

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
TUESDAY, October 25, 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 Board met in Executive Session on Oct. 18, 2011 to discuss a personnel matter.
 - b. Announce Westtown-East Goshen Police Department’s participation in the DEA National Prescription Drug Take Back Program on Sat. Oct. 29 10 am – 2 pm.
7. Public Hearing
8. Police/EMS Report – 3rd Tuesday
9. Financial Report – 4th Tuesday
 - a. Review 3rd Quarter Reports
 - b. Review 1st Draft 2012 Budget
10. Old Business
11. New Business
 - a. Consider Goshen Fire Company volunteers
 - b. Consider adopting ordinance for neighborhood blight protections and enforcement
 - c. Consider prohibiting all outdoor burning
 - d. Consider submitting application to Delaware Valley Investment Trust
12. Any Other Matter
13. Approval of Minutes
 - a. Oct. 18, 2011
14. Treasurer’s Report
 - a. Report – Oct. 20, 2011
15. Review Action List
16. Correspondence, Reports of Interest
 - a. Acknowledge County’s official notification of fourth revision to Chester County’s Solid Waste Management Plan.
17. Meetings & Dates of Importance:

October 25, 2011	Board of Supervisors	7:00 pm
October 27, 2011	Farmers Market	2-6 pm
October 29, 2011	Nat’l Take Back Initiative	10-2 pm
	Westtown-East Goshen Police	
November 1, 2011	Board of Supervisors – QVC	7:00 pm
	(ZHB App)	

- | | | |
|------------------|--|---------|
| November 2, 2011 | Pension Committee | 1:00 pm |
| | Planning Commission | 7:00 pm |
| November 3, 2011 | Park & Recreation | 7:00 pm |
| | Farmer's Market | 2-6 pm |
| November 2, 2011 | Newsletter Article Submission Due Date | |
| December 3, 2011 | New York City Holiday Trip | |
18. Public Comment – Hearing of Residents
19. 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.

Nancy Scheiderman

From: Kathy Brill [REDACTED]
Sent: Tuesday, August 16, 2011 2:13 PM
To: Bob Layman; Rick Smith; Brody Bovero; Helen Greer; nscheiderman [REDACTED]
Subject: DEA National Prescription Drug Take Back Program

Please take note of the upcoming program in the event your residents have questions. see below...thanks Kathy

Kathleen J. Brill, Business Manager
Westtown-East Goshen Regional Police
1041 Wilmington Pike
West Chester, PA 19382
610-692-2094 FAX
610-692-9600 PHONE

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From: William Cahill
Sent: August 16, 2011 11:41
To: PoliceDept
Subject: DEA National Prescription Drug Take Back Program

Once again our agency will participate on the DEA National Prescription Drug Take Back Program on Saturday, 29 October 2011 between the hours of 10:00 am and 2:00 pm in the lobby of our station located at 1041 Wilmington Pike in West Chester. Below is a link to information about the program.

http://www.deadiversion.usdoj.gov/drug_disposal/takeback/index.html

"Performance Not Promises"

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William Cahill
Detective/Sergeant
Westtown-East Goshen Regional Police Department
Criminal Investigation Division
1041 Wilmington Pike
West Chester, PA 19382

Office: 610-692-9600 ext. 216

Fax: 610-701-4336

CH



U.S. Department of Justice Drug Enforcement Administration Office of Diversion Control

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[Drug Disposal](#) > [National Take Back Initiative](#)

Got Drugs?

October 29, 2011
10:00 AM - 2:00 PM



Got Drugs?



NATIONAL TAKE BACK INITIATIVE

October 29, 2011
10:00 AM - 2:00 PM

DEA has scheduled another National Prescription Drug Take Back Day on **Saturday, October 29, 2011, from 10:00 am - 2:00 pm.** to provide a venue for persons who want to dispose of unwanted and unused prescription drugs. Please check back in mid-September to find convenient collection locations in your zip code area, county, city, or state.

Law enforcement agencies that wish to host a collection site should call the Point of Contact for your area.

National Prescription Drug Take Back Day addresses a vital public safety and public health issue. More than seven million Americans currently abuse prescription drugs, according to the 2009 Substance Abuse and Mental Health Services Administration's National Survey on Drug Use and Health. Each day, approximately, 2,500 teens use prescription drugs to get high for the first time according to the Partnership for a Drug Free America. Studies show that a majority of abused prescription drugs are obtained from family and friends, including the home medicine cabinet.

DEA in conjunction with state and local law enforcement agencies throughout the United States conducted National Prescription Drug Take Back Days on Saturday, September 25, 2010 and April 25, 2011. Nearly, 4,000 state and local law enforcement agencies throughout the nation participated in these events, collecting more than 309 tons of pills.

Four days after last fall's Take-Back Day, Congress passed legislation amending the Controlled Substances Act to allow the DEA to develop a process for people to safely dispose of their prescription drugs. DEA immediately began developing this process after President Obama signed the Safe and Secure Drug Disposal Act of 2010 on October 12. Until that process is complete, however, DEA will continue to hold Take Back Days every six months.

[Additional Resources](#)



To view PDF documents



External links included in this website should not be construed as an official endorsement of the views contained therein.

Take Back Points of Contact

State	Point of Contact	Telephone
Alabama	GS Pat Millier	205-321-8600
Alaska	SA Jodie Underwood	206-553-5443
Arizona	GS Mike Grafton	602-664-5600
Arkansas	GS Lisa Barnhill	501-217-6500
California, Northern	GS Glenn Moore	415-436-7900
California, Middle	GS Tom Lenox	858-616-4100
California, Southern	DPM Mike Lewis	213-621-6942
Colorado	GS Helen Kaupang	720-895-4231
Connecticut	DPM Nancy Coffey	617-557-2191
Delaware	GS Regina Spaddy	215-238-5160
District of Columbia	ASAC Alan Santos	202-305-8500
Florida	DPM Barbara McGrath	954-306-4650
Georgia	DPM Barbara Heath	404-893-7165
Hawaii	DPM Mike Lewis	213-621-6942
Idaho	SA Jodie Underwood	206-553-5443
Illinois, Southern	DPM Scott Collier	314-538-4600
Illinois	DPM Demetra Ashley	312-353-7875
Indiana	DPM Demetra Ashley	312-353-7875
Iowa	DPM Scott Collier	314-538-4600
Kansas	DPM Scott Collier	314-538-4600
Kentucky	GS Martin Redd	502-582-5905
Louisiana	GS Louis Lejarza	504-840-1100
Maine	RAC Mike Wardrop	207-780-331 x11
Maryland	GS Terry Riley	410-244-3629
Massachusetts	RAC Joe Karas	413-785-0284
Michigan	ASAC Durell Hope	313-234-4000
Minnesota	ASAC Durell Hope	313-234-4000
Mississippi	GS Louis Lejarza	504-840-1100
Missouri	DPM Scott Collier	314-538-4600
Montana	RAC Joe Kirkland	406-655-2900
Nebraska	DPM Scott Collier	314-538-4600
Nevada	DPM Mike Lewis	213-621-6942
New Hampshire	RAC Leo Ducey	603-628-7411
New Jersey	GS Andy Breiner	973-776-1100
New Mexico	GS Philip Hart	505-346-7419
New York City, Long Island, counties of Rockland, Westchester, Putman, Orange, Sullivan, and Dutchess	GS Jim Place	212-337-3900
New York	ASAC Jim Burns	518-782-2000
North Carolina	DPM Barbara Heath	404-893-7165
North Dakota	DPM Demetra Ashley	312-353-7875
Ohio	ASAC Tony Marotta	614-255-4200
Oklahoma	DPM Lisa Sullivan	214-366-6900
Oregon	SA Jodie Underwood	206-553-5443
Pennsylvania	GS Regina Spaddy	215-238-5160
Rhode Island	RAC John Kleczkowski	401-732-2550
South Carolina	DPM Barbara Heath	404-893-7165
South Dakota	DPM Scott Collier	314-538-4600
Tennessee	DPM Barbara Heath	404-893-7165
Texas, Northern	DPM Lisa Sullivan	214-366-6900
Texas, West	GS David Cota	915-832-6000
Texas, Southern	GS Kathy Brown	713-693-3670
Utah	GS Lynette Wingert	406-655-2900
Vermont	SA Tom Doud	802-951-6777
Virginia	ASAC Jay Gregorius	804-627-6300
West Virginia	RAC Dennis Bolum	204-347-5200

Washington	SA Jodie Underwood	206-553-5443
Wisconsin	DPM Demetra Ashley	312-353-7875
Wyoming	RAC Jay Erickson	307-778-1500
Carribbean	ASAC Pedro Janer	787-277-4940

Additional Resources:

- [Another Huge Turnout At DEA's National Prescription Drug Take-Back Event](#) (May 06, 2011)
- [Drug Disposal Information](#)
- [FDA – How to Dispose of Unused Medicines](#)
- [FDA – Disposal of Unused Medicines](#)

[Back to Top](#)

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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: October 20, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Goshen Fire Company

As the representatives from Goshen Fire Company noted during their presentation the other week one of their ongoing problems is a lack of volunteers. They have paid personnel on duty most of the day and evening and they provide adequate staffing for the routine ambulance calls and most of the vehicle accidents.

However, they have a problem with building fires, since these calls typically require a lot of fire fighters.

I would note that most fire companies require that a volunteer fire fighter participate in at least 50% of the drills in order to respond to calls. This is to ensure that the fire fighters are adequately trained. This training typically occurs on a week night and lasts several hours.

In West Whiteland and Uwchlan Township a number of their public works employees are volunteer members of their respective fire companies and they leave work to respond to calls. The Township provides a stipend to the employee/fire fighters to compensate them for attending the required training, which in turn allows them to respond to calls.

Some of our Public Works employees are volunteers at Goshen and they respond to building fire calls as necessary. However, several of the Public Works employees are volunteers at other fire companies in the area. It has been suggested that we allow these employees to respond Goshen fire calls as well.

However, rather than require them to participate in 50% of Goshen's drills in addition to 50% of the drills that they need to participate in at their "home" fire company, we would suggest seeing if Goshen would be willing to give them credit for drills at their home fire company. This would enable them to respond to Goshen fire calls.

Obviously, allowing them to do this would take time from their public works duties.

Fortunately, building fires are not a common occurrence. However, when they do occur the Fire Chief needs boots on the ground.

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: October 20, 2010

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: Neighborhood Blight

It has been suggested that we consider adopting the attached ordinance which would allow us to deny a permit to a property owner who is behind in their utility and/or tax bills.

Section 5-305 sets forth the two instances in which a permit could be denied.

1. Property owners who are delinquent on their sewer/refuse payments and real estate taxes.

There are about 100 people who are delinquent on East Goshen sewer and/or refuse accounts and about 40 who have real estate tax liens filed.

2. Serious Violations

We do not have any of these.

One interesting aspect of the ordinance is that Section 5-305A allows the municipality to deny a permit, if the property owner owns property in any other municipality in the Commonwealth that is in violation of Section 5-305. This would not be an issue for the average homeowner, but theoretically we could deny a permit to a company situated in East Goshen if they were delinquent on their sewer bill for their facility in another municipality.

ORDINANCE _____ of 2011

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, TO PROVIDE FOR A NEW PART 3, PREVIOUSLY RESERVED, UNDER CHAPTER 5, CODE ENFORCEMENT, ENTITLED "NEIGHBORHOOD BLIGHT PROTECTIONS AND ENFORCEMENT".

AND NOW, this ____ day of _____, 2011, it is hereby Enacted and Ordained by the Borough Council of the Borough of Phoenixville, Chester County, Pennsylvania, that:

Section 1. A new part entitled "Neighborhood Blight Protections and Enforcement" is hereby adopted as Part 3 (previously reserved) under Chapter 5 of the Code of the Borough of Phoenixville, as amended. This new part is authorized pursuant to the Neighborhood Blight Reclamation and Revitalization Act (Act 90 of 2010) signed into law in Pennsylvania on October 27, 2010, effective April 25, 2011.

The new Part 3 reads as follows:

PART 3

NEIGHBORHOOD BLIGHT PROTECTIONS

AND ENFORCEMENT

§5-301. Purpose.

The Borough Council finds it to be in the best interests of the residents of the Borough of Phoenixville, Chester County, Pennsylvania to provide for certain protections and safeguards in order to address deteriorated properties, public nuisances and properties in serious violation of State law or municipal codes. Such protections and safeguards include denial of permits, and actions at law and in equity in order to address deteriorated properties which have an impact upon crime, the quality of life of our residents and require expenditures of public funds in order to abate and correct nuisances, violations and delinquent municipal services accounts.

§5-302. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

BOARD – shall mean a Zoning Hearing Board or other body granted jurisdiction to render decisions in accordance with the Pennsylvania Municipalities Planning Code, the State Borough Code, the Code of the Borough of Phoenixville or a board authorized to act in a similar manner by law.

BOROUGH – The Borough of Phoenixville, Chester County, Pennsylvania.

BUILDING – A residential, commercial or industrial building or structure and the land appurtenant to it.

BOROUGH CODE – A building, housing, property maintenance, fire, health or other public safety ordinance enacted or adopted by the Borough, including those ordinances, regulations and resolutions which establish and assess fees for municipal services and privileges such as sewer, water, refuse collection and parking/parking arrangements. For purposes of this Part 3, the term does not include a subdivision and land development ordinance or a zoning ordinance enacted by the Borough.

MUNICIPAL PERMIT(S) – Privileges related to real property granted by a municipality such as the Borough, including, but not limited to, building permits, parking permits, occupancy permits, and special exceptions or variances from zoning ordinances. The term includes approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

MUNICIPAL SERVICE(S) – services provided at a cost by the Borough or other municipal entity, including water service, sanitary sewer service, refuse collection and parking allotments/facilities, which benefit individual properties and also serve to benefit the overall welfare, safety and health of all residents of the Borough.

OWNER – A holder of title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

PUBLIC NUISANCE – Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate Borough official a public nuisance in accordance with the Code of the Borough of Phoenixville, as amended.

SERIOUS VIOLATION – A violation of a State Law or Borough Code (as both terms are defined herein) or other applicable code that poses an imminent threat to the health and safety of the dwelling occupant, occupants in surrounding structures or passersby. Property found to be a Public Nuisance is also considered to be a Serious Violation.

STATE LAW – A statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

SUBSTANTIAL STEP – An affirmative action as determined by a Borough official or officer of the court on the part of the property owner or managing agent to remedy a Serious Violation of State Law or Borough Code including, but not limited to, physical improvements or repairs to the property.

TAX DELINQUENT PROPERTY – Tax delinquent real property as defined under the Real Estate Tax Sale Law (P.L.1368, No.542), the Municipal Claim and Tax Lien Law (P.L. 207, No.153) or the Second Class City Treasurers' Sale and Collection Act (P.L.876, No.171) located in any municipality in this Commonwealth.

§5-303. Legal Action to be Taken Against Owners.

In addition to any other remedy available at law, including those remedies available under the Neighborhood Blight Reclamation and Revitalization Act (Act 90 of 2010), remedies available in equity or other remedies as provided for in the Code of the Borough of Phoenixville, the Borough may institute the following actions against the Owner of any property that is in Serious Violation of a Borough Code or for failure to correct a condition which causes the property to be regarded as a Public Nuisance:

- A. An In Personam action may be initiated for a continuing violation for which the Owner takes no Substantial Step to correct within the six months following receipt of an order by the Borough to correct the violation, unless the order is subject to a pending appeal before an administrative agency or court. Notwithstanding any law limiting the form of action for the recovery of penalties by a municipality for the violation of a Borough Code, the Borough may recover, in a single action under this section, an amount equal to the penalties imposed against the Owner and any costs of remediation lawfully incurred by, or on behalf of, the Borough to remedy any code violation.
- B. A proceeding in equity.
- C. A lien may be placed against the assets of an Owner of real property that is in Serious Violation of Borough Code or is regarded as a Public Nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the Owner of the property for an adjudication under

either an In Personam action or a proceeding in equity as set forth above. In the case of an Owner that is an association or trust, this does not authorize a lien to be placed upon the individual assets of the general partner, trustee, limited partner, shareholder, member or beneficiary of the association or trust except as otherwise allowed by law.

§5-304. Out-of-State Owners, Service of Process upon Associations and Trusts.

- A. A person who lives or has a principal place of residence outside this Commonwealth, who owns property in this Commonwealth against which Borough Code or other applicable code violations have been cited and the person is charged under 18 Pa.C.S. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this Commonwealth to face criminal prosecution to the full extent allowed and in the manner authorized by 42 Pa.C.S. CH. 91 (relating to detainers and extradition).
- B. Where, after reasonable efforts, service of process for a notice or citation for any Borough Code or other applicable code violations for any real property owned by an association or trust cannot be accomplished by handing a copy of the notice or citation to an executive office, partner, or trustee of the association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States express mail, accompanied by a delivery confirmation:
 - (1) to the registered office of the association or trust.
 - (2) where the association or trust does not have registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice on the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

§5-305. Permit Denials.

- A. The Borough or a Board may deny issuing to an applicant a Municipal Permit if the applicant owns real property in any municipality in this Commonwealth for which there exists on the real property:
 - (1) Tax and/or Municipal Services delinquencies on account of the actions of the Owner; or
 - (2) A Serious Violation and the Owner has taken no Substantial Step to correct the Serious Violation within six months following notification of the violation and for which fines, penalties or a judgment to abate or

correct were imposed by a magisterial district judge or municipal court or a judgment at law or in equity was imposed by a court of common pleas. No denial shall be permitted if a judgment is subject to a stay or supersedeas by order of court, or if the Municipal Permit is necessary to correct a violation of State Law or Borough Code.

- B. The Municipal Permit denial as above described shall not apply to an applicant's delinquency on taxes and/or Municipal Services charges that are under appeal or otherwise contested through a court or administrative process.
- C. In issuing a denial of a Municipal Permit, the Borough or the Board shall indicate the street address, the municipality and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate state agency, municipality or school district in the form specified by such entity.
- D. All Municipal Permits denied in accordance with this section may be withheld by the Borough until an applicant obtains a letter of compliance from the appropriate State agency, municipality or school district indicating the following:
 - (1) the property in question has no tax or Municipal Services delinquencies;
 - (2) the property in question is now in compliance with State Law, Borough Code or other applicable codes; or
 - (3) the Owner of the property has presented and the appropriate entity has accepted a plan to begin remediation of a Serious Violation of State Law, Borough Code or other applicable codes.
- E. If a letter of compliance or a letter of non-compliance, as the case may be, is not issued within 45 days of the request, the property shall be deemed to be in compliance for the purposes of this section. The appropriate State agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made. Such letters shall be verified by the appropriate municipal officials before issuing to the applicant a Municipal Permit.

- F. Boards, including the Borough Zoning Hearing Board, may deny approval of Municipal Permits - which includes special exception approval and variance relief – if warranted as set forth above to the extent that approval of such a Municipal Permit is within the jurisdiction of the Board.
- G. The Borough may appear to present evidence that the applicant is subject to denial by a Board in accordance with this section.
- H. A Municipal Permit may only be denied to an applicant other than an Owner if the applicant is acting under the direction or with the permission of the Owner and that Owner owns real property that is subject to denial as set forth herein above.

§5-306. Inherited Property Relief.

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation agreement with the Borough to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of Municipal Permits and approvals on other properties owned by the devisee or heir. Such opportunity shall be given at the Borough's discretion and subject to the revocation upon the devisee or heir's failure to proceed with a payment plan, or to progress forward and complete a remediation plan.

Section 2. 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 4. The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section 5. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this ____ day of _____, 2011.

By: _____
Richard M. Kirkner
President, Borough Council

APPROVED by the Mayor, this ____ day of _____, 2011.

By: _____
Leo J. Scoda, Mayor

ENACTED this ____ day of _____, 2011.

By: _____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the ____ day of _____, 2011.

By: _____
E. Jean Krack
Borough Manager/Secretary

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: October 20, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Outdoor Burning

The Township Code prohibits the outdoor burning of municipal waste and leaves. The outside burning of yard waste (stick and twigs) is permitted under certain conditions.

I received an e-mail from a resident who asked that the Township consider a prohibition on all outside burning.

Rick Smith

From: Rick Smith [rsmith@eastgoshen.org]
Sent: Thursday, October 20, 2011 12:36 PM
To: 'Paula Duncan'
Subject: RE: Burning of Yard Waste

Ms. Duncan:

Thanks you for your e-mail.

I will provide a copy to the Board for their consideration.

Rick Smith, Township Manager
East Goshen Township
610-692-7171

From: Paula Duncan [mailto:████████████████████]
Sent: Thursday, October 20, 2011 10:42 AM
To: rsmith@eastgoshen.org
Subject: Burning of Yard Waste

Hello,

Would you please do something to stop the burning of yard waste in back yards in the Township?

As I keep reading in the local press, and agree with, East Goshen is built out. We are all on top of each other.

The smoke is really annoying. We have these nice days where we want to take a walk, work in our yards or have our windows open and can't because of the smoke. It's like smoking a pack of cigarettes to be outside.

Plus, the township picks up yard waste on a regular basis, so there is no need to burn.

Thanks for your attention to this annoying problem and health issue.

Regards,

Paula Duncan

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Chapter 106

BURNING, OUTDOOR

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| <p>§ 106-1. Authorized hours for burning.</p> <p>§ 106-2. Burning of municipal waste.</p> <p>§ 106-3. Burning of brush and grass.</p> <p>§ 106-4. Burning of leaves.</p> <p>§ 106-5. Burning near a road or curb.</p> | <p>§ 106-6. Burning upon land of another.</p> <p>§ 106-7. Township ban on fires.</p> <p>§ 106-8. Extinguishment of fires.</p> <p>§ 106-9. Violations and penalties.</p> |
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[HISTORY: Adopted by the Board of Supervisors of the Township of East Goshen 9-17-1991 by Ord. No. 93. Amendments noted where applicable.]

§ 106-1. Authorized hours for burning. [Amended 8-18-1998 by Ord. No. 93-A-98]

Except for recreational fires, it shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything out-of-doors anywhere within the township except between the hours of 10:00 a.m. and 4:00 p.m. A recreational fire is an outdoor fire which is used to cook food for human consumption. This section shall not authorize the burning of any materials prohibited in §§ 106-2 through 106-4 of this chapter.

§ 106-2. Burning of municipal waste. [Amended 8-18-1998 by Ord. No. 93-A-98]

It is unlawful to burn or authorize another to burn municipal waste anywhere within East Goshen Township. For purposes of this section, the term "municipal waste" means any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of "residual or hazardous waste" in the Solid Waste Management Act¹ from a municipal commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term also includes any waste material from construction site activities. The term does not include waste material from construction site activities. The term does not include source-separated recyclable materials.

§ 106-3. Burning of brush and grass. [Amended 4-20-1999 by Ord. No. 129-A-99]

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn brush, grass, wood or other materials out-of-doors anywhere within the township, unless the fire is confined within a completely enclosed container, incinerator, fireplace or grill, at least 10 feet from any building and unless someone remains in attendance during the burning. Incinerators, fireplaces or grills which are constructed as a part of a

¹ Editor's Note: See 35 P.S. § 6018.101 et seq.

building and meeting the requirements of the Township Building Code² are excluded from the ten-foot requirement. Perforations or openings for venting are permitted, provided that they prohibit burning particles or ash from being discharged, or if:

- A. An open fire is at least 15 feet from any building.
- B. There is a cleared area, free of trees, shrubs and other combustible materials of at least 15 feet around it.
- C. There is someone in attendance.
- D. In large areas, such as fields or woods, in addition to Subsections A through C above, adequate manpower and equipment are available to prevent its spread.

§ 106-4. Burning of leaves. [Amended 8-18-1998 by Ord. No. 93-A-98]

It is unlawful to burn or authorize another to burn leaves or parts thereof anywhere within East Goshen Township. For purposes of this section, the term "leaves" shall mean a usually green, flattened structure of a vascular plant, characteristically consisting of a blade-like expansion attached to a stem and functioning as a principal organ of photosynthesis and transpiration. The provisions of this section apply to the leaves of both deciduous and coniferous trees, whether said leaves are attached to branches of living trees or have fallen naturally to the ground following their growing season.

§ 106-5. Burning near a road or curb.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, paper, rubbish or other materials, to light any fire upon or within five feet of a public road or curb or to light any fire within five feet of a utility pole or utility equipment.

§ 106-6. Burning upon land of another.

It shall henceforth be unlawful to kindle a fire upon the land of another, without the permission of the owner thereof, which permission, except in the case of a family member or employee, shall be in writing.

§ 106-7. Township ban on fires.

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Township Supervisors or their authorized representative in a time of drought.

² Editor's Note: See Ch. 100, Building Construction.

§ 106-8. Extinguishment of fires.

Any fire on public or private property may be extinguished by the local Fire Company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of the East Goshen Township Fire Marshal or a Westtown-East Goshen police officer, such fire constitutes a danger to persons or property.

§ 106-9. Violations and penalties. [Amended 5-7-1996 by Ord. No. 112; 3-4-1997 by Ord. No. 117]

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.

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: October 17, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Delaware Valley Investment Trust

Background – DVIT is a trust which purchases re-insurance thru “A” rated insurers. The liability limit is \$10 million and property limit is \$1 billion.

I solicited comments from six municipalities, received responses from five of them and all of them were positive with respect to DVIT’s general insurance program.

Service and cost were cited as the reasons for staying with DVIT. The majority of the municipalities view DVIT as a long term insurance solution and they do not solicit quotes for their general insurance annually. The membership base for DVIT is stable in that 95% of them renew every year.

I would note that:

1. There is an application fee of \$1,000 which is returned if your application is rejected or credited to your account if you go with DVIT.
2. If they accept your application but you do not go with DVIT the application fee is not refunded.
3. There is a two year commitment to DVIT.
4. There is a 15% to 18% capital contribution that is payable over 3-5 years which is intended to cover expected losses and trust expenses.
5. You forfeit the capital contribution if you leave DVIT too soon.
6. The capital contribution is more of a fairness issue then a financial one since DVIT is fiscally sound. The original members fronted the money to start DVIT and they feel that new members should also be required to “buy” their way in.
7. DVIT has several methods by which it returns excess funds to the members including dividends and rate stabilization fund credits.

Discussion – Basically it costs \$1,000 to find out if DVIT is the way to go. We have two brokers looking into the general insurance package. I would suggest that we submit an application to DVIT. This will then provide us with another insurance option.

Recommendation – Submit application to DVIT

EAST GOSHEN TOWNSHIP ACTION LIST

New additions are in bold		25-Oct-11
#	Item	Action Due Date
FIN 11-05	Quarterly Financial Reports - 2011	25-Oct-11
ADM 11-15	Cell Tower	1-Nov-11
ADM 11-16	Post Retirement Medical Benefits	1-Nov-11
ADM 11-22	IT Committee	1-Nov-11
ADM 11-23	Electronic Newsletter	1-Nov-11
ADMI 10-22	TAG Action List	1-Nov-11
DPW 07-02	Hershey's Mill Dam	1-Nov-11
PCZ 11-6	Sign Ordinance	15-Nov-11
ADM 09-04	Quarterly Review of Right to Know Requests	10-Jan-12
ADM 11-13	Municipal Authority Projects	10-Jan-12
DPW 08-02	Quarterly Report on I&I	10-Jan-12
PCZ 09-01	Telecom Registration and Reporting	1-Mar-12

EAST GOSHEN TOWNSHIP ACTION ITEM

Item: **Quarterly 2011 Financial Reports**

No: FIN 10-05

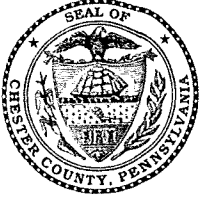
List Date: 2/16/2010

Completed Date:

Description:

Date	Action
4/19/2010	Provide Q1 Reports. Done
7/27/2010	Provide Q2 Reports. Budget Savings: 2008 Budget vs. 2010 Budget Provide list of Variances and Impact Items (\$2500 threshold) Disbursements by Fund State Fund chargebacks detailed DPW breakouts for full costing Snow, Roads, Sewer, Parks Overtime Report
10/26/2010	Provide Q3 Reports.
1/25/2011	Pending review by Finance Group
4/26/2011	Pending review by Finance Group
5/3/2011	March report in packet. Quarterly report will be expanded to include April and distributed for the Financial Planning Session on 5/26.
7/26/2011	See your Financial Binder sent out 7/22/2011
10/25/2011	See your Financial Binder sent out 10/21/11

R.C.K.



THE COUNTY OF CHESTER



COMMISSIONERS
Terence Farrell
Kathi Cozzone
Ryan Costello

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

CHESTER COUNTY HEALTH DEPARTMENT
Chester County Government Services Center
601 Westtown Road, Suite 290
West Chester, PA 19380-0990
610-344-6225 FAX: 610-344-6727
www.chesco.org/health

RECEIVED
BY
OCT 17 2011

October 14, 2011

Dear Municipal Official:

This letter is official notification to each Chester County municipality regarding the County's fourth revision to the Chester County Solid Waste Management Plan (1990), as provided for and required by the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), encoded as 25 Pa. code - §272.252 (a) and (e).

The proposed revision is deemed by the County to be a "non-substantial Plan revision" pursuant to §272.252 (e) (3) of Act 101. The Plan Revision will be an updated version of the existing Chester County Solid Waste Management Plan adopted by the County Commissioners in 1990 and revised in March 2007. The Revision will consist of adding three secondary/ designated sites to the Plan which can take Chester County generated municipal waste that either of the primary sites (Lanchester and SECCRA landfills) cannot manage. In addition, we are updating Table I, Chester County Municipal Recycling Program Summary.

In accordance with §272.203 of Act 101, this is official notification to all municipalities of the non-substantial Plan revision and the process that the County will follow in completing this task. The Chester County Solid Waste Advisory Committee will participate in this process by reviewing the County's proposed Plan Revision.

Chester County will follow the procedures as set forth in the 25 Pa. Code – Chapter 272 regulations with regard to the Plan revision process. A copy of the draft Plan Revision will be provided to you to comment on. Once the document has been revised, we will send you a copy of the Plan Revision. If you have any questions, please contact me at (610) 344-6233 or email me at mrivello@chesco.org.

Sincerely,

Margaret C. Rivello, MBA
County Health Director

MCR/ifg