7) – All parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and a planting strip which shall not be less than 10 feet in depth measured from the street right-of-way line. A planting strip along the Paoli Pike right-of-way line and concrete curb should be incorporated into the parking lot design.

12. Section 240.33.C(9) - Parking areas shall be adequately illuminated if designed for use by more than three cars after dusk. If night time office hours are anticipated, then the parking lot design will need to provide adequate illumination.

13. Section 240.33.D.1 – The plan should indicate the location of an off-street loading space sufficient in size for the largest vehicle that may be utilized for pick-up and deliveries.

Historic Preservation

14. Section 240-38.4 – The parcel contains a barn which is not depicted on the plan. The location of the barn should be indicted on the plan and any proposal for the barn's removal should be reviewed by the Historical Commission.

15. Sections 240-38.6 and 38.7– All area, and bulk regulations and design standards otherwise applicable in the underlying zoning district shall apply to the use or reuse of an historic resource. However, the Board, as part of the conditional use approval may grant modifications to the otherwise applicable area and bulk regulations applicable to the use or adaptive reuse of the historic resource.

    The applicant will need to demonstrate to the Board's satisfaction that the granting of conditional use approval is necessary for the preservation of the historic resource for reasons other than purely economic grounds. Additionally, the Applicant will need to satisfactorily demonstrate that the proposal is not destructive to the integrity of the historic resource and/or the proposed modifications will not be out of character with the existing uses located in the immediate neighborhood.

Signage

16. Section 240-38.5.E – The narrative statement notes that the Applicant requests a sign in accordance with this section. A property, on which a historic resource is located and adaptively reused, shall be permitted one freestanding sign with a maximum area of 32 square feet. The proposed sign location should be indicated on the plan

General Comments:

17. The plan or a separate existing conditions plan should indicate the location of all existing features, such as the barn, the source of water supply, drainage improvements, and any easements that cross the parcel.

18. The plan should address how access to the existing garage located along the eastern property line is to be maintained. The garage may need to be demolished in order to accomplish the proposed sanitary sewer connection to the existing sanitary sewer line.

The Applicant should address the above comments to the Board's satisfaction. Please contact our office if you have any questions concerning this review.

Sincerely,
YERKES ASSOCIATES, INC.

Charles E. Jackson III

Michael Conrad, P.E.

Cc: John Smirga, PE

610-692-7171
www.eastgoshen.org

BOARD OF SUPERVISORS

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

July 8, 2011

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

Re: Tree Ordinance Amendment

Dear Board Members:

At their meeting on July 6, 2011 the Planning Commission unanimously approved a motion to recommend that the Board of Supervisors adopt the Tree Ordinance Amendment.

I have enclosed copies of the Chester County Planning Commission review letters for your use.

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

Sincerely,

Rick

Louis F. Smith, Jr.
Township Manager

Enclosures

F:\Data\Shared Data\Admin Dept\Township Code\Trees 2010\PC Recommendation 070811.doc

EAST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

SENT TO CCPC 6/9/2011

ORDINANCE NO. ____- 2011

AN ORDINANCE OF EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 205 OF THE CODE OF EAST GOSHEN, TITLED, "SUBDIVISION AND LAND DEVELOPMENT" AND CHAPTER 218, TITLED, "TREES" TO ADD DEFINITIONS FOR CALIPER, DRIP LINE, SPECIMEN TREE AND TREE PROTECTION ZONE, TO ESTABLISH SPECIFICATIONS AND STANDARDS FOR TREE REMOVAL AND REPLACEMENT, STREET TREES AND TREE PROTECTION MEASURES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township that Chapter 205 of the East Goshen Township Code, titled, "Subdivision and Land Development" and Chapter 218 of the East Goshen Township Code, titled, "Trees" shall be amended as follows:

SECTION 1. The following definitions shall be added to Section 205-7:

CALIPER- For trees which are a minimum of twelve feet in height, the diameter of a tree trunk measured at a point four and one-half (4 ½) feet from the ground surface. For trees that are less than twelve feet in height, the diameter of a tree trunk measured at a point one foot from the ground surface.

DRIP LINE- The line marking where the outer edges of a tree's branches overhang the ground.

SPECIMEN TREE- A tree that is unique in either age, size, beauty, location, species or condition as determined by a licensed arborist.

TREE PROTECTION ZONE (TPZ) - An area that is radial to the trunk of a tree in which no construction activity, movement of vehicles, placement of fill or other land disturbance activities shall occur. The tree protection zone shall be 25 feet from the trunk of the tree to be retained or the distance from the trunk to the drip line, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

SECTION 2. Section 205-29 shall be amended by adding a new subparagraph A which shall state as follows:

"A. All preliminary subdivision and land development applications shall be submitted to the Conservancy Board for review and comments which shall be forwarded to the Planning Commission for consideration."

Existing Section 205-29.A shall be renumbered to be Section 205-29.B and existing Section 205-29.B shall be renumbered to be Section 205-29.C.

SECTION 3. Section 205-30.B shall be amended to add the following new subparagraphs (13), (14), (15) and (16):

"(13) All existing trees having a diameter of six inches caliper or greater, their species and size.
(14) Tree(s) proposed to be removed and trees proposed to be maintained.
(15) Specifications for removal of trees.
(16) Specifications for protection of existing trees that are to remain during construction, including grade changes or other work adjacent to the trees which would adversely effect the trees."

SECTION 4. Section 205-32 shall be amended by adding a new subparagraph A which shall state as follows:

"A. All final subdivision and land development applications shall be submitted to the Conservancy Board for review and comments which shall be forwarded to the Planning Commission for consideration."

Existing Section 205-32.A shall be renumbered to be Section 205-32.B and existing Section 205-32.B shall be renumbered to be Section 205-32.C.

SECTION 5. Section 205-61 shall be amended to state as follows:

"§ 205-61. Existing trees.

A. Neither portions of tree masses nor specimen trees shall be cleared unless absolutely necessary. Applicants shall make all reasonable efforts to preserve the existing trees.

B. When a proposed subdivision and/or land development necessitates the clearing of trees or portions of tree masses, applicants shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing:
(1) Aesthetics (autumn coloration, type of flowers and fruit, bark and crown characteristics and amount of dieback present).
(2) Susceptibility of tree to insect and disease attack and to air pollution.
(3) Species longevity.
(4) Wind firmness and characteristic of soil to hold trees.
(5) Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).
(6) Climate(e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
(7) Existence of disease, rot or other damage to the tree.

(8) Protection of buildings (e.g., dead and large limbs hanging over buildings shall be removed).
(9) The size of the tree at maturity.
(10) Preservation of Specimen Trees.

C. Unless otherwise provided in Section 205-61.D below, no more than 20% of the trees on any wooded lot may be cleared or removed and the remaining 80% shall be retained.

D. A maximum of 50% of the trees on a wooded lot may be removed if all of the following requirements are met:
(1) The trees removed that are in excess of the 20% permitted pursuant to § 205-61.C shall be replaced on an inch-for-inch basis.
(2) The diameter breast height (dbh) of the trees to be removed that are in excess of the 20% shall be determined.
(3) All replacement trees shall be a minimum three-inch caliper, unless specifically approved by the Board of Supervisors.
(4) The total diameter of the replacement trees shall equal the dbh of the trees removed (e.g., if a tree having a dbh of 12 inches is removed, it shall be replaced by four trees each having a minimum three-inch caliper or equivalent).
(5) The replacement trees shall be planted in accordance with a plan prepared by a licensed landscape architect and approved by the Board of Supervisors to ensure that the replacement trees are not located in such a manner that they crowd each other and consequently fail to thrive.
(6) The Board of Supervisors shall review and approve the species of trees to be used for replacement and such trees shall be selected from a list of trees approved by the Board in a Resolution, as amended from time to time.
(7) Plantings required pursuant to the buffer yard and landscaping requirements of this chapter may not be considered in calculating the replanting requirements of this section.
(8) The replanting shall occur on the wooded lot that is being developed or at another location within the Township that is acceptable to the Board of Supervisors.

E. A list of species that are recommended for planting shall be adopted by the Board in a Resolution as amended from time to time.

SECTION 6. Section 205-62 shall be amended to state as follows:

"§ 205-62. Street trees.
Trees with a minimum caliper of 3 inches shall be provided where deemed advisable by the Township Planning Commission and/or Supervisors. Street trees shall be installed on forty-foot centers on the same side of the street. Tree varieties permitted will be determined by the Board of Supervisors but must be chosen from a list adopted by the Board in a Resolution as amended from time to time.

SECTION 7. Existing Section 205-63, titled, "Disposal of debris" shall be renumbered to be Section 205-63.1.

SECTION 8. A new Section 205-63 shall be added which shall read as follows:

"§ 205-63. Protection of existing trees during construction.

Trees to be retained after development must be protected from damage during construction activities. The following procedures shall be observed in order to protect those trees that are to remain.

A. Protection from mechanical injury and construction.

(1) All trees to be retained shall be protected from equipment damage by enclosing the tree(s) at the edge of the tree protection zone ("TPZ") with sections of snow fence or other fencing attached to posts which are buried twelve inches (12") into the ground with at least four feet above the ground and set no more than 12 feet apart. This fencing shall not be removed without Township permission.

(2) Construction equipment shall not operate within the TPZ nor shall dirt, rocks, debris or other materials be placed therein. The area within the TPZ shall not be built upon, nor shall any materials be stored there either temporarily or permanently. Vehicles and equipment shall not be parked in the TPZ.

(3) Trees shall not be used for roping, cables, signs or fencing. Nails and spikes shall not be driven into trees.

(4) Heavy equipment operators shall not operate or park any equipment within the TPZ.

(5) Exposed roots damaged during construction shall be protected from further damage and cleanly pruned.

(6) Tree limbs damaged during construction shall be laterally pruned immediately.

(7) Construction debris shall not be disposed of within the drip line.

(8) Trenching and root pruning shall not take place within the TPZ.

(9) Root pruning should not be done unless absolutely necessary and if necessary then no more than one side of the root system shall be pruned in a given year. Optimum timing is autumn.

(10) Feeder roots shall not be cut closer than 25 feet to tree trunks.

B. Protection from grade change.

(1) Raising the grade. If an increase in the grade of the land is proposed, the applicant shall install either:

(a) A system of gravel and drain tiles at the old soil level opening into a dry well built around the trunk and designed for each tree, individually fitting the contour of the land so that it drains water away from the tree trunk.

(b) A retaining wall between the existing grade and higher grade.

(2) Lowering the grade. If a lowering of the grade is proposed, the applicant shall use one of the following methods, individually designed to each tree:

(a) Terracing the grade.

(b) Placing a retaining wall between the existing grade and the lower grade."

SECTION 9. The definitions of "Caliper", "Historic Tree" and "Tree Protection Zone" in Section 218-1 shall be amended to state as follows:

CALIPER-- For trees which are a minimum of twelve feet in height, the diameter of a tree trunk measured at a point four and one-half (4 ½) feet from the ground surface. For trees that are less than twelve feet in height, the diameter of a tree trunk measured at a point one foot from the ground surface.

HISTORIC TREE -- Any tree over 100 years old identified by a licensed arborist.

TREE PROTECTION ZONE (TPZ) -- An area that is radial to the trunk of a tree in which no construction activity, movement of vehicles, placement of fill or other land disturbance activities shall occur. The tree protection zone shall be 25 feet from the trunk of the tree to be retained or the distance from the trunk to the drip line, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

SECTION 10. Section 218-2.A shall be amended to state as follows:

"A. Except in cases of emergency work necessary for protection of life or property, it shall be a violation of this chapter for any person, without first obtaining township approval, to do any of the following:
(1) Cut, break, climb with spurs, injure in any manner or remove any tree.
(2) Cut down any tree or interfere in any manner with the main roots of any tree.
(3) Place any rope, guy wire, cable, sign, poster or other fixture on a tree.
(4) Injure, misuse or remove any device placed to protect trees.
(5) Place or install any stone, cement or other substance which shall impede the passage of water and air to the roots of any tree."

SECTION 11. Section 218-4, titled, "Protection of existing trees during construction" shall be deleted.

SECTION 12. Section 218-5, titled, "Permit procedure" shall be deleted.

SECTION 13. Existing Section 218-6, titled, "Violations and penalties" shall be renumbered to be Section 218-4.

SECTION 14. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 15. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 16. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this _____day of _____, 2011.

ATTEST:

EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS

_____
Louis F. Smith, Secretary

_____
Senya D. Isayeff, Chairman

_____
Donald R. McConathy, Vice-Chairman

_____
E. Martin Shane, Member

_____
Carmen Battavio, Member

_____
Thom Clapper Ph.D, Member

THE COUNTY OF CHESTER

COMMISSIONERS
Terence Farrell
Kathi Cozzone
Ryan A. Costello

Ronald T. Bailey, AICP
Executive Director

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

June 28, 2011

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

Re: Subdivision and Land Development Ordinance Amendment – Tree Protection
SA-6-11-4321 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed the proposed amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 505(a). The referral for review was received by this office on June 9, 2011. We offer the following comments to assist in your review of the proposed amendment.

COMMENT ON THE AMENDMENT:

The amendment defines caliper, drip line, historic tree, specimen tree, and tree protection zone. Regulations are included that require the identification of tree masses, areas where trees are to be removed, specifications for tree removal and replacement, tree protection, and design requirements. Other supporting provisions are also included.

An earlier version of this amendment was reviewed by the Chester County Planning Commission on April 15, 2011 (CCPC# SA-3-11-3791). The current submission addresses the comments in our earlier review. We have no further comments on the amendment.

RECOMMENDATION: The Commission recommends that the Township adopt the proposed amendment.

We request an official copy of the decision made by the Board of Supervisors, as required by Section 505(b) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

Ronald T. Bailey, AICP
Secretary

RTB/WSB
cc: Albert J. Giannantonio, East Goshen Township Engineer

THE COUNTY OF CHESTER

COMMISSIONERS
Terence Farrell
Kathi Cozzone
Ryan A. Costello

Ronald T. Bailey, AICP
Executive Director

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

April 15, 2011

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

Re: Subdivision and Land Development Ordinance Amendment – Tree Protection
SA-3-11-3791 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed the proposed amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 505(a). The referral for review was received by this office on March 18, 2011. We offer the following comments to assist in your review of the proposed amendment.

BACKGROUND:

1. The Chester County Planning Commission concurrently reviewed a Zoning Ordinance amendment that referred to multiple use buildings and parking requirements. That review, ZA-3-11-3790, was forwarded to the Township in a letter dated April 15, 2011.

COMMENTS ON THE AMENDMENT:

2. The amendment defines caliper, drip line, historic tree, specimen tree, and tree protection zone. Regulations are included that require the identification of tree masses, areas where trees are to be removed, specifications for tree removal and replacement, tree protection, and design requirements. Other supporting provisions are also included.

3. We suggest that the definition of tree protection zone indicate that the area under the drip line is to be protected (in addition to the disturbance listed in the definition) from the movement of all vehicles, the placement of fill, or any other activities that may cause soil compaction. As an alternative, Section 205-63 could be referenced in the definition (Section 205-63 contains an extensive list of protections).

4. The definitions for caliper and tree protection zone appear twice in two sections of the Ordinance. It may be clearer to include the definitions only once.

RECOMMENDATION: The Commission recommends that the issues raised in this letter be addressed before action is taken on the proposed amendment.

We request an official copy of the decision made by the Board of Supervisors, as required by Section 505(b) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

Ronald T. Bailey, AICP
Secretary

RTB/WSB
cc: Albert J. Giannantonio, East Goshen Township Engineer

10a

Rick Smith

LIBERTY

From: Senya Isayeff [redacted]
Sent: Wednesday, July 06, 2011 4:23 PM
To: rsmith@eastgoshen.org
Subject: RE: Liberty

Rick,

RAD - REMOTE ANTENNA DEVICE

Ahoy!

Richard and I just reviewed the items we had discussed last week – (see the list of items on page 3 of 5 of the Draft minutes):

1. RAD – although he could not remember what this three-letter acronym stands for, he did say that it refers to the "centerline" of each array on the tower. He will follow-up with the meaning of the acronym. Moving forward, we will use "array" as the word/term to describe the antenna levels on the tower. The proposed 150' tower will have five "arrays" at 100', 110', 120', 130' and 150'. The agreed-upon land lease rate is based on 5-arrays (100' to 150') with additional rent for each additional array at 160', 170' and 180'.
2. The additional 30' on the tower may be built in 10' increments or all at once. Since there is a possibility that they could be approached by a tenant who wants to install the 6th 'array' at 180', Richard will seek the following:
   a. Have the 6th array pay the full $2,250.00/mo for the Township while Liberty Towers (LT) works on back-filling the 160' and 170' levels;
   b. Have the 6th array pay $1,000.00/mo for the Township (the agreed-upon fee for the 180' slot) for a certain period of time (3-6-9 or 12 months) while LT attempts to lease the 160' and 170' levels and then pay the full $2,250.00/mo.
   c. At minimum, have the 6th array pay $1,000.00/mo while LT actively seeks to backfill the 160' and 1`70' levels.
3. Richard will discuss "rates" for arrays below 100' with his client and get back to us.
4. The balloon demonstration costs approximately $3,000.00 per event. Since they have already done this, Richard has requested relief from having to do it again as there will not be much of a material change. He will arrange to provide a photo depiction of the 150' and 180' towers at the preferred location.
5. Richard is looking forward to a copy of the revised ordinance.
6. Richard understands that the timeline may be effected by an appeal and will provide some language to account for the impact that such an appeal may have on the schedule.

Richard will be at the meeting next week with two (2) principals from Liberty Towers.

Thanks,

Senya

Note: Please let me know if you were able to get copies of cell tower leases from other municipalities and if PSATS has any information that could be helpful in this area.

From: Rick Smith [mailto:rsmith@eastgoshen.org]
Sent: Wednesday, July 06, 2011 10:26 AM
To: [redacted]
Subject: Liberty

Senya

The Board agreed to have the Finance Department change the frequency of the Sewer Report from monthly back to quarterly.

Regarding the revised 2011 budget, the Board would like Deb Beury to provide a list of all new budget lines she has created.

Proposal from Liberty Towers for Cell Tower at Township Building

The Board reviewed the June 17 proposal from Liberty Towers and agreed it is necessary to get clarification on the following items:

- The use of the term "RAD" vs. "carrier."
- Whether the optional extra 30 ft of tower would be added all at once or incrementally (a question raised by resident Mike Steinberger). Marty said the Township should get the additional $2,250/mo from Liberty Towers if they put up the extra 30 ft of tower, regardless of whether or not Liberty gets carriers to fill all the space. The rest of the Board concurred.
- What happens if Liberty wants to put another carrier (or more) on the tower below 90 ft.

At this point the Board prefers the proposal for the Ground Lease offer, which will provide the Township with a base rental payment as well as capital contributions from Liberty at various points in the agreement. Senya noted he would like to break down the rental payment into yearly installments of $48,148.30 for ten years. Rick said the income could be put into a special fund and dispersed once per year.

Marty stated that the agreement with Liberty must state that the tower is to be located as far back on the Township property as is engineeringly feasible.

Public Comment: Kathryn Yahraes, Vista Drive – Asked if the Township could get renderings of the proposed tower. Rick said he would ask for them. Thom said he would also like to have Liberty float balloons behind the Township building at 150 ft and 180 ft to help visualize the tower.

Don asked which version of the Wireless Ordinance would Liberty have to comply with. Rick said he will send a draft copy of the revised ordinance to Mr. Lemanowicz and see if his client is okay with it.

Regarding Liberty's wish to establish a deadline for completing the amendment to the zoning ordinance that will permit a tower on Township property, Marty noted the agreed-to deadline should be exclusive of any appeals. The rest of the Board concurred.

The Township staff will schedule another meeting with Mr. Lemanowicz.

Payoff of Debt

The Board reviewed the data provided by Lucien Calhoun's office. They agreed not to pursue an early payoff of the debt for the Township building as the savings would be negligible. Thom moved to hold off discussion on paying off the Applebrook debt, and to review this matter again

Rick Smith

From: Richard Lemanowicz [rjl@lemanowiczlaw.com]
Sent: Friday, June 17, 2011 1:43 PM
To: mgordon@eastgoshen.org
Cc: 'Senya Isayeff'; Thom Clapper; mgordon@eastgoshen.org; 'Rick Smith'
Subject: RE: Follow Up from 06/06/11 Meeting

Hi Mark:

I realize I missed the 11:00 a.m. deadline; I unfortunately had to deal with an emergency for another client. I have discussed this matter at great length with my client. Liberty's final position on the financial offers made for the tower site are as follows

1. The first offer remains a pure 60/40 spilt of revenue:
    a. Assuming five carriers on the tower, this offer would potentially produce the following revenue for the Township:
        i. Years 1-10 **$552,436.00**
        ii. Years 11-20 **$754,015.00**
        iii. Years 21-29 **$897,999.00**
        iv. Total Potential Value **$2,204,451.00**
    b. Assuming six carriers on the tower, this offer would potentially produce the following revenue for the Township:
        i. Years 1-10 **$654,840.00**
        ii. Years 11-20 **$904,789.00**
        iii. Years 21-29 **$1,077,565.00**
        iv. Total Potential Value **$2,637,194.00**

2. The second offer is a ground lease with a base rental payment and capital contributions to the Township in year 1, year 11, and year 21:
    a. The base monthly ground rent in year 1 is $3,500.00.
    b. The annual escalator for the full term of the lease is 3 percent.
    c. Liberty would make a $75,000.00 capital contribution to the Township upon issuance of the construction permit for the tower.
    d. Liberty would make a second $75,000.00 capital contribution to the Township in year 11 of the agreement.
    e. Liberty would make a third $67,500.00 capital contribution to the Township in year 21 of the agreement.
    f. This offer would produce the following revenue for the Township:
        i. Base rent payments for years 1-10 $481,483.00
            1. Capital contribution in year 1 $75,000.00
            2. Total revenue for years 1-10 **$556,483.00**
        ii. Base rent payments for years 11-20 $647,073.00
            1. Capital contribution in year 11 $75,000.00
            2. Total revenue for years 11-20 **$722,073.00**
        iii. Base rent payments for years 21-29 $770,636.00
            1. Capital contribution in year 21 $67,500.00
            2. Total revenue for years 21-29 **$838,136.00**
        iv. Total Potential Value **$2,116,692.00**
    g. Base monthly rent would increase according to the following schedule:
        i. If six carriers are installed on the tower, base monthly rent would increase by $250.00
        ii. If seven carriers are installed on the tower, base monthly rent would increase by $500.00
        iii. Finally, if eight carriers are installed on the tower, base monthly rent would increase by $750.00

h. Assuming six carriers were installed on the tower beginning in year 3, the ground lease offer would produce the following potential revenue to the Township:
   i. Total potential revenue for years 1-10 (including capital contributions): **$583,160.00**
   ii. Total potential revenue for years 11-20 (including capital contributions): **$765,639.00**
   iii. Total potential revenue for years 21-29: **$890,022.00**
   iv. Total potential value: **$2,238,821.00**

i. Assuming seven carriers were installed on the tower beginning in year 3, the ground lease offer would produce the following potential revenue to the Township:
   i. Total potential revenue for years 1-10 (including capital contributions): **$636,514.00**
   ii. Total potential revenue for years 11-20 (including capital contributions): **$852,772.00**
   iii. Total potential revenue for years 21-29: **$993,793.00**
   iv. Total potential value: **$2,483,078.00**

Additionally, my client carefully considered the questions raised in the 06/08/11 e-mail, and they have the following responses:

a. Additional Carriers: In our discussions on Monday, we reached an understanding for the basis of an all-inclusive Land Lease (a 150' tower with 5 carriers) and learned what some carriers (to include the one who apparently called three times in one day) would pay for placement at the higher elevations - 160', 170' and 180'. Based on that discussion and understanding that a simple, non-audited approach in addressing the additional 6th, 7th and 8th carrier fees would be best for everyone, it was universally agreed that each of the additional carriers at the higher premium elevations would be added to the Base Rent at $1,000.00 per month or $12,000.00 per year. This, for all of us, was a very important part of the overall equation and, as such, should be reviewed and considered very carefully as it will be a significant part of the BoS discussion and decision making process next week.

Liberty Response: While we discussed the possibility of increasing the monthly rent by $1,000.00 for the 6th, 7th and 8th carriers, Liberty is only prepared to offer an increase of $250.00 per month for the 6th carrier, an addition $500.00 per month for the 7th carrier, and an additional $750.00 per month for the 8th carrier. Based upon the financial characteristics of the entire land lease offer, Liberty cannot agree the $1,000.00 per month increase for carriers 6, 7 and 8.

b. Lump Sum: To ensure our report to the rest of the Board is complete and does not include any uncertainties, it is important to revisit the Lump Sum question one more time. It was our universal understanding that there is a financial advantage and, therefore, a preference for the client to make a capital contribution if not, in fact, a lump sum payment. The take-away from the meeting was that the Township would support the client's preference for a Lump Sum payment. Based on our lengthy discussion on Monday, it is important to know what has changed in the client's outlook with respect to the discussed advantages of an increased Capital Contribution or a Lump Sum payment of the Land Lease amount so that the information can be included in the report to the rest of the Board.

Liberty Response: Based upon our consideration of the potential revenue the Township would receive from either the 60/40 revenue sharing offer, or the land lease offer, our lump sum offer would fall significantly below the revenue the Township could anticipate from our alternative offers. Liberty is not prepared to make a lump sum offer of a value significant enough to warrant consideration by the Township.

If you have any questions or comments, please feel free to call or e-mail.

Best regards,

Richard J. Lemanowicz, Esq.
Lemanowicz, LLP
1012 North Bethlehem Pike

Suite 200 B-3
Lower Gwynedd, PA 19002

E-mail: rjl@lemanowiczlaw.com
Direct Dial: (267)419-8498
Mobile: (610)825-2075
Facsimile: (610)825-2076

Confidentiality Notice: This E-Mail message, and any accompanying documents, contains information from the law firm of Lemanowicz, LLP. This E-Mail message, including any accompanying documents, may contain information that is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

* *

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

* *

Rick Smith

From: Senya Isayeff [senya@aesfirst.com]
Sent: Tuesday, June 28, 2011 4:38 PM
To: rsmith@eastgoshen.org
Subject: Fwd: Follow Up from 06/06/11 Meeting

Rick,
Please kindly print copies of this email for our meeting tonight.
Thank you,
Senya

Begin forwarded message:

From: Richard Lemanowicz <rjl@lemanowiczlaw.com>
Date: June 28, 2011 4:19:23 PM EDT
To: "Senya D. Isayeff" <Senya@aesfirst.com>
Cc: 'Senya Isayeff' <sisayeff@eastgoshen.org>
Subject: RE: Follow Up from 06/06/11 Meeting

Hi Senya:

I am writing to provide a supplement to Liberty Towers' ground lease offer outlined in my e-mail dated 06/17/11. By way of this e-mail, Liberty Towers amends paragraph 2.g. below as follows:

Base monthly rent would increase according to the following schedule:

i. If six carriers are installed on the tower, base monthly rent would increase by $500.00

ii. If seven carriers are installed on the tower, base monthly rent would increase by $750.00

iii. Finally, if eight carriers are installed on the tower, base monthly rent would increase by $1000.00

Although we did not discuss this on the telephone, Liberty Towers would like to place a condition on this amended offer. We would like to establish a deadline for completing the amendment to the zoning ordinance that will permit a tower on Township property. If the deadline to amend the ordinance is missed by 30 days, Liberty's ground lease offer would revert

to the original offer for the additional carriers as outline in my 06/17/11 e-mail. If the Township would agree to this condition, I believe our negotiations would be complete.

If you have any questions or comments, please feel free to call or e-mail.

Regards,

Richard J. Lemanowicz, Esq.

Lemanowicz, LLP

Direct Dial: (267)419-8498

Mobile: (610)825-2075

Facsimile: (610)825-2076

From: Richard Lemanowicz
Sent: Friday, June 17, 2011 1:43 PM
To: 'mgordon@eastgoshen.org'
Cc: 'Senya Isayeff'; 'Thom Clapper'; 'mgordon@eastgoshen.org'; 'Rick Smith'
Subject: RE: Follow Up from 06/06/11 Meeting

Hi Mark:

I realize I missed the 11:00 a.m. deadline; I unfortunately had to deal with an emergency for another client. I have discussed this matter at great length with my client. Liberty's final position on the financial offers made for the tower site are as follows

2. The first offer remains a pure 60/40 spilt of revenue:

    a. Assuming five carriers on the tower, this offer would potentially produce the following revenue for the Township:

        i. Years 1-10 **$552,436.00**

        ii. Years 11-20 **$754,015.00**

RESOLUTION 04-31

A RESOLUTION AMENDING RESOLUTION 94-21 THAT ESTABLISHED THE EAST GOSHEN TOWNSHIP HISTORICAL COMMISSION

WHEREAS, the Board of Supervisors of the Township of East Goshen established the East Goshen Township Historical Commission on January 3, 1994 by adopting Resolution No. 94-21; and

WHEREAS, the Board of Supervisors of the Township of East Goshen wants to increase the number of members on the Commission;

BE IT HEREBY RESOLVED that the Township of East Goshen, acting through its Board of Supervisors, hereby amends Section 3 of Resolution No. 94-21 to read as follows:

> Section 3. Membership and Terms of Office
> The Commission shall be composed of seven (7) persons, each of who shall be a resident of East Goshen Township, and each of who shall be appointed by the Board of Supervisors. Duly appointed Commission Members shall serve at the pleasure of the Board of Supervisors, but unless otherwise removed by the Board of Supervisors, shall serve for terms of five (5) years each, or until their successors are appointed. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the Board of Supervisors, at the pleasure of the Board. Vacancies on this Commission occurring otherwise than by expiration of the term shall be for the unexpired term, and shall be filled by appointment by the Board of Supervisors.

ADOPTED this 7th day of September 2004.

EAST GOSHEN TOWNSHIP
Board of Supervisors

ATTEST:

F:\Data\Shared Data\ABC'S\Board of Supervisors\Resolutions\2004\Historical Commission\04-31.doc

PARK & RECREATION BOARD

TAG Recommendations Report as of June 27, 2011

#30 Self Sustaining P&R Programs

1. All Park and Recreation Programs are self-sustaining except the Summer Program. For 2011 we increased fees for all recreation programs.
2. The Park Board is continuing to analyze all fees including contractor fees.
3. With assistance from Lisa O'Neil, 501(c)3 committee member, the Board has approved a Farmers' Market in East Goshen Park. The proceeds from this will go through the 501(c)3 and designated for our Fall Pumpkin Festival.

#31 Institute P&R Sponsoring programs

1. The Board and the 501(c)3 continue to search out short term and long term sponsors for all park and recreation events.
2. The Spring Egg Hunt was sponsored by Beneficial Bank, Penn Liberty, TD Bank, Chick-Fil-A and Wegmans.
3. Community Day on June 25, 2011 has many sponsors helping to make this a great event.

#32 Formalize and Expand Relationship with the YMCA

1. We are continuing to build a relationship with the YMCA.
2. They are one of the larger sponsors for Community Day.
3. They have agreed to do children's activities at the weekly Farmers' Market.

#33 Concession Stand at East Goshen Park

1. Numerous attempts have been made to contact contractors with no response back.
2. The Board is exploring mobile concession stands such as a lunch and ice cream truck.

#35 Online Registrations

1. The township is working towards getting all programs set up for online registration, including on line payments.
2. Township personnel started to use the AMS computer system to log information that will generate statistical reports.

#36 Social Network

1. Frank has 3 high school students working with him to set up East Goshen Park and Recreation programs and events on Facebook. A computer not on the township network has been set up for this purpose.

#37 Program Partnerships

1. This year Frank is working with the Eagles organization registering and collecting fees for their camp. We received about $30 per registrant for this service. We continue to seek out organizations with this type of registration. The 76er's were contacted but we did not fit their criteria.
2. We are partnering on a DCNR Mowing to Meadows grant with the Pennsylvania Environmental Council and the Natural Lands Trust.

Additional cost saving actions/revenue generating programs instituted:

1. Reduced mowing.
2. No overtime, except when necessary and approved.
3. Cut expenses.

610-692-7171
www.eastgoshen.org

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

July 6, 2011

To: BOS

From: Mark Miller

Re: Traffic Signal Damage

On May 13, 2011 the school flasher on Ellis Lane was struck and knocked down. Attached is an invoice from Higgins Electrical Contractor in the amount of $4,334.27.

I have turned the incident into the Township insurance company. I have been informed that the Township will be compensated for all costs.

Charles A. Higgins & Sons, Inc.

Electrical Contractor
P.O. Box 647
Media, PA 19063

Invoice

Date	Invoice #
5/18/2011	28920

Bill To
EAST GOSHEN TOWNSHIP ATTN: MARK MILLER 1580 PAOLI PIKE WEST CHESTER PA 19380-6199

APPROVED BY:_____
DATE PAID:_____
CHECK #:_____
CHARGED TO:_____

P.O. No.	Terms	Due Date	Project
	Net 30	6/17/2011	

Description	Qty	Rate	Amount
TRAFFIC LIGHT MAINTENANCE - ELLIS LANE & PAOLI PIKE , SCHOOL FLASHER HIT DOWN AT EAST HIGH SCHOOL FOR S/B ELLIS LANE , CALLED IN BY JUDY			
LABOR - 2 MEN FOR 2 1/2 HOURS ON 5/13/11 TO CLEAN UP AND MAKE SAFE	2.5	130.00	325.00
LABOR - 2 MEN FOR 5 1/2 HOURS ON 5/16/11 - TO INSTALLED NEW POLE AND FLASHER CABINET	5.5	130.00	715.00
20' OF SLOTTED STRAIN POLE	1	1,654.90	1,654.90
INSULATOR RACK & PORCELAIN INSULATOR	1	26.50	26.50
18' OF 5 CONDUCTOR #14 AWG	18	0.73	13.14
BLUE FEMALE CONNECTORS	4	0.22	0.88
TAN WIRE NUTS	5	0.08	0.40
"F" BOX SERVICE DISCONNECT	1	432.00	432.00
"F" BOX TIME CLOCK BOX	1	825.00	825.00
VAPOR PROOF INDICATOR LIGHT	1	93.60	93.60
5' #4 BARE COPPER GROUND WIRE	5	0.80	4.00
COPPER 3/4" GROUND ACORN	1	3.25	3.25
5/8" BANDIT BUCKLES	12	0.75	9.00
40' OF 5/8" BANDIT	50	1.10	55.00
3/4" PIPE SERVICE HEAD	1	10.15	10.15
3/4" MYERS HUB	1	12.60	12.60
20' OF 3/4" RIGID PIPE	20	0.80	16.00

1925-2011 our 86th year. It's been a pleasure working with you!Please remit to above address.

Subtotal

Thank you for your business. Please forward payment to above address. Call the office to pay by Credit card. We accept Master Charge & Visa Credit Cards.

Sales Tax (6.0%)

Balance Due

Phone #	Fax #
610-566-3700	610-566-1409

Charles A. Higgins & Sons, Inc.

Electrical Contractor
P.O. Box 647
Media, PA 19063

Invoice

Date	Invoice #
5/18/2011	28920

Bill To
EAST GOSHEN TOWNSHIP ATTN: MARK MILLER 1580 PAOLI PIKE WEST CHESTER PA 19380-6199

APPROVED BY:_____
DATE PAID:_____
CHECK #:_____
CHARGED TO:_____

P.O. No.	Terms	Due Date	Project
	Net 30	6/17/2011	

Description	Qty	Rate	Amount
20' OF #10 STREET LIGHT WIRE	20	2.42	48.40
20' OF #2 ALUMINUM TRIPLEX	20	1.02	20.40
6-1 WEDGE CLAMPS	2	7.20	14.40
#159 H-TAPS	2	4.25	8.50
#139 H-TAPS	2	4.25	8.50
3/4" OFF SET NIPPLE	1	1.35	1.35
1" LB'S	2	15.60	31.20
1" SS NIPPLES	2	1.35	2.70
1" LOCKNUTS	4	0.30	1.20
1" CHASE NIPPLES	2	0.60	1.20

1925-2011 our 86th year. It's been a pleasure working with you!Please remit to above address.

Thank you for your business. Please forward payment to above address. Call the office to pay by Credit card. We accept Master Charge & Visa Credit Cards.

Subtotal	$4,334.27
Sales Tax (6.0%)	$0.00
Balance Due	$4,334.27

Phone #	Fax #
610-566-3700	610-566-1409

11d

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: July 8, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Yard Waste Concern and Refuse Tonnage

We are in receipt of a concern from a resident about the frequency of the yard waste collections. The resident said that the paper leaf and yard waste bags deteriorate when exposed to the weather.

Mark contacted the hauler who polled his drivers. The hauler said that it happens occasionally, especially if the bags have been sitting in the gutter for an extended period of time, but that it has not been a major problem.

A question was asked about the need for a second collection day. On average 67% of the municipal waste is collected on the first collection day of the month with 33% on the second collection day.

Trash Tonnages January 1, 2011 - June 22, 2011								
	Monday	Tuesday	Total 1st Trash Day	Percentage	Thursday	Friday	Total 2nd Trash Day	Percentage
January	126.84	102.64	229.48	71%	43.89	48.72	92.61	29%
February	102.78	71.29	174.07	66%	43.78	44.80	88.58	34%
March	106.54	114.86	221.40	68%	58.05	47.75	105.80	32%
April	106.20	96.07	202.27	65%	51.10	58.91	110.01	35%
May	114.32	125.22	239.54	69%	59.81	48.04	107.85	31%
June	94.08	72.07	166.15	59%	68.47	45.47	113.94	41%
Total			1232.91	67%			618.79	33%

Yard Waste Tonnages	
January	14.47
February	4.12
March	65.25
April	92.67
May	100.28
June	71.64
Total	348.43

Rick Smith

To: dmcconathy@eastgoshen.org
Subject: RE: FW: Yard Waste Collection Schedule Problem

From: dmcconathy@eastgoshen.org [mailto:dmcconathy@eastgoshen.org]
Sent: Wednesday, July 06, 2011 1:45 PM
To: rsmith@eastgoshen.org
Cc: senya01@verizon.net; cbattavio@eastgoshen.org; tclapper@eastgoshen.org; mshane@eastgoshen.org; ssmith@eastgoshen.org
Subject: RE: FW: Yard Waste Collection Schedule Problem

Rick -

Can someone contact our hauler and get an official indication if this is a serious problem? Phil raises an interesting issue that none of us thought of when we were doing the contract. Have we had any other complaints regarding yard waste pickup?

Three weeks between yard waste pickups is too long in the summer. The material begins to break down in the heat and wet and becomes an attractive nuisance for bugs, etc. as well as becoming smelly.

We should look at the hauler's tonage logs for the first two quarters of this year to see how much trash is actually picked up each collecton day. I see very few pails out on the second day in my neighborhood - do not know if this is a trend in the Township or not. Most trash seem to go out on the recycling day.

Once we have some good data we can determine if a change is required and then see if it is doable under the contract.

Don

-----Original Message-----
From: "Sue Smith" <ssmith@eastgoshen.org>
Sent: Tuesday, July 5, 2011 2:03pm
To: Senya01@verizon.net, cbattavio@eastgoshen.org, tclapper@eastgoshen.org, dmcconathy@eastgoshen.org, mshane@eastgoshen.org
Subject: FW: Yard Waste Collection Schedule Problem

Supervisors,

This was an e-mail I received, I told the resident that I would pass it on to the Supervisors.

Sue Smith

From: Phil Fredricks [[redacted]]
Sent: Friday, June 24, 2011 3:43 PM
To: ssmith@eastgoshen.org
Subject: Yard Waste Collection Schedule Problem

Sue,

You were placed in the middle of a bad situation. Described below is a real problem. The Township's rule changes caused the problem and now it is time to fix the problem for all residents. The fix should not place an additional burden on the residents.

Unfortunately, the East Goshen Township managers have set an unworkable schedule for yard waste pickup. They failed to recognize that Kraft paper bags deteriorate in less than two weeks when filled with waste and left outside for more than one week. As

a result, the trash hauler has many bags break when going through the simple operation of lifting them. Stored yard waste contains water which, through the force of gravity, slowly moves to the lower part of the bag causing it to rot. The rotting is also a slow process. In a week or less, the rot does not cause the bag to structurally fail, even if left uncovered in the rain.

This past week, I moved 26 bags of yard waste to the curb. Three of them broke in the process, so I had to transfer the waste to new bags. My wife helped me. It took several minutes per bag. Please note, I use yard waste bags from ACE Hardware. They are the same size, material and strength as the bags formerly given out by the township.

I asked the hauling contractor if he had similar problems. He said he did including a couple of stops where all the bags broke.

I recommend a return to the one week schedule.

Phil Fredricks

1227 Upton Circle

THE COUNTY OF CHESTER

COMMISSIONERS
Terence Farrell
Kathi Cozzone
Ryan A. Costello

Ronald T. Bailey, AICP
Executive Director

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

July 8, 2011

ANY INTEREST ?

RE: Department of Energy Rooftop Solar Initiative

Dear Municipal Managers:

The Department of Energy (DOE) has issued a federal grant opportunity entitled The Rooftop Solar Challenge to Induce Market Transformation (http://www.energy.gov/news/10350.htm), which is intended to fund municipal projects that will help reduce some of the non-construction costs associated with rooftop solar electric systems. Because "soft costs" can account for 40% of a project, the DOE wants to standardize administrative and interconnection requirements, cut upfront fees and paperwork, remove market barriers and reduce the overall non-construction costs for homeowners, businesses and municipalities when they install solar electric systems. We are therefore writing to gauge your interest in taking part in this grant opportunity.

Through the Rooftop Solar Challenge grant, the Delaware Valley Regional Planning Commission (DVRPC) will coordinate professional consultant services to address non-hardware costs and market barriers to solar installation in your municipality. However, the purchase of solar equipment will not be funded.

The DVRPC will be the lead organization charged with collecting and distributing relevant information, as well as the eventual funding, if our region is awarded a grant. The City of Philadelphia has already agreed to be part of the team, and DVRPC is also inciting additional municipalities to join the Rooftop Solar Challenge application.

The Rooftop Solar Challenge requires that the lead applicant (i.e., DVRPC) must submit letters of commitment from the chief elected official of each participating jurisdiction. These letters must reflect each jurisdiction's commitment to cost-sharing and to work according to the proposed work plan.

Phase One of the Rooftop Solar Challenge grant lasts one year and includes $12.5 million that can be distributed to 20-25 recipients throughout the country. Individual awards will range from $250,000 - $1,000,000. The participants in Phase One that meet required levels of success would be chosen to participate in Phase Two. Phase Two would provide $25-30 million for implementation of Phase One work on a larger scale.

This grant opportunity does not come without a cost. The **participating coalition is expected to contribute a 10% total cost share** in either monetary or in-kind support. In addition, **the application requires that each municipality fill out Attachment 1,** http://bit.ly/SolarChallenge_Attatchment 1. This information must be included in the application itself, due August 31st. The process of filling out the application and the work of this grant will require a high level of municipal coordination and staff time. If we are awarded the project, municipalities will be engaged in on-the-ground activity (leading towards implementation) and will coordinate with other participating municipalities and the project team.

If you interested in applying, and anticipate having the staff time and resources to participate in this project, please respond to the County with your interest no later than **July 15th, 2011**. At that point we will work with you to achieve a more through understanding of the requirements of the grant. The final grant application is due August 31st. Please contact Wes Bruckno, with any questions.

Best Regards,

Ronald T. Bailey, AICP
Executive Director

RTB/kp

U.S. DEPARTMENT OF ENERGY

June 1, 2011

DOE Announces $27 Million to Reduce Costs of Solar Energy Projects, Streamline Permitting and Installations

WASHINGTON, DC – As part of the Obama Administration's SunShot Initiative to make solar energy cost-competitive with fossil fuels within the decade, U.S. Department of Energy Secretary Steven Chu today announced the availability of more than $27 million in new funding that will reduce the non-hardware costs of solar energy projects, a critical element in bringing down the overall costs of installed solar energy systems.

The funding will support a $12.5 million challenge to encourage cities and counties to compete to streamline and digitize permitting processes, as well as $15 million that will be made available to advance innovations in information technology systems, local zoning and building codes and regulations, and more. These process improvements and innovations will help increase U.S. competitiveness in the global solar industry and will play an important role in achieving President Obama's goal of doubling America's electricity from clean energy sources.

"These investments under the SunShot program can help to transform the solar energy industry by addressing significant challenges to solar energy deployment, including permitting and installation," said Secretary Chu. "Innovations in IT and local business processes, such as online permit applications, can deliver significant savings for solar energy systems and will help America to compete globally in this growing market."

Both funding opportunities focus on reducing "non-hardware balance of system" costs, which generally refer to the costs of installing solar systems not associated with the solar panels, mounting hardware, electronics, etc. These "soft costs," including the capital required to pay for siting, permitting, and installation, as well as the cost of connecting the systems to the grid, can represent up to 40 percent of the total cost of the solar energy system.

A major obstacle for homeowners and developers looking to invest in solar energy is navigating the differing and expensive administrative processes of various towns, cities, and counties across the nation and securing financing for their projects. These projects will help standardize some of the processes, cut upfront fees and paperwork, and reduce the overall costs associated with permitting and installation, making it easier and cheaper for homeowners, businesses and their local communities to deploy solar energy.

Rooftop Solar Challenge – up to $12.5 million

Under the Rooftop Solar Challenge local and regional government teams can compete for funds to help eliminate administrative barriers to residential and small commercial photovoltaic (PV) solar installations and improve the availability of financing for solar projects. This Challenge incentivizes local governments to develop innovative solutions in four key areas:

- Standardizing permitting processes;
- Updating planning and zoning codes;
- Improving interconnection and net metering standards; and
- Increasing access to financing.

Every jurisdiction in each winning team must adopt the same processes, which will help address the challenge of different communities having different sets of rules and regulations. The winners will also remove siting restrictions from local codes and land use policies and will increase access to financing options for homeowners by promoting innovative financing mechanisms like solar leasing and group purchasing.

Balance of System Costs – up to $15 million over three years

This funding opportunity will create tools that local governments can use to streamline and expedite the process of installing solar energy. DOE will fund one or more recipients under each of the following topic areas:

- Codes, Standards and Processes – Projects in this topic area will work to improve existing codes, standards, and permitting processes; train code officials on new codes; and develop best practices and model codes that can be used in communities nationwide.
- Software Design Tools and Databases – Projects in this topic area will develop a range of IT systems and databases, including a utility-scale planning tool that identifies sites available for solar project development, IT tools to help installers and local governments prepare and process permit applications, and a database of local permitting processes nationwide.
- Regulatory and Utility Solutions – Projects in this topic area will provide technical support for utilities to better integrate solar energy into utility operations. Projects will also provide support for states as they develop or improve the regulatory frameworks necessary to sustain a growing solar market.

A description of the solicitation and challenge, eligibility requirements and application instructions can be found HERE (https://eere-exchange.energy.gov/).

For more information on the SunShot Initiative, visit www.energy.gov/sunshot (http://www1.eere.energy.gov/solar/sunshot/).

Keep up with the ideas and innovations moving us towards a more secure energy future at DOE's EnergyBlog (http://blog.energy.gov/).

Media contact(s):

(202) 586-4940

11f.

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: July 8, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: HR 763 - Truck Weight Limits

There is currently a bill in committee in Washington that would increase the weight limits for truck to 97,000 pounds on interstate highways. It is expected to come out of committee in the near future to be voted on by the House.

I have been approached by Jeremy Shoemaker from GORAIL (an organization that is an advocate for the increased use of freight rail) to contact Representative Meehan and ask him to oppose the proposed legislation.

He dropped of some information for the Board's review.

GovTrack.us

We've begun work on a GovTrack 2.0 . . . Previews in April 2011 . . . Stay tuned for details . . .

Congress > Legislation

H.R. 763: Safe and Efficient Transportation Act of 2011

112th Congress
2011-2012

To amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

Overview

Sponsor: Rep. Michael Michaud [D-ME2] show cosponsors (50)

Text: Summary | Full Text

Status:

☑ Introduced	Feb 17, 2011
☑ Referred to Committee	View Committee Assignments
☐ Reported by Committee	...
☐ House Vote	...
☐ Senate Vote	...
☐ Signed by President	...

This bill is in the first step in the legislative process. Introduced bills and resolutions first go to committees that deliberate, investigate, and revise them before they go to general debate. The majority of bills and resolutions never make it out of committee. [Last Updated: Jun 25, 2011 6:14AM]

Last Action: Feb 18, 2011: House Transportation and Infrastructure: Referred to the Subcommittee on Highways and Transit.

Related: See the Related Legislation page for other bills related to this one and a list of subject terms that have been applied to this bill. Sometimes the text of one bill or resolution is incorporated into another, and in those cases the original bill or resolution, as it would appear here, would seem to be abandoned.

Question & Answer

Have a question about this bill? Submit a short fact-oriented question and see if it will be answered by other visitors.

Subject Areas

Government trust funds, Infrastructure development, Motor carriers, Motor vehicles, Roads

Sources of Influence

MAPLight.org reports that the following organizations have taken a stance on this bill:

Support	Oppose
Coalition for Transportation Productivity	Coalition Against Bigger Trucks
American Trucking Association	Association of American Railroads
International Paper	Owner Operator Idependent Driver Association

Follow the link to MAPLight.org to see if campaign contributions from employees of these organizations are correlated with how Members of Congress voted on this bill.

Because the U.S. Congress posts most legislative information online one legislative day after events occur, GovTrack is usually one legislative day behind. For more information about where this data comes from, see About GovTrack.us.

To cite this information, click a citation format for a suggestion: APA | MLA | Wikipedia Template.

Would You Go Back To School If You Qualified For A Grant? See If You Qualify!

Click Your Age

☐ Under 18 ☐ 19-25 ☐ 26-35 ☐ 36-45 ☐ 46-55 ☐ 56-65 ☐ 66-75 ☐ Over 75

classesUSA

GovTrack.us is a project of Civic Impulse, LLC.

GovTrack.us

We've begun work on a GovTrack 2.0 . . . Previews in April 2011 . . . Stay tuned for details . . .

Congress > Legislation

H.R. 763: Safe and Efficient Transportation Act of 2011

112th Congress
2011-2012

Summaries

Congressional Research Service Summary

The following summary was written by the Congressional Research Service, a well-respected nonpartisan arm of the Library of Congress. GovTrack did not write and has no control over these summaries.

2/17/2011--Introduced.

Safe and Efficient Transportation Act of 2011 - Allows a state to authorize a vehicle with a maximum gross weight (including enforcement tolerances) exceeding certain federal weight limitations to operate on Interstate Highway System (IHS) routes in the state if: (1) the vehicle is equipped with at least six axles, (2) the weight of any single axle does not exceed 20,000 pounds, (3) the weight of any tandem axle does not exceed 34,000 pounds, (4) the weight of any group of 3 or more axles does not exceed 51,000 pounds, and (5) the gross weight of the vehicle does not exceed 97,000 pounds. Directs the Secretary of Transportation to establish a safe and efficient vehicle bridge infrastructure improvement program. Requires the Secretary to apportion amounts from the Safe and Efficient Vehicle Trust Fund to states for eligible bridge replacement or rehabilitation projects. Amends the Internal Revenue Code to: (1) impose a tax on any vehicles that exceed federal weight limitations operating on the IHS, and (2) establish the Safe and Efficient Vehicle Trust Fund.

Because the U.S. Congress posts most legislative information online one legislative day after events occur, GovTrack is usually one legislative day behind. For more information about where this data comes from, see About GovTrack.us.

To cite this information, click a citation format for a suggestion: APA | MLA | Wikipedia Template.

Would You Go Back To School If You Qualified For A Grant? See If You Qualify!

Click Your Age

☐ Under 18 ☐ 19-25 ☐ 26-35 ☐ 36-45 ☐ 46-55 ☐ 56-65 ☐ 66-75 ☐ Over 75

classesUSA

GovTrack.us is a project of Civic Impulse, LLC.

Bigger Trucks Mean More Dangerous Highways

Proponents of bigger trucks are pushing hard to increase the weight of single-trailer trucks from the current 80,000 pounds to 97,000 pounds. Some groups even want to end the current "freeze" on the expansion of longer combination vehicles – double and triple-trailer trucks.

They say that allowing heavier and longer trucks is a proven way of improving highway safety while maintaining current road standards. Unfortunately, this ignores the conclusions of independent studies, which have shown that there are serious safety concerns with heavier and longer trucks.

Increased Fatal Accident Risk

- According to the August 2000 US DOT *Comprehensive Truck Size and Weight Study*, LCVs are likely to have fatal accident involvement rates at least 11% higher than today's single tractor trailers. DOT analyzed the accident experience of twin 28-foot combinations that are legal nationwide today. In DOT's words:

  > "[U]nder conditions of generally unrestricted use similar to that of single-trailer combinations, multi-trailer combinations – as they are currently designed and configured – could be expected to experience an 11 percent higher overall fatal crash rate than single-trailer combinations. This finding is significant in terms of the debate on 'the safety of LCVs.'"

Crash Severity

- In 2009, 74,000 people were injured and 3,380 killed in crashes involving large trucks. The severity of a crash is a simple matter of the weight of the vehicle and its velocity. When weight increases, so does the severity of the crash meaning that allowing bigger trucks would turn what are now accidents into serious accidents and serious accidents into fatalities.

- LCVs create a larger crash footprint when involved in an accident. One factor contributing to LCVs' larger footprint is their length. Another factor is the danger of trailer separation. Studies have shown that trucks with multiple trailers are more likely to experience trailer separation. When trailers separate from the vehicle, that extends the area of the crash.

Stability

- Heavier tractor-trailers will tend to have a higher center of gravity because the extra weight is typically stacked vertically. Raising the center of gravity increases the risk of rollovers. *Comprehensive Truck Size and Weight Study*, US DOT, Volume 3, p. VIII-8, 2000.

- LCVs – especially triples – have unusually poor stability performance. On one measure of stability – rearward amplification or the "crack the whip effect" – triples show more than 200% poorer performance than conventional tractor trailers. *Comprehensive Truck Size and Weight Study*, US DOT, Volume 3, Figure VIII-11, 2000.

Braking

- Increasing truck weight is likely to lead to brake maintenance problems and longer stopping distances. Heavier singles often have an extra axle at the rear of the truck to prevent additional pavement damage, and on that axle are two additional brakes. The US DOT expressed specified concern about the ability to maintain those extra brakes. *Comprehensive Truck Size and Weight Study*, US DOT, Volume 3, p. VIII-10, 2000.

- Adding weight to a truck with brakes that are out of adjustment can lead to substantially longer stopping distances. Roadside inspections show that brake adjustment levels are a serious issue. Since 1998, the Commercial Vehicle Safety Alliance has inspected more than 1.1 million brakes during its annual Operation Air Brake campaigns. Over 17% of the trucks inspected were placed out of service due to braking issues, including 11% that were placed out of service due to brake adjustment defects.

Equipment Wear

- Adding weight to a truck makes it more likely that the truck's equipment will wear out sooner. Important truck components at risk include the brakes, suspension and tires. Should any of these parts wear out; there is a greater risk of serious accident. In a study on truck crash involvement in Washington State, the Insurance Institute for Highway Safety found that 77% of tractor-trailers involved in crashes had defective equipment.

Speed Differential

- Both heavier singles and longer combination vehicles are likely to have poorer power to weight ratios – they accelerate more slowly and have difficulty maintaining speed on upgrades, increasing speed differentials with other traffic and increasing the risk of accidents. According to a University of Texas study, a 15-mile per hour speed differential increases accident risk nine times.

- Motorists are also more likely to try to avoid heavier and longer trucks. By speeding up, slowing down, or changing lanes to avoid LCVs, motorists will cause conflicts with other traffic that will not show up on accident reports as truck-related incidents.

Bigger Trucks: Not just potholes. A sink hole of

BIGGER SUBSIDIES, BIGGER DEFICITS

Our highways and bridges are in rough shape because we don't have the resources to keep them in good condition. Yet, nearly every single truck trip on a U.S. road is an exercise in deficit spending because trucks on the road today don't cover the cost of the damage they do. Allowing even bigger trucks would make this problem even worse.

The additional cost of repairing bridge damage caused by raising truck weights to 97,000 pounds could top $53 billion alone. That's in addition to road damage. (USDOT Comprehensive Truck Size and Weight Study, 2000)

Trucks already receive $2 billion in subsidies. Bigger trucks mean even bigger subsidies.

Trucks cover only 80% of damage now, will only cover 50% of damage if bigger trucks are allowed to pound the pavement.

The most recent federal study to look at the issue showed that the federal government already subsidizes heavy truck operations almost $2 billion every year. (FHWA Addendum to Highway Cost Allocation Study, 2000)

- 80,000-pound single-trailer trucks only pay 80% of the cost of the damage they cause.
- The same study showed that increasing truck weights up to 97,000 pounds would result in trucks only paying for about 50% of the damage they do.
- If inflated to 2007 dollars, trucks on the road today would need to pay an additional $0.28 per gallon of diesel just to break even and 97,000-pound trucks would need to pay an additional $1.17 per gallon. (Full Recovery of Highway Costs Associated with Bigger Trucks, Norbridge, 2007)

Bigger trucks mean Bigger spending, Bigger deficits. The Highway Trust Fund is already broke.

- The Highway Trust Fund has already needed two cash infusions to stay solvent. Bigger trucks will make it worse.
- State highway departments are running out of money for key highway projects. Cities and schools across the country are cutting budgets to do more with less.
- Allowing even bigger trucks makes a problem we already can't afford to solve even worse. It means that every single truck trip costs other taxpayers even more money.

> "WHEN LONGER COMBINATION VEHICLES (LCVs) AND OTHER HEAVY TRUCKS DO NOT PAY THE FULL COSTS OF THEIR OPERATIONS, OTHER MOTORISTS MUST MAKE UP THE DIFFERENCE. THIS IS INEQUITABLE TO THE HIGHWAY USERS WHO MUST SUBSIDIZE LCV OPERATIONS."
>
> - WESTERN UNIFORMITY SCENARIO ANALYSIS, USDOT, 2004

Bigger Trucks don't just break bridges,

THEY BUST BUDGETS

Heavy trucks literally make bridges bounce, buckling pavement and stressing steel.

Engineers agree that heavy trucks already cause enormous damage to bridges, causing massive vibrations that literally make bridges bounce. Allowing heavier trucks will accelerate this deterioration. Bridges are designed with a safety margin of error to ensure against bridge failure. But heavier trucks erode that margin of error and increase the risk of catastrophic failure.

We can't afford to spend another $53 billion to pay for damage to bridges caused by bigger trucks.

Spending money will not solve our bridge infrastructure problem because we are never going to be able to repair or replace all the bridges we need to, due to sheer lack of time and resources. It would cost $188 billion to repair current structurally deficient bridges around the country. (US DOT Conditions and Performance Report, 2006)

We would have to spend an additional $53 billion to rebuild bridges if we allowed truck sizes and weights to go even higher than they are today. (US DOT Comprehensive Truck Size and Weight Study, 2000)

Instead of a $53 billion bridge bailout, why not preserve the bridges we already have?

Allowing heavier and longer trucks to operate would add new costs and increase the burden on taxpayers. Increasing truck size and weight would require that many bridges in the state be replaced, strengthened or posted -- all of which would impose additional costs and unfunded mandates on cash-strapped state governments and, ultimately, the American taxpayer.

THE ALTERNATIVE? Keep the 80,000-pound weight limit and stop the

FAST FACTS: AMERICA'S BRIDGES ARE CRUMBLING. AND BIGGER TRUCKS WILL MAKE IT WORSE.

- More than half of the bridges on the National Highway System are more than 40 years old. (US DOT 2010 National Bridge Inventory)
- 1 of every 9 bridges — 69,223 — in the nation is already structurally deficient. (US DOT 2010 National Bridge Inventory)
- Forty years ago, when more than half of our bridges were built, there were about 2 million trucks on the road. Today, there are about 7 million trucks on the road.
- Until the mid-1970's, the legal limit on trucks was 73,280 pounds. Today it is 80,000 pounds. The proposals before Congress and in many states are to increase truck weights to 97,000 pounds and higher.

Draft RFP for the HVAC consultant is as follows:

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: July 8, 2011
To: Prospective HVAC Consultants
From: Rick Smith, Township Manager
Re: HVAC System at the East Goshen Township Building

The East Goshen Township Board of Supervisors is accepting proposals from qualified individuals and firms to perform an assessment of the HVAC system at the East Goshen Township Building.

Background

The administrative part of the East Goshen Township Building at 1580 Paoli Pike utilizes a water source heat pump system. The building was designed so that the climate in some of the offices and selected areas could be controlled by the occupants. As a result there are 26 heat pumps (12 heat pumps on the first floor, 11 on the second floor and 3 in the basement). There is also a gas boiler and a cooling tower.

The original equipment was installed when the building was constructed in 1992. To date we have replaced 13 of the heat pumps, the cooling tower and replaced the electric boiler with a gas boiler.

The Board of Supervisors requested that staff make an assessment of and suggest possible upgrades to the existing HVAC System.

We have undertaken a preliminary investigation which concluded that absent major alterations to the building our options were limited. One option is to reduce the number of heat pumps which would in turn reduce the number of units that would need to be maintained, serviced or replaced. The second option was to investigate using geothermal. It has also been suggested that since the groundwater flow under the building is constant that we look into the feasibility of storing it and using the groundwater for the cooling tower.

Scope of Work

The Township is soliciting proposals from qualified individuals or firms to undertake the following tasks:

1) Review the preliminary investigation and comment on its conclusions.
2) If the conclusion about reducing the number of heat pumps is valid provide a recommendation on the number and location of water source heat pumps to be installed on each floor. This would include any duct design changes for proper air flow as well and any power changes.
3) If the conclusion about utilizing geothermal is valid provide a recommendation on the type of and size of system required with the estimated cost.
4) Investigate the feasibility of using groundwater as a water source for the cooling tower.
5) Identify any other alternatives for the use of the groundwater.
6) Identify any other alternatives that would permit the Township to reduce its HVAC O&M costs.

Inspection

Interested individuals and firms can inspect the Township Building during normal business hours. Inspection must be scheduled with the Township Code Department.

Documentation

Enclosed is a copy of the preliminary investigation report and equipment list. A copy of the building plans is available for review at the Township Building.

Proposals

Interested individuals and firms should submit two copies of their proposal and any supporting documentation to the attention of the Township Manager no later then the close of business on August 11, 2011.

The proposal should indicate the individuals or firm qualifications. The proposal should identify the cost and the estimated time line for each task. In addition, references, with the appropriate contact information for a least two (2) similar type of HVAC system assessments shall be provided.

While it may be premature and it is not required individuals or firms by submit separate proposals to design the suggested alternatives and provide construction inspection.

EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
June 28, 2011 – 7:00pm
Draft Minutes

Present: Chairman Senya D. Isayeff, Vice-Chairman Don McConathy, and Supervisors Marty Shane, Carmen Battavio and Thom Clapper. Also present were Township Manager Rick Smith, Brian McCool (Finance Dept), Ruth Scadding and Erich Meyer (Park & Rec) and Kathryn Yahraes (Historical Commission).

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:00pm. He asked Kathryn Yahraes to lead the Pledge of Allegiance.

Moment of Silence

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

Recording of Meeting

No one indicated they would be recording the meeting.

Public Comment on Non-Agenda Items

None.

Chairman's Report

- Senya acknowledged receipt of the ballot results from Supplee Valley regarding speed humps. The Township will take no action to install speed humps at this time because not enough homeowners indicated they were in favor of them.
- Senya announced that the Board met in Executive Session on June 21 to discuss a personnel matter.

Correspondence & Reports of Interest

Senya acknowledged receipt of the following:

- Report from Joanne Morgan indicating that as of June 23 the Township has received 53 requests from residents for the paper copy of the newsletter and 567 requests for the electronic version. The Board agreed that starting in 2012, the Township will switch to an electronic newsletter. Those residents who have requested a paper copy will have one mailed to their homes or they may pick one up at the Township building.
- PADEP Notice of Intent to Remediate the property at 922 N. Chester Road (formerly McGinty's Nursery) for arsenic. Rick will send a notification letter to residents within 1,000 ft of the property.
- Letter to the Local Traffic Advisory Board concerning a request to install speed humps in Pin Oaks and Marydell.

Appointment of Robert Miller (Thornbury Twp) to Police Commission

Carmen moved to approve Thornbury Township's appointment of Supervisor Robert Miller as the at-large member of the WEGO Police Commission, replacing Ed Travis. Thom seconded the motion and said Bob will do an excellent job. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 2011-4A, Appointment of Assistant Fire Marshal

Thom moved to approve Resolution 2011-4A, appointing Carmen Battavio as an Assistant Fire Marshal. Carmen has volunteered to assist Fire Marshal Mark Miller with no compensation for his services. Don seconded the motion. Senya thanked Carmen for graciously volunteering his time and services so that Mark Miller will not have to travel to East Goshen from Honey Brook during his off hours. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Replacement of Dump Truck

Marty moved to approve the purchase of a replacement dump truck through the Costars program at a net price of either $120,163 or $105,163 (Mark Miller's memo of June 24 was not clear as to the final cost), per the recommendation of Public Works Director Mark Miller. Carmen seconded the motion. Rick will find out the actual cost for the vehicle and report back to the Board. There was no discussion or public comment. The Board voted unanimously to approve the motion.

TAG Recommendation to Reduce Mowing of Township Open Spaces

The Board discussed Mark Miller's June 24 memo which states that "Mowing of large tracts has been reduced to once a month." Marty said he is not happy with the "scruffy" appearance of the open spaces, especially at Applebrook Park. He wants these spaces mowed more frequently so that the Township looks as attractive as it used to. Thom and Carmen agreed.

The Board discussed with Rick whether any money is being saved by having the Public Works Department mow less frequently, but no data is available and there was no consensus. Marty said he would like to know what other tasks the employees are spending their time on if they are mowing less frequently, and what are the benefits to the Township.

Carmen recommended Rick ask Mark Miller to incrementally increase the mowing frequency to see what schedule keeps the Township looks attractive, but without mowing more than is necessary.

After additional discussion, the Board directed Rick to have Mark Miller mow Applebrook Park and the other large open spaces frequently enough so that the Township looks manicured and attractive.

Financial Report

Brian McCool of the Finance Department reviewed the May report for the General Fund and the Sewer Fund.

The Board agreed to have the Finance Department change the frequency of the Sewer Report from monthly back to quarterly.

Regarding the revised 2011 budget, the Board would like Deb Beury to provide a list of all new budget lines she has created.

Proposal from Liberty Towers for Cell Tower at Township Building

The Board reviewed the June 17 proposal from Liberty Towers and agreed it is necessary to get clarification on the following items:

- The use of the term "RAD" vs. "carrier."
- Whether the optional extra 30 ft of tower would be added all at once or incrementally (a question raised by resident Mike Steinberger). Marty said the Township should get the additional $2,250/mo from Liberty Towers if they put up the extra 30 ft of tower, regardless of whether or not Liberty gets carriers to fill all the space. The rest of the Board concurred.
- What happens if Liberty wants to put another carrier (or more) on the tower below 90 ft.

At this point the Board prefers the proposal for the Ground Lease offer, which will provide the Township with a base rental payment as well as capital contributions from Liberty at various points in the agreement. Senya noted he would like to break down the rental payment into yearly installments of $48,148.30 for ten years. Rick said the income could be put into a special fund and dispersed once per year.

Marty stated that the agreement with Liberty must state that the tower is to be located as far back on the Township property as is engineeringly feasible.

Public Comment: Kathryn Yahraes, Vista Drive – Asked if the Township could get renderings of the proposed tower. Rick said he would ask for them. Thom said he would also like to have Liberty float balloons behind the Township building at 150 ft and 180 ft to help visualize the tower.

Don asked which version of the Wireless Ordinance would Liberty have to comply with. Rick said he will send a draft copy of the revised ordinance to Mr. Lemanowicz and see if his client is okay with it.

Regarding Liberty's wish to establish a deadline for completing the amendment to the zoning ordinance that will permit a tower on Township property, Marty noted the agreed-to deadline should be exclusive of any appeals. The rest of the Board concurred.

The Township staff will schedule another meeting with Mr. Lemanowicz.

Payoff of Debt

The Board reviewed the data provided by Lucien Calhoun's office. They agreed not to pursue an early payoff of the debt for the Township building as the savings would be negligible. Thom moved to hold off discussion on paying off the Applebrook debt, and to review this matter again

in 2012. Don seconded the motion. There was no further discussion and no public comment. The Board voted 4:0 to approve the motion. (Marty abstained from voting.)

Any Other Matter

Summer Meeting Schedule - Thom moved to hold only two meetings in July – one on July 12 and one on July 26. Carmen seconded the motion. Marty and Don expressed concern that two meetings would not be enough to complete Township business. There was no further discussion and no public comment. The Board voted 3:2 and the motion passed. (Marty and Don were opposed).

Pond Algae – Thom said the algae situation in Township ponds is becoming a real problem, and it's worth spending money to take care of the problem and to be proactive about it. He said someone from the Penn State Cooperative Extension told him the Township did not use the barley straw properly, and that's why it didn't work out to control algae. Senya asked Rick to add this matter to the Action List. Rick said he would contact someone from the Penn State Cooperative Extension to get more information about barley straw.

Public Comment: Ruth Scadding, Park & Rec – Said the aerators are working to control algae in the ponds where they are located. Also, to her knowledge, the Township did follow the Cooperative Extension's instructions regarding the barley.

Historical Commission – Senya said the Historical Commission would like to add two members to its board, bringing the number to nine members. They would also like to start their own Facebook page. Marty said he would like a memo from the Historical Commission providing details on why two more members are necessary. Kathryn Yahraes said one of the main reasons is that the Historical Commission has been charged with planning the Township's bicentennial celebration, and the existing membership needs more members to share the workload. Senya suggested this matter be tabled for more discussion at the July 12 Board meeting. Regarding the Facebook page, Senya suggested the Historical Commission see Frank Vattilano, as he may have the names of potential volunteers to help set up the page.

Farmers' Market – Senya reported that the Farmers' Market will have its own blog on the Township website.

Certificate for Scout Wagner – Senya said the Township will present Scout Jack Wagner, who was present at the June 21 meeting, with a Certificate of Appreciation, which states:
In recognition and appreciation of your unwavering commitment to the Scout Oath and Law, dedication to the ideals of Scouting and leading everyone in the Pledge of Allegiance at the Board of Supervisors meeting on Flag Day, June 14, 2011.

Review of Minutes

The Board reviewed the draft minutes of June 21 and had no changes. Don moved to accept the minutes as presented. Marty seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for June 23, 2011. The Board reviewed the Treasurer's Report and the current invoices. Don noted that Invoice #29000 from Charles Higgins & Sons should not be paid, as the invoice is for work done on a Westtown traffic signal. Rick will inform Charles Higgins & Sons.

Thom moved to accept the Treasurer's Report of June 23 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed, with the exception of Invoice #29000 from Charles Higgins & Sons in the amount of $238.20, as East Goshen was billed in error. Marty seconded the motion. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Action List

Municipal Authority Projects – Rick gave an update on the Municipal Authority projects.

IT Committee – The Board discussed whether the Township should form an IT Committee and agreed to start out with a small volunteer committee composed of 2-3 residents. Rick will contact resident Robert Murray, who has expressed interest in volunteering his IT expertise. Rick will also talk to Thom and get the names of some other possible volunteers.

Meetings & Dates of Importance

Senya noted the upcoming meetings as listed in the agenda. Ruth Scadding announced that Park & Rec has decided to hold a regular meeting on July 7. Rick will check to see if the meeting will require an additional advertisement, and will place the ad if necessary.

Public Comment Period

Ruth Scadding requested that staff put out an updated ABC list.

Adjournment

There being no further business, the regular meeting was adjourned at 9:26pm.

Executive Session

The Board met in Executive Session until 10:00pm to discuss legal and personnel matters.

Anne Meddings
Recording Secretary
Attachment: Treasurer's Report

June 23, 2011

TREASURER'S REPORT
2011 RECEIPTS AND BILLS

GENERAL FUND

		Accounts Payable	$31,970.53
Real Estate Tax	$5,956.09	Electronic Pmts:	
Earned Income Tax	$71,800.00	Health Insurance	
Local Service Tax	$800.00	Credit Card	
Transfer Tax	$0.00	Postage	
General Fund Interest Earned	$0.00	Debt Service	
Total Other Revenue	$25,534.76	Payroll	$46,000.00
Total Receipts:	**$104,090.85**	Total Expenditures:	**$77,970.53**

STATE FUND

Interest Earned	**$0.00**	Expenditures:	**$0.00**

CAPITAL RESERVE

Interest Earned	**$0.00**	Expenditures:	**$12,099.99**

TRANSPORTATION FUND

Interest Earned	**$0.00**	Expenditures:	**$5,100.00**

SEWER OPERATING

		Accounts Payable	$30,549.49
Receipts	$19,918.65	*Debt Service*	
Interest Earned	$0.00	Transfer To M.A.	$21,000.00
Total Sewer:	**$19,918.65**	Total Expenditures:	**$51,549.49**

REFUSE

Receipts	$3,762.35		
Interest Earned	$0.00		
Total Refuse:	**$3,762.35**	Expenditures	**$6,502.96**

SEWER CAPITAL RESERVE

Receipts	$0.00		
Interest Earned	$0.00		
Total Sewer Capital Reserve	**$0.00**	Expenditures	**$0.00**

15

EAST GOSHEN TOWNSHIP
ACTION LIST

12-Jul-11

New additions are in **bold**

#	Item	Action Due Date
ADM 09-04	Quarterly Review of Right to Know Requests	12-Jul-11
ADM 11-12	Goshen Fire Company Expenses	12-Jul-11
ADM 11-15	Cell Tower	12-Jul-11
ADM 11-22	IT Committee	12-Jul-11
ADMI 10-22	TAG Action List	12-Jul-11
DPW 07-02	Hershey's Mill Dam	12-Jul-11
PCZ 09-01	Telecom Registration and Reporting	12-Jul-11
PCZ 11-2	Tree Ordinance	12-Jul-11
PCZ 11-4	Impact of Chapter 102 Requirements	12-Jul-11
PCZ 11-6	Sign Ordinance	12-Jul-11
ADM 07-01	Review Wireless Ordinance	19-Jul-11
DPW 08-02	Quarterly Report on I&I	19-Jul-11
FIN 09-01	Quarterly Summary of Pending Legal Cases	19-Jul-11
ADM 11-13	Municipal Authority Projects	26-Jul-11
ADM 11-16	Post Retirement Medical Benefits	26-Jul-11
FIN 10-05	Quarterly Financial Reports - 2010	26-Jul-11
ADM 11-10	Municipal Authority	1-Sep-11
DPW 08-04	Invasive Species	1-Sep-11
DPW 11-1	Reccomendation from CB on NLT Plan	1-Sep-11
	Last # ADM 11-22	

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item: **Quarterly Review of Right to Know Requests** No: ADM 09-04

List Date: 2/10/2009 Completed Date:

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
7/13/2010	Distribute copies of report.	Done
10/5/2010	Distribute copies of report.	Done
1/3/2011	Distribute copies of report.	Done
4/5/2011	Report attached	Done
7/12/2011	**Report attached**	**Done**
	Will be distributed on Tuesday night	

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item:	**Review Goshen Fire Company Expenses**	No:	ADM 11-12
List Date:	**2/17/2011**	Completed Date:	
Description:	Review Goshen Fire Company expenses. Meet with Fire Company		

Date	Action
5/3/2011	J. Fokas was at 4/19 meeting and said there was a mix-up in communications and that the requested info would be forthcoming
5/24/2011	Info in Finance Report
6/7/2011	Set date to discuss
6/21/2011	Discuss info that was distributed previously
7/12/2011	**Carmen and Rick met with GFO representatives and are finalizing their report**

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item:	**Cell Tower**	No:	ADM 11-15
List Date:	**2/17/2011**	Completed Date:	
Description:	Consider locating a cell tower on Township Property		

Date	Action
4/5/2011	We received 3 responses and 1 request for an extension from the RFP
4/12/2011	Board needs to decide if they want to consider incomplete proposals
4/19/2011	Subcommittee of Don, Thom, Rick and Mark directed to review the three propo:
4/26/2011	Subcommittee has met with the 3 carriers, Recommendation forthcoming
5/3/2011	Subcommittee report attached
5/24/2011	1,000, foot letter sent, on 5/24 meeting agenda. Sub committee seleceted to review and report back to BoS
6/28/2011	Consider Proposal from Liberty
7/12/2011	**Consider Proposal from Liberty**

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item:	**IT Committee**	No:	ADM 11-22
List Date:	**5/10/2011**	Completed Date:	
Description:	Create an IT Committee to advise Township on IT matters		

Date	Action
6/28/2011	Recommendation attached.
7/12/2011	**Looking for one more resident member**

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item: **TAG Action List** No: ADM 10-22

List Date: **12/7/2010** Completed Date:

Description: Complete action items on TAG list

Date	Action
12/7/2010	Review list
1/3/2011	Updated summary is attached
1/18/2011	Updated summary is attached
2/1/2011	Updated summary is attached
2/22/2011	Updated summary is attached
3/1/2011	No change from summmary issued for 2/22/11 meeting
3/15/2011	Updated summary is attached (report has been reformatted)
4/5/2011	Updated summary is attached
4/19/2011	Updated summary is attached
5/3/2011	Updated summary is attached
5/24/2011	Updated summary is attached
6/7/2011	Updated summary is attached
6/21/2011	Updated summary is attached
7/12/2011	**Updated summary is attached**

ID	Item	Votes	Board Member	Staff Member	Due Date	Comments
9	Implement a Fully Integrated Cost Accounting System (108)	2	Senya/Marty	Deb	3/31/2011	**List approved 3/1/11. 1st draft of allocation under review by FC.**
2	Merit Compensation	1		Rick	6/30/2011	Study
15	Assess/Replace HVAC System (95)	4	Carmen	Rick	6/30/2011	Memo approved 6/14, draft RFP on 7/12 agenda
29	Reevaluate Support of Fire Companies (23)	4	Carmen	Mark M.	6/30/2011	**Info received 5/24 - Discuss 6/21, Carmen and Rick are finalizing the report**
18	Work with Adjoining Townships for IT Support (116)		Don	Rick	6/30/2011	East Goshen and Westtown use Burt
30	Self Sustaining Park & Recreation Programs (104) (#30-37)	2	Thom	Frank	6/30/2011	30 - 37 require P & R input
31	Institute P & R Sponsorship Program (88)		Thom	Frank	6/30/2011	P&R BoS meeting 2/8/11
32	Formalize & Expand Relationship w/YMCA		Thom	Frank	6/30/2011	We have a formal agreement with the YMCA.
33	Concession Stand at EGT Park		Thom	Frank	6/30/2011	P&R BoS meeting 2/8/11
35	Enable Online Reg & Paymt for P & R Programs		Thom	Frank	6/30/2011	P&R BoS meeting 2/8/11
37	Expand P & R Prog Partnerships		Thom	Frank	6/30/2011	P&R BoS meeting 2/8/11
14	Solar Array (94)			Rick	6/30/2011	Back burner. Revisit in 6 mths
17	Evaluate Sharing of Services with Neighboring Townships	3	Thom	Mark	9/30/2011	
39	Maintain Ownership of Wastewater Treatment Plant (85)	2	Marty	Rick	12/31/2011	Tag recommended retaining
16	Transition to an Electronic Newsletter (34)	3	Thom	Tia	12/31/2011	Blurb in Winter 2011 newsletter
24	Police Negotiations			Rick	1/1/2012	Review and discuss. Could be improved upon.
26	Two Tier Wage & Benefits Scale for Police Officers (120)			Rick	1/1/2012	Review and discuss. Could be improved upon.
3	Minimize Community Vacancy		Senya	Mark G.		**Held CCII Tour on June 15**
						Completed items have been removed

EAST GOSHEN TOWNSHIP

ACTION ITEM

Item:	**Hershey's Mill Dam**	No:	DPW 07-02
	List Date: **5/22/2007**	Completed Date:	
Description:	Bring Dam into compliance with DEP requirements or dispose of dam		

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.
7/13/2010	Solicitor OK with sale of Dam property. Checking with DEP.
7/20/2010	Options presented by Adv Geo. Pipe option out. Will price weir, breech, silt removal, ongoing maintenance, and check if required to remove silt under any scenario.
8/10/2010	Accepted proposal to have an appraisal done.
	Tentative award of $15,000 grant
8/17/2010	Authorized applying for grants to breach the dam
8/24/2010	Review cost estimates
9/7/2010	Received appraisal. Discuss conditions of sale with solicitor
9/14/2010	Board to approve conditions of sale and the process
10/5/2010	Bid Opening scheduled for 10/5. Received grant for $15,000. Working on NOAA Grant
10/12/2010	Bid Opening on 10/5. No bids received.
	National Fish and Wildlife Assocation grant denied
	Update from Don and Senya about meeting with Save the Dam Committee
11/3/2010	Update from Joe and Neil about Save the Dam Committee
	Linda G is researching two grants to beach the dam
	Engineering cost estimate to breach has been received
12/7/2010	The grant for funding the engineering for the dam breech has been completed and it will be submitted by 12/8 - Neil DeReimer updated BoS on HM Dam Committee actions
1/3/2011	Update from Neil DeReimer
2/1/2011	Update from Neil DeReimer
3/1/2011	Update tabled to 3/8
3/8/2011	Update from Neil DeReimer
3/24/2011	American Rivers/NOAH grant denied
4/5/2011	Update from Neil DeReimer
5/10/2011	Update from Neil DeReimer
6/7/2011	Update from Neil DeReimer
7/12/2011	**Update from Neil DeReimer**

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item: **Telecom Registration and Reporting** No: PCZ 09-01

List Date: **2/24/2009** Completed Date:

Description:

Date	Action
4/20/2010	2010 letter out week of 01/04/10. Quarterly update due.
4/16/2010	Mark Gordon: Received three 2010 registrations to-date. First late and collection notification sent 3/19/10, second late notification and second collection letter going out week of 4/20/10.
6/10/2010	MG: All WCF Have paid their reg. fees and all but one carrier has provided their annual report for 2010.
6/24/2010	MG: All Wireless Carriers have submitted the required annual reports.
7/27/2010	I will have an update at the meeting
2/22/2011	All Carriers have registered. The snow has prevented two of them from completing and submitting their inspection reports
4/5/2011	Waiting on the report from Clearwire. They are in the middle of an acquisition
5/3/2011	Still waiting on the report from Clearwire. They are in the middle of an acquisition and they are having a problem finding the info
7/12/2011	**We advised AQUA about possible enforcement action and they contacted the right person at Clearwire who sent is the report**

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item:	**Tree Ordinance**	No:	PCZ 11-2
List Date:	**2/17/2011**	Completed Date:	
Description:	Update Tree Ordinances		

Date	Action
3/17/2011	Sent to County PC For review
5/3/2011	Draft Ordinance attached
6/7/2011	Hearing continued to 7/12
7/12/2011	**Hearing to be held on 7/12/11**

EAST GOSHEN TOWNSHIP
ACTION ITEM

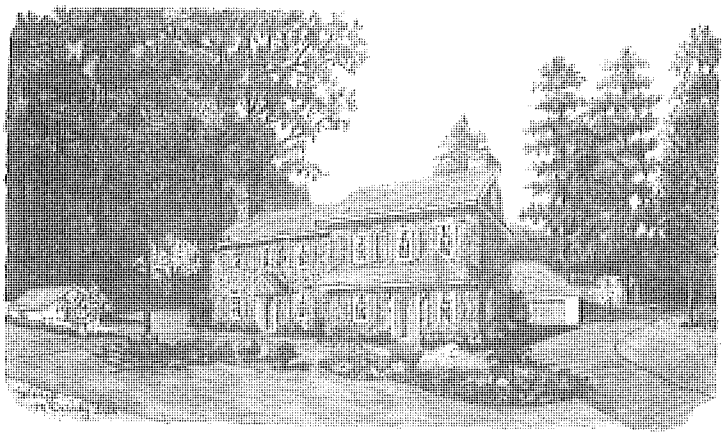
Item:	**Impact of Chapter 102 Requirements**	No:	PCZ 11-4
List Date:	**2/17/2011**	Completed Date:	
Description:	Determine impact of updated Chapter 102 requirements on Township Ordinances		

Date	Action
5/3/2011	Review is on going. The most significant impact is the requirement for a 150' riperian buffer in the Ridley Creek Watershed.
6/7/2011	Review is still ongoing
7/12/2011	**Review is still ongoing**

EAST GOSHEN TOWNSHIP
ACTION ITEM

Item:	**Sign Ordinance**	No:	PZC 11-6
List Date:	**3/24/2011**	Completed Date:	
Description:	Review ordinance to consider effect of electronic signs		

Date	Action
4/5/2011	PC is still reviewing
5/10/2011	PC is still reviewing
6/7/2011	PC is still reviewing
7/12/2011	**PC is still reviewing**



Richard N. Fedor
Spring House
1013 Hershey Mill Road
West Chester, Pa. 19380

June 22, 2011

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

Gentlemen:

We would like to thank the Supervisors along with Rick Smith and Mark Miller for having the geese removed from the pond at Tanglewood.

The geese have been a tremendous nuisance and we are grateful for a quiet, cleaner property and neighborhood.

Very truly yours,

Richard & Lillian Fedor

Richard and Lillian Fedor

16b

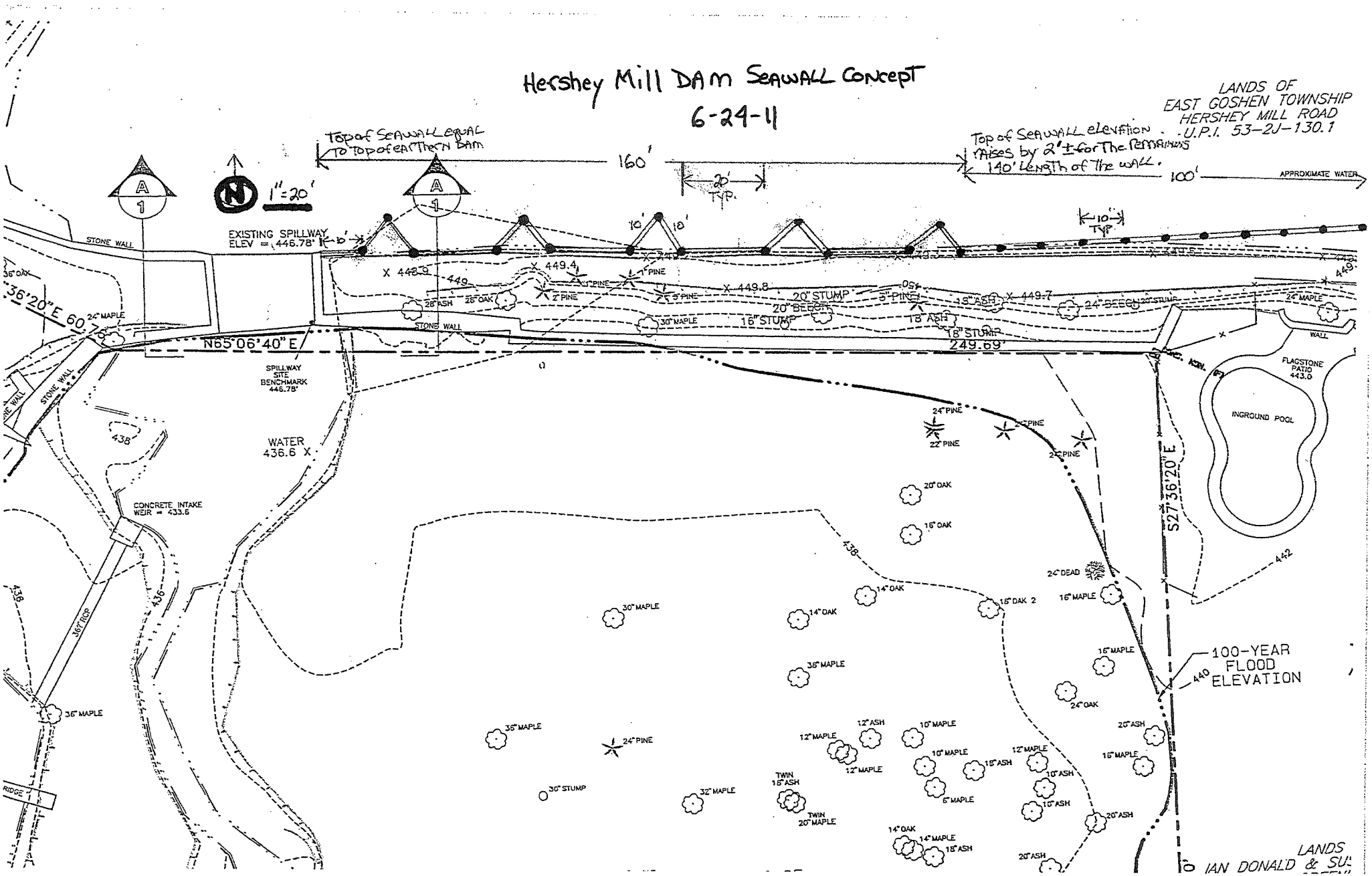
Rick Smith

From: NBDe@verizon.net
Sent: Thursday, July 07, 2011 10:30 AM
To: Rick Smith
Subject: Hershey Mill Dam Seawall Concept
Attachments: HM Dam Seawall Concept 6-24-11.PDF

Hello Rick,
I hope you had a safe and enjoyable July 4th.
In consideration thereof, I share the phrases, "Freedom isn't free" and
"If you can read, thank a teacher. If you can read English, thank a veteran."

I sent the attached sketch to the seawall engineer for his input a few weeks ago.
I will also send it to Mr. Reisinger, probably after I get the engineer's comments, which I expect soon.
Please inform the Supervisors of this status.
Thanks for your help.

Friends of Hershey's Mill Dam (FoHMD)
1034 Hershey Mill Road
West Chester, Pa. 19380
Off: 610-296-4210
Cell: 610-804-1122
NBDe@verizon.net


Hershey Mill DAM Seawall Concept
6-24-11
LANDS OF
EAST GOSHEN TOWNSHIP
HERSHEY MILL ROAD
U.P.I. 53-2J-130.1
Top of Seawall equal to top of earthern Dam
160'
Top of Seawall elevation raises by 2'± for the remaining 140' length of the wall.
100'
APPROXIMATE WATER
1"=20'
EXISTING SPILLWAY ELEV = 446.78'
STONE WALL
N36°20"E 60.7'
N65°06'40"E
249.69'
SPILLWAY SITE BENCHMARK 446.78'
WATER 436.6
CONCRETE INTAKE WEIR = 433.6
S27°36'20"E
INGROUND POOL
FLAGSTONE PATIO 443.0
100-YEAR FLOOD ELEVATION
RIDGE
LANDS
IAN DONALD & SU

610-692-7171
www.eastgoshen.org

16C

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

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

July 8, 2011

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

Re: Wireless Communications Facility Ordinance Amendment

Dear Board Members:

At their meeting on July 6, 2011 the Planning Commission unanimously approved a motion to recommend that the Board of Supervisors adopt the Wireless Communications Facility Ordinance Amendment.

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

Sincerely,

Louis F. Smith, Jr.
Township Manager

Enclosure

F:\Data\Shared Data\Admin Dept\Township Code\Signs 2011\Wireless Communications 2011\PC Recommendation 070811.doc

EAST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ - 2011

AN ORDINANCE OF EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240 OF THE EAST GOSHEN TOWNSHIP CODE, TITLED, "ZONING", SECTION 240-15.B TO ALLOW WIRELESS COMMUNICATIONS FACILITIES ON TOWNSHIP OWNED PROPERTY IN THE C-2 DISTRICT BY RIGHT; BY ADDING A NEW SECTION 240-15.H TO ESTABLISH REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES WHICH ARE BUILT ON TOWNSHIP-OWNED PROPERTY IN THE C-2 DISTRICT AND SECTION 240-31.C(3)(h) TO AMEND THE REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES.

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

SECTION 1. Section 240-15.B. shall be amended by adding a new subparagraph (12) which shall read as follows:

"(12) Wireless communications facilities on Township-owned property, subject to compliance with the standards in § 240-15.H."

SECTION 2. A new Section 240-15.H shall be added which shall read as follows:

"§ 240-15.H. Standards for Wireless Communications Facilities Built on Township-Owned Property.

All applicants seeking to construct, erect, relocate or alter a Wireless Communications Facility on Township-owned property in the C-2 District shall demonstrate compliance with the criteria in Section 240-31.C(3)(h) as part of the application for building permit. Any materials or documents that must be submitted to the Board of Supervisors as part of the conditional use application for wireless communications facilities built in the I-1 and BP Districts pursuant to Section 240-31.C(3)(h) shall be submitted instead to the Building Official as part of the building permit application for a wireless communications facility built on Township-owned property in the C-2 District. The Building Official shall not issue a building permit for the wireless communications facility until the applicant has demonstrated compliance with

the criteria in Section 240-31.C(3)(h) and the Township has entered a lease or license agreement with the owner of the wireless communications facility.

SECTION 3. Section 240-31.C(3)(h) shall be revised as follows:

"(h) Wireless communications facilities.

[1] Purpose. The purpose of this subsection and the standards established herein are to govern the use, construction and siting of wireless communications facilities in recognition of the nature of wireless communications systems and the Federal Telecommunications Act of 1996, as amended from time to time. These regulations are intended to:

[a] Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services.

[b] Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services collocate their commercial communications antennae and related facilities on existing towers if possible.

[c] Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations, including the Township's Building Code.

[d] Promote the health, safety and welfare of the Township's residents.

[2] Standards for commercial communications antenna erected on a commercial communications support structure. All applicants seeking to construct, erect, relocate or alter a commercial communications support structure shall comply with the following regulations. A written narrative that addresses how the applicant will meet each of the regulations listed below shall be submitted with the conditional use application.

[a] Location and height.

[i] Permissible Locations. Wireless communications facilities must be located on property within the following zoning districts where permitted by right or as a conditional use and only in such location within that district and at a minimum height necessary to satisfy their function in the applicant's wireless communications system. The zoning districts in which wireless communications facilities are permitted by conditional use are the BP and I-1 Districts. Wireless

Communications Facilities are also permitted by right on Township-owned property in the C-2 District.

[ii] Maximum heights. No commercial communications antenna support structure serving a single provider shall be taller than 120 feet, measured from undisturbed ground level, unless the applicant proves that another provider of wireless communications services has agreed to collocate commercial communications antenna(e) on the applicant's commercial communications antenna support structure. In such case, the commercial communications antenna support structure shall not exceed 150 feet. No applicant shall have the right under these regulations to erect a tower to the maximum height specified, unless it proves the necessity for such height. The applicant shall demonstrate that the proposed height of the commercial communications antenna support structure and the commercial communications antennae intended to be attached thereto is the minimum height required to provide satisfactory service for wireless communications.

[b] Conditional Use Application.

[i] Site plan. A site plan shall be submitted with the conditional use application which shows all existing and proposed structures and improvements, including but not limited to the commercial communications antenna(e), commercial communications antenna support structure, building, fencing, landscaping, parking, ingress and egress. In addition, the site plan shall show each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses. The plan shall comply with the requirements for a final plan as set forth in Chapter 205, Subdivision and Land Development.

[ii] Miscellaneous Information and Reports. The conditional use application shall be accompanied by the following:

[a] A propagation study demonstrating that there is a substantial gap in coverage for the provider;

[b] A description of the type and manufacturer of the proposed transmission/radio equipment;

[c] A study demonstrating compliance with the noise standards in Section 240-24 of this chapter. In instances where there are multiple carriers or multiple equipment boxes proposed to be built on one site, the applicant must demonstrate that the cumulative noise from all carriers' equipment shall comply with the noise standards in this chapter;

[d] The name, address and contact information for the primary and secondary contact person responsible for the facility operation and maintenance;

[e] A report which addresses the potential impacts associated with constructing the facility and possible mitigation measures if negative impacts are expected to occur on surrounding properties;

[f] A report from a registered professional engineer that confirms that the radiofrequency emissions from the proposed facility will comply with the Federal Communications Commission standards;

[g] A certificate of insurance issued to the owner/operators, evidencing that there is or will be adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the land site and the proposed facilities;

[h] A copy of the lease or other written agreement with the property owner confirming that Applicant has standing to file the application and maintain the proposed facility on the subject property.

[iii] Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with the conditional use application copies of all FCC permits and licenses. All such information shall be accompanied by a certification signed by an officer of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief.

[iv] Section 106. The applicant shall provide proof to the Township that it has complied with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, as amended, and has reviewed the effects of the proposed wireless communications facilities on local historic resources that are included in or eligible for inclusion in the National Register of Historic Properties.

[v] Maintenance. During the conditional use hearing the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and the traffic safety and noise impacts of such maintenance. If approved, the applicant shall be responsible for maintaining the commercial facility in the manner described in the hearing.

[vi] Collocation. Prior to the Board's approval of a conditional use authorizing the construction and installation of a commercial communications antenna support structure (tower) it shall be incumbent upon the applicant to prove to the reasonable satisfaction of the Board that the applicant cannot adequately extend or infill its communications system by the use of equipment such as repeaters, antenna(e) and other similar equipment installed on existing structures, such as utility poles, existing commercial communications support structures, and other available tall structures. The applicant shall demonstrate that it has contacted the owners of structures of suitable location and height within a one-mile radius of the site proposed, has asked for permission to install the commercial communications antenna(e) on those structures and has been denied such permission. The Board of Supervisors may deny an application to construct a new commercial communications antenna support structure if the applicant has not made a good faith effort to mount the commercial communications antenna(e) on an existing structure as set forth in this section.

[c] Building Permit Required. Upon approval of the conditional use application, the applicant shall apply for and obtain a building permit prior to the erection of the commercial communications support structure.

[i] Soil report. A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Township Engineer to document and verify the design specifications of the foundation for the

commercial communications antenna support structure, and anchors for the guy wires, if used.

[ii] Certification by engineer. Prior to the Township's issuance of a permit authorizing construction and erection of a commercial communications antenna support structure, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of its ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association, and certify the proper construction of the foundation and the erection of the commercial communications antenna support structure.

[d] Wireless communications equipment building or pad. Either one single-story wireless communications equipment building not exceeding 500 square feet in area, or a concrete pad not exceeding 500 square feet in area that houses the equipment necessary for the proper functioning of the tower and commercial communications antenna(s) may be located on the property where the tower is located. This pad must be setback a minimum of ten feet from any property line and the combined height of the pad and any structures erected on such pad may not exceed eight feet. Each unrelated company sharing commercial communications antenna(e) space on the tower may have its own building or pad provided that the total area of all buildings or pads on the site shall not exceed 500 square feet, unless otherwise approved by the Board.

[e] Other facilities. With the exception of the wireless communications equipment building or pad housing the equipment necessary for the proper functioning of the tower and commercial communications antenna(s), all other uses ancillary to commercial communications antenna(s) and commercial communications antenna support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area shall not be located on any land site, unless otherwise permitted by the applicable district regulations in which the site is located.

[f] Utilities. All utilities required for the facility shall be located underground.

[g] Setbacks from tower base. The minimum setback for the tower base shall comply with the minimum setbacks established for the zoning district in which the tower is located.

[h] Antenna support structure safety. The applicant shall demonstrate that the proposed commercial communications antenna(e) and commercial communications antenna support structure are designed and constructed in accordance with all applicable building standards for such facilities and structures, including but not

limited to the standards developed by the Electronics Industry Association, the Institute of Electrical and Electronics Engineer, the Telecommunications Industry Association, the American National Standards Institute, the Electrical Industry Association and the Township's applicable Building Code. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

[i] Fencing. A security fence having a minimum height of six (6) feet shall be required around the antenna support structure and other equipment.

[j] Landscaping. Unless prohibited by federal or state laws, the following landscaping shall be required to screen as much of a newly constructed commercial communications antenna support structure as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping.

[i] An evergreen screen shall be required to surround the commercial communications antenna support structure. The screen can be either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum. The evergreen screen shall be a minimum planted height of six feet at planting and shall be capable of growing to a minimum of 15 feet at maturity.

[ii] Existing vegetation on and around the land site shall be preserved to the greatest extent possible.

[iii] The landscaping shall be maintained by the applicant for as long as the facility is in operation.

[k] Design. In order to reduce the number of commercial communications antenna support structures in the Township in the future, the proposed commercial communications antenna support structure shall be designed to accommodate other potential communication users, including but not limited to commercial wireless communication companies, local police, fire and ambulance companies.

[l] Proof of annual inspection.

[i] Annually, the owner of a commercial communications antenna support structure shall submit to the Township proof of the annual inspection of the commercial communications antenna support structure and commercial communications antenna(e) by an independent professional engineer as

required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such inspection, the Board of Supervisors may require removal or repair of the wireless communications facility.

[ii] In the event that the annual inspection referred to above is not performed in a timely manner or if the owner of the wireless communications facility fails to make the necessary repairs or to remove the facility when directed by the Board the owner shall be subject to civil enforcement proceedings in accordance with § 240-54.

[m] Required parking. If the wireless communication facility is fully automated, a minimum of two spaces shall be provided unless the applicant demonstrates to the satisfaction of the Board of Supervisors that adequate parking is available. If the wireless communication facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communication facility during the largest shift.

[n] Visual appearance. Commercial communications antenna support structures shall be painted silver, or another color approved by the Board, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

[o] Signs. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA or other governmental agency.

[p] Lighting. Commercial communications antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No commercial communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township Secretary.

[q] Abandonment. If use of the wireless communications facility is abandoned, or if the wireless communications facility is not in use for a period of six months or longer, the owner shall demolish and/or remove the wireless communications facility from the land site within six months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event that the demolition and/or removal referred to

above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54C.

[r] Interference. In the event that the wireless communications facility causes interference with the radio or television reception of any Township resident for a period of three continuous days, the resident shall notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the civil enforcement proceedings in accordance with § 240-54C.

[s] Annual report. In January of each year, the owner of any wireless communications facility shall pay the registration fee as established from time to time by resolution of the Board of Supervisors and shall provide the Township with the following information.

[i] The names and addresses of the owner of the wireless communications facility and any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.

[ii] The name and address of the property owner on which the wireless communications facility is located.

[iii] The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.

[iv] Output frequency of the transmitter.

[v] The type of modulation, digital format and class of service.

[vi] Commercial communications antenna(e) gain.

[vii] The effective radiated power of the commercial communications antenna(e).

[viii] The number of transmitters, channels and commercial communications antenna(e).

[ix] A copy of the owner's or operator's FCC authorization.

[x] Commercial communications antenna(e) height.

[xi] Power input to the commercial communications antenna(e).

[xii] Distance to nearest base station.

[xiii] A certification signed by an officer of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.

[xiv] A certificate of insurance issued to the owner/operators, evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the land site and the wireless communications facilities.

[xv] Changes occurring with respect to any of the information required above shall be reported to the Township, in writing, within 10 days of the effective date of such changes. The failure to supply the annual report by the close of January shall result in the issuance of an enforcement notice in accordance with § 240-54.

[3] Standards for commercial communications antenna erected on an existing structure. In all zoning districts, an applicant may, upon conditional use approval being granted by the Board, locate commercial communications antenna and their support members (but not a commercial communications antenna support structure) on an existing smoke stack, utility pole, water tower, commercial or industrial building or any similar tall structure pursuant to the requirements in this Section 240-31.C(3)(h)[3]. All applicants seeking to construct, erect, relocate or alter a commercial communications antenna on an existing structure shall comply with the following regulations. A written narrative that addresses how the applicant will meet each of the regulations listed below shall be submitted with the conditional use application.

[a] Location and height.

[i] The commercial communications antenna must be located on an existing structure. For purposes of this Subsection, in order to constitute an existing structure, the structure must be one that was constructed and/or erected prior to April 7, 1998.

[ii] Steeple exception to existing structure requirement. The applicant may, upon conditional use approval being granted by the Board of Supervisors, install a commercial communications antenna in any zoning district, in accordance with the provision of this section provided the commercial communications antenna shall be located

entirely within a steeple located on a place of worship and no portion of the antenna shall be visible from the outside.

[iii] Limitations on Height. In no event shall mounted commercial communications antenna(e) extend more than 25 feet above the height of the existing structure. The applicant shall demonstrate that the proposed height of the commercial communications antenna is the minimum height required to provide satisfactory service for wireless communications.

[b] Conditional Use.

[i] Site plan. A site plan shall be submitted with the conditional use application which shows all existing and proposed structures and improvements, including but not limited to the commercial communications antenna(e), the existing structure to which the commercial communications antenna(e) will be attached, building, fencing, landscaping, parking, ingress and egress. In addition, the site plan shall show each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses. The plan shall comply with the requirements for a final plan as set forth in Chapter 205, Subdivision and Land Development.

[ii] Miscellaneous Information and Reports. The conditional use application shall be accompanied by the following:

[a] A propagation study demonstrating that there is a substantial gap in coverage for the provider;

[b] A description of the type and manufacturer of the proposed transmission/radio equipment;

[c] A study demonstrating compliance with the noise standards in Section 240-24 of this chapter. In instances where there are multiple carriers or multiple equipment boxes proposed to be built on one site, the applicant must demonstrate that the cumulative noise from all carriers' equipment shall comply with the noise standards in this chapter;

[d] The name, address and contact information for the primary and secondary contact person responsible for the facility operation and maintenance;

[e] A report from a registered professional engineer that confirms that the radiofrequency emissions from the proposed facility will comply with the Federal Communications Commission standards.

[f] A certificate of insurance issued to the owner/operators, evidencing that there is or will be adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the land site and the proposed wireless communications facilities;

[g] A copy of the lease or other written agreement with the property owner confirming that Applicant has standing to file the application and maintain the proposed facility on the subject property.

[iii] Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with the conditional use application copies of all FCC permits and licenses. All such information shall be accompanied by a certification signed by an officer of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief.

[iv] Section 106. The applicant shall provide proof to the Township that it has complied with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, as amended, and has reviewed the effects of the proposed wireless communications facilities on local historic resources that are included in or eligible for inclusion in the National Register of Historic Properties.

[v] Maintenance. During the conditional use hearing the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and the traffic safety and noise impacts of such maintenance. If approved, the applicant shall be responsible for maintaining the commercial communications antenna(e)

in the manner described in the hearing or as required by the Board as part of the conditional use approval.

[c] Building Permit Required. Upon approval of the conditional use application the applicant shall apply for and obtain a building permit prior to the erection of the commercial communications antenna on an existing structure. Prior to the Township's issuance of a permit authorizing construction and erection of a commercial communications antenna, a structural engineer registered in Pennsylvania shall issue to the Township a written certification that confirms that the existing structure can support the load of the proposed antenna and all cables associated therewith.

[d] Wireless communications equipment. A concrete pad not exceeding 10 feet by 20 feet in area that contains up to three metal boxes housing the equipment necessary for the proper functioning of the antenna may be located on the property where the commercial communications antenna will be located. This pad must be setback a minimum of ten feet from any property line and the combined height of the pad and boxes may not exceed eight feet. Each unrelated company having an antenna on the existing structure may have its own concrete pad provided that the total area of all pads for all carriers located on the structure shall not exceed 500 square feet, unless otherwise approved by the Board.

If the commercial communications antenna is installed on an existing utility pole, the Board may authorize the installation of one or more cabinets on the utility pole upon which the antenna(s) is located. The cabinets shall be located at the maximum height allowed by the owner of the utility pole, however, in no case shall the bottom of any cabinet be less than eight feet above ground level. The Board shall approve the color, size and orientation of the cabinet(s) on the pole.

[e] Other facilities. With the exception of the wireless communications equipment pad housing the equipment necessary to the proper functioning of the commercial communications antenna(s), all other uses ancillary to commercial communications antenna(s), including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area shall not be located on any land site, unless otherwise permitted by the applicable district regulations in which the site is located.

[f] Utilities. All utilities required for the antenna and associated ground equipment shall be located underground.

[g] Required parking. If the wireless communication antenna is fully automated, a minimum of two spaces shall be provided unless the applicant demonstrates to the satisfaction of the Board of Supervisors that adequate parking is available. If the wireless communication antenna is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communication antenna during the largest shift.

[h] Safety of Antenna. The applicant shall demonstrate that the proposed commercial communications antenna(e) are designed and constructed in accordance with all applicable building standards for such facilities and structures, including but not limited to the standards developed by the Electronics Industry Association, the Institute of Electrical and Electronics Engineer, the Telecommunications Industry Association, the American National Standards Institute, the Electrical Industry Association and the Township's applicable Building Code. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

[i] Fencing. A security fence having a minimum height of six (6) feet shall be required around the equipment buildings or pads.

[j] Landscaping. Unless prohibited by federal or state law, the following landscaping shall be required to screen the equipment building or pads. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping.

[i] An evergreen screen shall be required to surround the equipment building or pad. The screen can be either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum. The evergreen screen shall be a minimum planted height of six feet at planting and shall be capable of growing to a minimum of 15 feet at maturity.

[ii] Existing vegetation on and around the land site shall be preserved to the greatest extent possible.

[iii] The landscaping shall be maintained by the applicant for as long as the facility is in operation.

[k] Proof of annual inspection.

[i] Annually, the owner of a commercial communications antenna shall submit to the Township proof of the annual inspection of the commercial communications antenna by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such inspection, the Board of Supervisors may require removal or repair of the wireless communications facility.

[ii] In the event that the annual inspection referred to above is not performed in a timely manner or if the owner of the antenna fails to make the necessary repairs or to remove the antenna when directed by the Board, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54.

[l] Lighting. Commercial communications antenna shall meet all Federal Aviation Administration (FAA) regulations. No commercial communications antenna may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township.

[m] Abandonment. If use of the wireless communications antenna is abandoned, or if the wireless communications antenna is not in use for a period of six months or longer, the owner shall remove the wireless communications antenna from the existing structure within six months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications antenna. In the event that the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54C.

[n] Interference. In the event that the wireless communications antenna causes interference with the radio or television reception of any Township reside``nt for a period of three continuous days, the resident shall notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the civil enforcement proceedings in accordance with § 240-54C.

[o] Visual appearance. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

[p] Annual report. In January of each year, the owner of any wireless communications antenna shall pay the registration fee as established from time to time by resolution of the Board of Supervisors and shall provide the Township with the information specified in Section 240-31(h)[2][s]. Failure to supply the annual report by the close of the following January shall result in the issuance of an enforcement notice in accordance with Section 240-54.

[q] Signs. No sign or other structure shall be mounted on the wireless communications antenna, except as may be required by the FCC, FAA or other governmental agency."

SECTION 4. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this _____day of _____, 2011.

ATTEST:

EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS

_____
Louis F. Smith, Secretary

_____
Senya D. Isayeff, Chairman

_____
Donald R. McConathy, Vice-Chairman

_____
E. Martin Shane, Member

_____
Carmen Battavio, Member

_____
Thom Clapper Ph.D, Member