

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
Tuesday, November 20, 2018
7:00 PM

6:00 PM Executive Session – Personnel Matter and Police Labor Matter

1. Call to Order (7:00 PM)
2. Pledge of Allegiance
3. Moment of Silence – Supervisor Carmen Battavio
4. Announce that the meeting is being livestreamed
5. Chairman’s Report
 - a. The Board met in executive session for a personnel matter and police labor matter prior to tonight’s meeting.
 - b. [Patti Brown has resigned from the Conservancy Board.](#)
 - c. The Chester County Commissioners will hold a public hearing at 7:00 pm on November 29, 2018 at the Uptown! Knauer Performing Arts Center to consider adopting the new Comprehensive Plan *Landscapes 3*.
 - d. [E-Recycling Event at the Township Park on Saturday December 1st at 9:00 am.](#)
6. Public Comment on non-agenda items – 30 minutes (7:05 PM to 7:35 PM)
7. Emergency Services Reports (7:35 PM to 7:45 PM)
 - a. WEGO – Chief Brenda Bernot
 - b. Goshen Fire Co – None
 - c. Malvern Fire Co – None
 - d. Good Fellowship – None
 - e. Fire Marshal – None
8. [Financial Report – October 2018](#) (7:45 PM to 7:50 PM)
9. Approval of Minutes and Treasurer’s Report (7:50 PM to 7:55 PM)
 - a. [Minutes – November 13, 2018](#)
 - c. [Treasurers Report – November 15, 2018](#)
10. Public Hearing - None
1. Old Business
 - a. [Consider Fire Prevention Program](#) (7:55 PM to 8:05 PM)
 - b. [Consider Keeping of Chickens Ordinance](#) (8:05 PM to 8:15 PM)
12. New Business
 - a. [Consider Drone Ordinance](#) (8:15 PM to 8:20 PM)
 - b. [Consider authorizing Christmas Tree sales at 1301 West Chester Pike.](#) (8:20 PM to 8:25 PM)
 - c. [Consider authorizing letter for Ellery Coleman who has achieved the Girl Scouts’ Gold Star Award.](#) (8:25 PM to 8:30 PM)
 - d. [Consider Bow Tree Pond Letter](#) (8:30 PM to 8:35 PM)
 - e. [Consider Fireworks Zoning Amendment](#) (8:35 PM to 8:40 PM)
 - f. [Acknowledge memo concerning Police Pension Trust](#) (8:40 PM to 8:45 PM)
13. Any Other Matter
14. Continued Public Comment on non-agenda items – if necessary

- 15. Liaison Reports - none
- 16. Correspondence, Reports of Interest (8:45 PM to 8:45 PM)
- 17. Adjournment (8:45 PM)

Meetings & Dates of Importance

Nov 20, 2018	Board of Supervisors	07:00pm
Nov 22, 2018	Township Office Close for Thanksgiving	-----
Nov 23, 2018	Township Office Close	-----
Nov 27, 2018	Pipeline Taskforce	05:00pm
Dec 01, 2018	E-Recycling at Township Park	09:00am
Dec 04, 2018	Board of Supervisors	07:00pm
Dec 05, 2018	Planning Commission	07:00pm
Dec 10, 2018	Municipal Authority	07:00pm
Dec 12, 2018	Conservancy Board	07:00pm
Dec 13, 2018	Park and Rec Commission	07:00pm
Dec 13, 2018	Historical Commission	07:00pm
Dec 14, 2018	Annual Tree Lighting	06:00pm
Dec 17, 2018	Futurist Committee	07:00pm
Dec 18, 2018	Board of Supervisors	07:00pm
Dec 20, 2018	Pipeline Taskforce	05:00pm

Newsletter Deadlines for Spring of 2019: February 1st

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

Public Comment – Pursuant to Section 710.1 of the Sunshine Act the Township is required to include an opportunity for public comment agenda which is intended to allow residents and/or taxpayers to comment on matters of concern, official action or deliberation which are or may be before the Board of Supervisors. Matters of concern which merit additional research will be placed on the agenda for the next meeting. The Board of Supervisors will allocate a maximum of 30 minutes for public comment at the beginning of each meeting. If necessary there will be a second period for public comment prior to the end of the meeting.

Constant Contact - Want more information about the latest news in the Township and surrounding area? East Goshen Township and Chester County offer two valuable resources to stay informed about important local issues. East Goshen communicates information by email about all Township news through Constant Contact. To sign up, go to www.eastgoshen.org, and click the “E-notification & Emergency Alert” button on the left side of the homepage.

ReadyChesco - Chester County offers an emergency notification system called ReadyChesco, which notifies residents about public safety emergencies in the area via text, email and cell phone call. Signing up is a great way to keep you and your loved ones safe when disaster strikes. Visit www.readychesco.org to sign up today!

Smart 911 – Smart 911 is a new service in Chester County that allows you to create a Safety Profile at www.smart911.com that includes details you want the 9-1-1 center and public safety response teams to know about your household in an emergency. When you dial 9-1-1, from a phone associated with your Safety Profile that information automatically displays to the 9-1-1 call taker allowing them to send responders based on up-to-date location and emergency information. With your Safety Profile, responders can arrive aware of many details they would not otherwise know. Fire crews can arrive knowing exactly how many people live in your home and where the bedrooms are located. EMS personnel can know family members' allergies or specific medical conditions. And police can access a photo of a missing family member in seconds rather than minutes or hours, helping the search start faster.

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Rick Smith

From: Patti Brown [REDACTED]
Sent: Thursday, November 15, 2018 8:08 AM
To: rsmith@eastgoshen.org
Subject: Conservancy Board Resignation

Dear Rick,

It's been my pleasure to serve as a member of the Conservancy Board but I am moving to Ocean City, NJ on November 30, 2018. I will miss working with this dedicated group and hope that they will fill the vacancies quickly.

Sincerely,
Patti Brown

Sent from my iPhone

Recycling Day

Anything with a Plug™



December 1, 2018
East Goshen Township Park
1661 Paoli Pike
9:00 a.m. to 12:00 p.m.

East Goshen Township Park is proud to offer local residents the opportunity to responsibly recycle obsolete electronics on Saturday, December 1, 2018.

This service is available to all residents and small businesses with fewer than 50 employees.

Electronics will be recycled by eForce Compliance, Philadelphia's first Certified Responsible Recycler.

We will accept all electronic devices with a plug, NO SMOKE DETECTORS or LARGE APPLIANCES will be accepted.

Coupon of equal or greater value provided for all TVs or monitors charged.



ACCEPTED ITEMS INCLUDE:

- | | |
|-------------|------------------|
| Laptops | Dehumidifiers |
| Peripherals | Computers |
| Typewriters | Mice |
| Telephones | Small Appliances |
| Microwaves | Fax Machines |
| Cameras | Keyboards |
| Cell Phones | Printers |
| Calculators | Air Conditioners |

\$30 fee per TV or computer monitor
\$100 per wooden console or projection TV
\$10 per microwave, dehumidifier, air conditioner
All Data Media Will Be Destroyed or Wiped!



Memo

To: Board of Supervisors
From: Jon Altshul
Re: October 2018 Financial Report
Date: November 14, 2018

Net of pass-through accounts, as of October 31st, the general fund had revenues of \$8,491,858 and expenses of \$8,369,371 for a year-to-date surplus of \$122,486. Compared to the YTD budget, revenues were \$57,942 over budget and expenses were \$258,068 under budget for a positive budget variance of \$316,009. As of October 31st, the general fund balance was \$5,486,733.

On the expense side, Emergency Services, Public Works and Administration are all under budget, while Codes (-\$1,979, due to higher-than-budgeted Zoning Consultant expenses) and Parks and Recreation (-\$28,849, due to cost overruns for the Marydell Pond Rehabilitation project) are both over-budget.

On the revenue side, Real Estate Transfer Tax (+\$148,729) continues to perform strongly, and will be further buffeted in November due to the sale of a mid-sized commercial building in October. Other Income (i.e. Interest; +\$29,015), Local Services Tax (+\$1,220) and Real Estate Property Tax (+\$14,749) were also over budget. However, Earned Income Tax (-\$182,189) continues to under-perform relative to the budget.

Other funds

- The **State Liquid Fuels Fund** had \$553,313 in revenues and \$0 expenses. The fund balance was \$553,815.
- The **Capital Reserve Fund** had \$617,511 in revenues and \$964,001 in expenses. The fund balance is \$5,677,541.
- The **Transportation Fund** had \$10,613 in revenues and \$863 in expenses. The fund balance is \$1,088,907.
- The **Sewer Operating Fund** had \$2,912,791 in revenues and \$2,662,122 in expenses. The fund balance is \$1,137,340.
- The **Refuse Fund** had \$953,621 in revenues and \$879,491 in expenses. The fund balance is \$688,258.
- The **Bond Fund** had \$96,530 in revenues and \$986,377 in expenses. The fund balance is \$6,446,476.
- The **Sewer Capital Reserve Fund** had \$28,194 in revenues and \$84,884 in expenses. The fund balance is \$2,105,988.
- The **Operating Reserve Fund** had \$34,076 in revenues and no expenses. The fund balance is \$2,538,430.

Year-End Projections

I am now projecting that the General Fund will finish the year with a surplus of \$52,973, an improvement of about \$224,000 since last month. However, before we scream from the rafters, this improvement comes with three important caveats:

1) It is extremely unlikely that we will have any construction invoices for the Vehicle Wash Bay this year. This project, budgeted at \$385,000, will therefore need to be deferred for budget purposes until 2019.

Because I report to you on a cash basis (i.e. based on when invoices are paid, rather than when expenses are incurred), probably no project costs will be reflected in 2018. However, for the purpose of our (more important) audited financial statements, which are reported on a modified accrual basis, much of this project will be reflected as a 2018 expense.

2) Earned Income Tax is not finishing the year as I had hoped, and I have further reduced the year-end projection by \$81,600 since last month.

3) I am projecting that the cost of the Marydell Pond Rehabilitation Project will be \$40,000 over-budget. The reason for the overage is largely related to weather; the unrelenting rain has washed away stone and forced us to extend vehicle rental contracts much longer than originally anticipated.

I have not changed the year-end projection for any other funds, except for the Capital Reserve Fund, on account of the fact that it will not incur costs (or the offsetting Transfer from General Fund) for the Vehicle Wash Bay.

**EAST GOSHEN TOWNSHIP
GENERAL FUND SUMMARY
As of October 31, 2018**

Account Title	Annual Budget	YTD Budget	YTD Actual	Variance
EMERGENCY SERVICES EXPENSES	4,101,440	3,724,101	3,686,587	37,514
PUBLIC WORKS EXPENSES	2,637,576	2,026,743	1,740,624	286,119
ADMINISTRATION EXPENSES	2,218,972	1,424,059	1,455,035	(30,976)
CODES EXPENSES	465,911	388,203	414,093	(25,890)
PARK AND RECREATION EXPENSES	690,256	600,513	609,210	(8,697)
TOTAL CORE FUNCTION EXPENSES	10,114,155	8,163,619	7,905,549	258,070
EMERGENCY SERVICES REVENUES	77,628	68,794	77,141	8,347
PUBLIC WORKS REVENUES	1,010,195	320,391	326,978	6,587
ADMINISTRATION REVENUES	334,024	297,049	344,674	47,625
CODES REVENUES	259,725	227,563	251,473	23,910
PARK AND RECREATION REVENUES	140,976	127,443	107,291	(20,152)
TOTAL CORE FUNCTION REVENUES	1,822,548	1,041,240	1,107,557	66,317
NET EMERGENCY SERVICES	4,023,812	3,655,307	3,609,446	45,861
NET PUBLIC WORKS	1,627,381	1,706,352	1,413,645	292,707
NET ADMINISTRATION	1,884,948	1,127,010	1,110,362	16,648
NET CODES	206,186	160,640	162,619	(1,979)
NET PARK AND RECREATION	549,280	473,070	501,919	(28,849)
CORE FUNCTION NET SUBTOTAL	8,291,607	7,122,379	6,797,991	324,388
DEBT - PRINCIPAL	549,000	230,000	230,000	0
DEBT - INTEREST	249,458	233,820	233,823	(3)
TOTAL DEBT	798,458	463,820	463,823	(3)
TOTAL CORE FUNCTION NET	9,090,065	7,586,199	7,261,814	324,385
NON-CORE FUNCTION REVENUE				
EARNED INCOME TAX	5,181,600	4,196,518	4,014,329	(182,189)
REAL ESTATE PROPERTY TAX	2,026,129	2,016,168	2,030,917	14,749
REAL ESTATE TRANSFER TAX	575,000	479,167	627,896	148,729
CABLE TELEVIS.FRANCHISE	489,600	367,200	347,300	(19,900)
LOCAL SERVICES TAX	348,000	270,022	271,242	1,220
OTHER INCOME	469,736	63,601	92,616	29,015
TOTAL NON CORE FUNCTION REVENUE	9,090,065	7,392,676	7,384,301	(8,375)
NET RESULT	0	(193,523)	122,486	316,009

SUMMARY OF FUNDS REPORT (AKA "JOE REPORT")

ALL FUNDS OCTOBER 31, 2018

* NOTE: GENERAL FUND INCLUDES PASS-THROUGH ACCOUNTS

	GENERAL FUND*	LIQUID FUELS STATE FUND	CAP RESV FUND	TRANSPORT. FUND	SEWER OP. FUND	REFUSE FUND	SEWER CAP RESV FUND	OPERATING RESERVE	TOWNSHIP FUNDS	MUNICIPAL AUTHORITY	BOND FUND
01/01/18 BEGINNING BALANCE	\$5,531,289	\$502	6,024,031	1,079,157	886,672	614,128	\$2,162,678	\$2,504,354	\$18,057,119	\$142,331	7,336,323
RECEIPTS											
310 TAXES	7,016,377.82	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,016,378	\$0	\$0
320 LICENSES & PERMITS	358,054.40	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$358,054	\$0	\$0
330 FINES & FORFEITS	50,506.76	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50,507	\$0	\$0
340 INTERESTS & RENTS	166,473.63	\$2	\$119,288	\$9,821	\$8,801	\$7,884	\$28,194	\$34,076	\$374,539	\$498	\$96,530
350 INTERGOVERNMENTAL	331,591.55	\$553,311	\$250,000	\$0	\$0	\$0	\$0	\$0	\$1,134,903	\$0	\$0
360 CHARGES FOR SERVICES	386,671.94	\$0	\$0	\$0	\$2,903,543	\$945,736	\$0	\$0	\$4,235,952	\$5,128	\$0
380 MISCELLANEOUS REVENUES	1,419,433.09	\$0	\$12,866	\$793	\$447	\$0	\$0	\$0	\$1,433,538	\$564	\$0
390 OTHER FINANCING SOURCES	284,140.19	\$0	\$235,357	\$0	\$0	\$0	\$0	\$0	\$519,497	\$90,071	\$0
	\$10,013,249	\$553,313	\$617,511	\$10,613	\$2,912,791	\$953,621	\$28,194	\$34,076	\$15,123,368	\$96,262	\$96,530
EXPENDITURES											
400 GENERAL GOVERNMENT	\$1,133,836	\$0	\$72,306	\$0	\$0	\$0	\$0	\$0	\$1,206,141	\$0	\$0
410 PUBLIC SAFETY	\$5,432,299	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,432,299	\$0	\$0
420 HEALTH & WELFARE	\$99,321	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$99,321	\$0	\$0
426 SANITATION & REFUSE	\$0	\$0	\$0	\$0	\$1,745,507	\$879,137	\$84,884	\$0	\$2,709,527	\$221,968	\$256,359
430 HIGHWAYS,ROADS & STREETS	\$1,459,702	\$0	\$526,808	\$863	\$0	\$0	\$0	\$0	\$1,987,373	\$0	\$0
450 CULTURE-RECREATION	\$555,961	\$0	\$334,258	\$0	\$0	\$0	\$0	\$0	\$890,219	\$0	\$730,018
460 CONSERVATION & DEVELOPMENT	\$2,473	\$0	\$30,630	\$0	\$0	\$0	\$0	\$0	\$33,103	\$0	\$0
470 DEBT SERVICE	\$486,492	\$0	\$0	\$0	\$826,616	\$0	\$0	\$0	\$1,313,108	\$0	\$0
480 MISCELLANEOUS EXPENDITURES	\$857,821	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$857,821	\$0	\$0
490 OTHER FINANCING USES	\$71	\$0	\$0	\$0	\$90,000	\$354	\$0	\$0	\$90,426	\$71	\$0
	\$10,027,976	\$0	\$964,001	\$863	\$2,662,122	\$879,491	\$84,884	\$0	\$14,619,338	\$222,039	\$986,377
2018 SURPLUS/(DEFICIT)*	(\$14,727)	\$553,313	(\$346,490)	\$9,750	\$250,669	\$74,129	(\$56,690)	\$34,076	\$504,029	(\$125,778)	(\$889,847)
CLEARING ACCOUNT ADJUSTMENTS	(\$29,829)										
10/31/2018 ENDING BALANCE	\$5,486,733	\$553,815	\$5,677,541	\$1,088,907	\$1,137,340	\$688,258	\$2,105,988	\$2,538,430	\$19,277,013	\$16,554	\$6,446,476

EAST GOSHEN TOWNSHIP
OCTOBER 2018 GENERAL FUND YEAR END PROJECTION
As of October 31st, 2018

Account Title	2018 Budget	2018 Year-End Projection	\$ Variance	% Variance
EMERGENCY SERVICES EXPENSES	4,101,440	4,083,940	(17,500)	-0.4%
PUBLIC WORKS EXPENSES	2,620,236	2,497,007	(123,229)	-4.9%
ADMINISTRATION EXPENSES	2,236,312	1,945,847	(290,465)	-14.9%
CODES EXPENSES	465,911	510,011	44,100	8.6%
PARK AND RECREATION EXPENSES	690,256	719,087	28,831	4.0%
TOTAL CORE FUNCTION EXPENSES	10,114,155	9,755,891	(358,264)	-3.7%
EMERGENCY SERVICES REVENUES	77,628	82,880	5,252	6.3%
PUBLIC WORKS REVENUES	1,010,195	1,004,871	(5,324)	-0.5%
ADMINISTRATION REVENUES	334,024	383,047	49,023	12.8%
CODES REVENUES	259,725	269,445	9,720	3.6%
PARK AND RECREATION REVENUES	140,976	115,970	(25,006)	-21.6%
TOTAL CORE FUNCTION REVENUES	1,822,548	1,856,213	33,665	1.8%
NET EMERGENCY SERVICES	4,023,812	4,001,060	(22,752)	-0.6%
NET PUBLIC WORKS	1,610,041	1,492,136	(117,905)	-7.9%
NET ADMINISTRATION	1,902,288	1,562,800	(339,488)	-21.7%
NET CODES	206,186	240,566	34,380	14.3%
NET PARK AND RECREATION	549,280	603,117	53,837	8.9%
CORE FUNCTION NET SUBTOTAL	8,291,607	7,899,679	(391,928)	-5.0%
DEBT - PRINCIPAL	549,000	549,000	0	0.0%
DEBT - INTEREST	249,458	249,458	0	0.0%
TOTAL DEBT	798,458	798,458	0	0.0%
TOTAL CORE FUNCTION NET	9,090,065	8,698,137	(391,928)	-4.5%
NON-CORE FUNCTION REVENUE				
EARNED INCOME TAX	5,181,600	5,050,000	(131,600)	-2.6%
REAL ESTATE PROPERTY TAX	2,026,129	2,038,840	12,711	0.6%
REAL ESTATE TRANSFER TAX	575,000	750,000	175,000	23.3%
CABLE TELEVIS.FRANCHISE	489,600	464,600	(25,000)	-5.4%
LOCAL SERVICES TAX	348,000	348,000	0	0.0%
OTHER INCOME	469,736	99,670	(370,066)	-371.3%
TOTAL NON CORE FUNCTION REVENUE	9,090,065	8,751,110	(338,955)	-3.9%
NET RESULT	0	52,973		

SUMMARY OF FUNDS REPORT (AKA "JOE REPORT")
2018 YEAR END PROJECTION AS OF OCTOBER 31, 2018

* NOTE: GENERAL FUND INCLUDES PASS-THROUGH ACCOUNTS

	GENERAL FUND*	LIQUID FUELS STATE FUND	CAP RESV FUND	TRANSPORT. FUND	SEWER OP. FUND	REFUSE FUND	SEWER CAP RESV FUND	OPERATING RESERVE	TOWNSHIP FUNDS	MUNICIPAL AUTHORITY	BOND FUND
01/01/18 BEGINNING BALANCE	\$5,531,289	\$502	6,024,031	1,079,157	886,672	614,128	\$2,162,678	\$2,504,354	\$18,057,119	\$142,331	7,336,323
RECEIPTS											
310 TAXES	8,184,040.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$8,184,040	\$0	\$0
320 LICENSES & PERMITS	475,354.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$475,354	\$0	\$0
330 FINES & FORFEITS	58,020.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$58,020	\$0	\$0
340 INTERESTS & RENTS	190,176.25	\$9,471	\$138,750	\$7,600	\$10,000	\$8,000	\$32,000	\$42,000	\$437,997	\$514	\$100,000
350 INTERGOVERNMENTAL	325,574.07	\$553,311	\$250,000	\$0	\$0	\$0	\$0	\$0	\$1,128,885	\$0	\$0
360 CHARGES FOR SERVICES	423,445.78	\$0	\$0	\$0	\$3,511,727	\$1,098,902	\$0	\$0	\$5,034,075	\$3,128	\$0
380 MISCELLANEOUS REVENUES	1,845,325.57	\$0	\$12,866	\$0	\$0	\$0	\$0	\$0	\$1,858,192	\$565	\$0
390 OTHER FINANCING SOURCES	960,492.00	\$0	\$699,606	\$0	\$0	\$0	\$170,000	\$0	\$1,830,098	\$102,071	\$0
	\$12,462,428	\$562,782	\$1,101,222	\$7,600	\$3,521,727	\$1,106,902	\$202,000	\$42,000	\$19,006,661	\$106,278	\$100,000
EXPENDITURES											
400 GENERAL GOVERNMENT	\$1,492,953	\$0	\$163,422	\$0	\$0	\$0	\$0	\$0	\$1,656,374	\$0	\$2,605
410 PUBLIC SAFETY	\$6,163,040	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,163,040	\$0	\$0
420 HEALTH & WELFARE	\$6,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,000	\$0	\$0
426 SANITATION & REFUSE	\$142,605	\$0	\$0	\$0	\$2,420,180	\$1,078,348	\$133,297	\$0	\$3,774,430	\$246,681	\$256,359
430 HIGHWAYS,ROADS & STREETS	\$2,131,575	\$562,782	\$610,739	\$1,000	\$0	\$0	\$0	\$0	\$3,306,096	\$0	\$0
450 CULTURE-RECREATION	\$659,368	\$0	\$334,258	\$0	\$0	\$0	\$0	\$0	\$993,626	\$0	\$791,516
460 CONSERVATION & DEVELOPMENT	\$8,230	\$0	\$72,055	\$0	\$0	\$0	\$0	\$0	\$80,285	\$0	\$0
470 DEBT SERVICE	\$821,606	\$0	\$0	\$0	\$877,373	\$0	\$0	\$0	\$1,698,979	\$0	\$0
480 MISCELLANEOUS EXPENDITURES	\$984,078	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$984,078	\$0	\$0
490 OTHER FINANCING USES	\$0	\$0	\$0	\$0	\$272,000	\$0	\$0	\$0	\$272,000	\$0	\$0
	\$12,409,454	\$562,782	\$1,180,473	\$1,000	\$3,569,553	\$1,078,348	\$133,297	\$0	\$18,934,908	\$246,681	\$1,050,480
2018 SURPLUS/(DEFICIT)*	\$52,973	\$0	(\$79,251)	\$6,600	(\$47,826)	\$28,554	\$68,703	\$42,000	\$71,753	(\$140,403)	(\$950,480)
12/31/2018 PROJ ENDING BALANCE	\$5,584,263	\$502	\$5,944,780	\$1,085,757	\$838,846	\$642,682	\$2,231,381	\$2,546,354	\$18,874,566	\$1,928	\$6,385,843

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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, NOVEMBER 13, 2018
DRAFT MINUTES**

Present: Chairman Marty Shane; Vice Chair Carmen Battavio; Members David Shuey, Janet Emanuel and Mike Lynch; Township Manager Rick Smith; Assistant Township Manager and Finance Director Jon Altshul; Township Solicitor Kristin Camp; Bill Wegeman (Pipeline Task Force) and Erich Meyer (Conservancy Board)

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

Moment of Silence

Carmen called for a moment of silence to honor our troops and first responders.

Recording

The meeting was livestreamed on the Township's YouTube page.

Chairman's Report

Marty made the following announcements:

- The Board met in Executive Session before tonight's meeting for a personnel matter and on October 29, 2018 for a police labor matter.
- Sally Shabaker has resigned from the Historic Commission.
- An application for a liquor license has been submitted for the Giant Food Store at 1375 Boot Road.
- The Chester County Commissioners will hold a public hearing at 7:00pm on November 29, 2018 at the Uptown! Knauer Performing Arts Center to consider adopting the new Comprehensive Plan *Landscapes 3*.

Public Comment

None

Public Hearing on Conditional Use Application of ESKE Development, LLC to operate a Child Daycare Center at 1302 Wilson Drive

The Board held a public hearing on a conditional use application of ESKE Development, LLC to operate a Child Daycare Center at 1302 Wilson Drive. Carmen made a motion to approve the Conditional Use application and Conditional Use Site Layout Plan dated 9/17/2018, last revised on 10/26/2018, for a Child Daycare Center use at 1302 Wilson Drive, submitted by ESKE Development - Tamora Building Systems, with the following conditions:

1. The applicant shall provide the Township with easements or parking agreements for review and comment by the Township solicitor.

- 1 2. The applicant shall develop the property and operate the business in
2 accordance with the testimony and exhibits presented during the hearing.
- 3 3. Any outstanding engineering comments from the Township consultants shall
4 be addressed to the satisfaction of the Township during the Land
5 Development approval process.
- 6 4. The applicant shall follow all applicable federal, state, county and township
7 laws, rules and regulation during the development of the property and
8 operation of the day-care use.
- 9 5. For special events such as holiday parties, the applicant shall split the events
10 so that all students are not attending events at the same time, and during
11 special events the applicant will use best efforts to avoid double parking and
12 blocking access for emergency vehicles.

13
14 Janet seconded. The applicant agreed to these conditions. The motion passed 4-0
15 (Mike arrived after the conclusion of the hearing).

16
17 A court reporter was present and will provide a full transcript of the hearing. A copy
18 of the transcript of the public hearing will be appended to the minutes of this
19 meeting once the decision becomes "final, binding and nonappealable".
20

21 **Consider Radio Booster Ordinance**

22 Rick explained that the proposed radio booster ordinance would require that
23 emergency radio signals can be transmitted from inside all commercial buildings,
24 both existing and new, in order to ensure and promote public safety. He noted that
25 East Goshen would need to spend about \$31,000 on its own building to install a
26 radio booster to ensure the Township's compliance. Carmen made a motion to
27 direct staff to send out a letter to all commercial building owners informing them of
28 this possible ordinance amendment and to schedule a hearing for adoption of the
29 ordinance. David seconded. The motion passed 5-0.
30

31 **Consider Variance Time Limit Ordinance**

32 Rick explained that the zoning ordinance may be unnecessarily strict in requiring
33 that construction begin within 18 months after a variance has been granted, as
34 demonstrated by the various hurdles that the owner of 1506 Meadowbrook Lane
35 has had to address since that variance was granted. He noted that the proposed
36 ordinance amendment had been reviewed by the Township Planning Commission
37 and the Chester County Planning Commission. Janet made a motion to direct staff to
38 schedule and advertise a hearing for this amendment to the zoning ordinance. Mike
39 seconded. The motion passed 5-0.
40

41 **Consider Fire Prevention Program**

42 This matter was tabled for the time being.
43

44 **Presentation of the Proposed 2019 Township Budget**

45 Jon provided an overview of the proposed 2019 Township Budget and 2019-2023
46 Capital Improvement Plan. He explained that no tax increase was proposed for the

1 16th consecutive year, but that a transfer from fund balance of \$325,518 was needed
2 to bring the budget into balance. Mike made a motion to advertise the Township's
3 2019 Budget. Carmen seconded. The motion passed 5-0.

4
5 **Consider Application for a Traffic Signal at Paoli Pike and Hibberd Lane**

6 Rick stated that we would appeal to both Rep. Comitta and Sen. Killion for support
7 of this application to ensure a safe pedestrian crossing point from Applebrook to the
8 Township Park. David made a motion to authorize the Township Manager to submit
9 an Application for Traffic Signal Approval to the Pennsylvania Department of
10 Transportation for a proposed traffic signal at the intersection of Paoli Pike and
11 Hibberd Lane. Carmen seconded. The motion passed 5-0.

12
13 **Consider Applebrook Golf Agreement**

14 Rick presented the proposed 2019-2023 agreement with Applebrook Golf Club, with
15 two small changes from the expiring agreement: 1) golfers with a medical
16 exemption may use a golf cart for free, provided they use a caddy for \$50 and 2)
17 caddy fees would increase by \$20. Carmen made a motion to authorize the
18 execution of the revised agreement with Applebrook Golf Course. Mike seconded.
19 David suggested that Applebrook be required to provide water on the course. Rick
20 suggested that the Township provide water instead. The motion passed 5-0.

21
22 **Consider Picnic Grove**

23 Rick suggested that the Picnic Grove be located next to the Butterfly Garden and that
24 the existing gazebo across the road be power-washed and repurposed for use at that
25 site. Carmen made a motion to approve the approved Picnic Grove improvements.
26 Janet seconded. The motion passed 5-0.

27
28 **Any Other Matter**

29 Carmen made a motion to authorize the Chairman to execute the storm water
30 management operations and maintenance agreement for 1304 E. Strasburg Road.
31 Janet seconded. The motion passed 5-0.

32
33 David announced that the Pipeline Task Force had had its first meeting the night
34 before, which was very successful. He also made a motion to appoint Angela
35 Matchica, Kristi Supple and Jeff O'Donnell to the Sustainability Committee. Carmen
36 seconded. The motion passed 5-0.

37
38 **Approval of Minutes of October 16 and 25, 2018**

39 Janet made a motion to approve the minutes of October 16 and October 25, 2018, as
40 amended. Mike seconded. The motion passed 5-0.

41
42 **Approval of Treasurer's Report of November 8, 2018**

43 Carmen made a motion to graciously accept the receipts and approve the
44 expenditures from the November 8, 2018 Treasurer's Report. David seconded. The
45 motion passed 5-0.

1 **Correspondence, Reports of Interest**

2 The Board acknowledged receipt of:

- 3 • October 19, 2018 notice from FERC to issue the Environmental Assessment
- 4 for the Adelpia Gateway Project on January 4, 2019.
- 5 • October 29, 2019 notice of intent to apply for a NPDES Permit and a Part 2
- 6 Water Quality Management Permit for 1405 Wexford Circle.
- 7 • November 5, 2018 letter from Kevin and Claire Free regarding the proposed
- 8 Open Space Zoning Amendment.
- 9 • November 8, 2018 letter from Scott Sanders regarding the Public Works
- 10 Department.
- 11 • 3rd Quarter Right-to-Know Report.

12
13 **Adjournment**

14 Carmen made a motion to adjourn at 9:55. Janet seconded. The motion passed 5-0.

15
16 Respectfully submitted,

17 *Jon Altshul*

18 *Recording Secretary*

19
20 Attached: November 8, 2018 Treasurer's Report

21

				October 12 - November 8, 2018	
TREASURER'S REPORT					
2018 RECEIPTS AND BILLS					
GENERAL FUND					
	Real Estate Tax		\$3,768.23	Accounts Payable	\$533,505.71
	Earned Income Tax		\$661,313.59	Electronic Pmts:	
	Local Service Tax		\$62,395.45	Credit Card	\$3,158.00
	Transfer Tax		67,966.11	Postage	\$1,000.00
	General Fund Interest Eamed		10,733.51	Debt Service	\$225,000.00
	Total Other Revenue		\$94,604.91	Payroll	\$260,448.40
	Total Receipts:		\$900,781.80	Total Expenditures:	\$1,023,112.11
STATE LIQUID FUELS FUND					
	Receipts		\$0.00		
	Interest Eamed		\$0.00		
	Total State Liquid Fuels:		\$0.00	Expenditures:	\$0.00
CAPITAL RESERVE FUND					
	Receipts		\$0.00	Accounts Payable	\$37,498.00
	Interest Eamed		\$8,110.87	Credit Card	\$0.00
	Total Sinking Fund:		\$8,110.87	Total Expenditures:	\$37,498.00
TRANSPORTATION FUND					
	Receipts		\$0.00		
	Interest Eamed		\$3,191.85		
	Total Sinking Fund:		\$3,191.85	Expenditures:	\$0.00
SEWER OPERATING FUND					
	Receipts		\$392,380.90	Accounts Payable	\$281,822.35
	Interest Eamed		\$1,197.09	Debt Service	\$130,098.79
	Total Sewer:		\$393,577.99	Credit Card	\$0.00
				Total Expenditures:	\$411,921.14
REFUSE FUND					
	Receipts		\$95,401.85	Accounts Payable	\$85,370.48
	Interest Eamed		\$472.98	Credit Card	\$0.00
	Total Refuse:		\$95,874.83	Total Expenditures:	\$85,370.48
BOND FUND					
	Receipts		\$0.00	Accounts Payable	\$42,000.01
	Interest Eamed		\$11,243.50	Credit Card	\$0.00
	Total Sewer Sinking Fund:		\$11,243.50	Expenditures:	\$42,000.01
SEWER CAPITAL RESERVE FUND					
	Receipts		\$0.00	Accounts Payable	\$21,767.76
	Interest Eamed		5,815.75	Credit Card	\$0.00
	Total Sewer Sinking Fund:		\$5,815.75	Expenditures:	\$21,767.76
OPERATING RESERVE FUND					
	Receipts		\$0.00		
	Interest Eamed		1,010.62		
	Total Operating Reserve Fund:		\$1,010.62	Expenditures:	\$0.00

1

* Sewer DEBT SERVICE includes \$103,000 principal payment for September 2018 not previously reported.

November 9 - November 15, 2018

**TREASURER'S REPORT
2018 RECEIPTS AND BILLS**

GENERAL FUND

Real Estate Tax	\$1,230.57	Accounts Payable	\$11,811.58
Earned Income Tax	\$107,700.00	<u>Electronic Pmts:</u>	
Local Service Tax	\$10,800.00	<i>Credit Card</i>	\$0.00
Transfer Tax	51,083.37	Postage	\$0.00
General Fund Interest Earned	\$0.00	Debt Service	\$0.00
Total Other Revenue	\$27,213.74	Payroll	\$59,151.47
Total Receipts:	<u>\$198,027.68</u>	Total Expenditures:	<u>\$70,963.05</u>

STATE LIQUID FUELS FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total State Liquid Fuels:	<u>\$0.00</u>	Expenditures:	<u>\$0.00</u>

CAPITAL RESERVE FUND

Receipts	\$0.00	Accounts Payable	\$465.00
Interest Earned	4,213.80	<i>Credit Card</i>	\$0.00
Total Sinking Fund:	<u>\$4,213.80</u>	Total Expenditures:	<u>\$465.00</u>

TRANSPORTATION FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total Sinking Fund:	<u>\$0.00</u>	Expenditures:	<u>\$0.00</u>

SEWER OPERATING FUND

Receipts	\$94,916.60	Accounts Payable	\$7,390.28
Interest Earned	\$0.00	<i>Debt Service</i>	\$0.00
Total Sewer:	<u>\$94,916.60</u>	<i>Credit Card</i>	\$0.00
		Total Expenditures:	<u>\$7,390.28</u>

REFUSE FUND

Receipts	\$18,581.57	Accounts Payable	\$0.00
Interest Earned	\$0.00	<i>Credit Card</i>	\$0.00
Total Refuse:	<u>\$18,581.57</u>	Total Expenditures:	<u>\$0.00</u>

BOND FUND

Receipts	\$0.00	Accounts Payable	\$1,300.00
Interest Earned	\$0.00	<i>Credit Card</i>	\$0.00
Total Sewer Sinking Fund:	<u>\$0.00</u>	Expenditures:	<u>\$1,300.00</u>

SEWER CAPITAL RESERVE FUND

Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00	<i>Credit Card</i>	\$0.00
Total Sewer Sinking Fund:	<u>\$0.00</u>	Expenditures:	<u>\$0.00</u>

OPERATING RESERVE FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total Operating Reserve Fund:	<u>\$0.00</u>	Expenditures:	<u>\$0.00</u>

**EAST GOSHEN TOWNSHIP
MEMORANDUM**

TO: BOARD OF SUPERVISORS
FROM: CHRIS BOYLAN
SUBJECT: PROPOSED PAYMENTS OF BILLS
DATE: NOVEMBER 15, 2018

Please accept the attached Treasurer's Report and Expenditure Register Report for consideration by the Board of Supervisors.

Due to the very short timeframe since the last meeting, we have only included a small number of time-sensitive invoices in this meeting's packet.

Recommended motion: Mr. Chairman, I move that we accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the Treasurer's Report.

Report Date 11/14/18

Expenditures Register
GL-1811-65723

MARP05 run by BARBARA 1 : 30 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
08		BOND FUNDS (CAPITAL PROJECTS)								
3586				COSBY, MR. & MRS. ROBERT						
	56857	1	08454 6060	HERSHEY'S MILL CONSTRUCTION COMPENSATION FOR TEMPORARY EASEMENT	111418	11/14/18	11/14/18	11/14/18	935	1,300.00
										1,300.00

1 Printed, totaling 1,300.00

FUND SUMMARY

Fund	Bank Account	Amount	Description
08	08	1,300.00	BOND FUNDS (CAPITAL PROJECTS)
		1,300.00	

PERIOD SUMMARY

Period	Amount
1811	1,300.00
	1,300.00

Report Date 11/15/18

Expenditures Register
GL-1811-65735

PAGE 1

MARP05 run by BARBARA 12 : 15 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
1657				AQUA PA						
56864	1	01411	3630	HYDRANT & WATER SERVICE 000310033 0310033 9/28-10/31/18 186	110118 279	11/15/18		11/15/18		4,696.50
56864	2	01411	3631	HYDRANTS - RECHARGE EXPENSE 000310033 0310033 9/28-10/31/18 93	110118 279	11/15/18		11/15/18		2,348.25
56865	1	01411	3630	HYDRANT & WATER SERVICE 000309987 0309987 9/28-10/31/18 HY6	110118 HY6	11/15/18		11/15/18		137.52
										7,182.27
4078				CHARLESTON MINT, THE						
56866	1	01462	2490	MATERIALS & SUPPLIES GOLD ORNAMENTS	1941	11/15/18		11/15/18		2,415.00
										2,415.00
3249				COMCAST 8499-10-109-0107712						
56867	1	01401	3210	COMMUNICATION EXPENSE 0107712 11/5-12/4/18 EG PARK LED	110418	11/15/18		11/15/18		115.75
										115.75
3490				COMCAST 8499-10-109-0111284						
56868	1	01401	3210	COMMUNICATION EXPENSE 0111284 11/9- 12/8/18 SPEC VIDEO PW	110418	11/15/18		11/15/18		52.57
										52.57
2593				PECO - 18510-39089						
56870	1	01454	3600	UTILITIES 18510-39089 10/4-10/30/18 BOW TREE PUMP	103118	11/15/18		11/15/18		64.98
										64.98
1032				PECO - 99193-01302						
56872	1	01409	3600	TWP. BLDG. - FUEL, LIGHT, WATER 99193-01302 9/24/18 - 10/26/18	110218	11/15/18		11/15/18		1,591.67
56872	2	01454	3600	UTILITIES 99193-01302 9/24/18 - 10/26/18	110218	11/15/18		11/15/18		64.34
										1,656.01

Report Date 11/15/18

Expenditures Register
GL-1811-65735

PAGE 2

MARP05 run by BARBARA 12 : 15 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
1471	56873	1	01410 5300	WESTTOWN-EAST GOSHEN POLICE POLICE GEN.EXPENSE SPECIAL DETAIL - BOS MTG. 10/25/18	1163	11/15/18		11/15/18		325.00
										325.00
03	SINKING FUND									
3551	56869	1	03460 7406	MCPAHON ASSOCIATES INC. PAOLI PK. TRAIL - SEGMENT.F PROF.SERVICE 9/1-9/28/18 SEG.F	161765	11/15/18		11/15/18		232.50
	56869	2	03460 7407	PAOLI PK. TRAIL - SEGMENT.G PROF.SERVICE 9/1-9/28/18 SEG.G	161765	11/15/18		11/15/18		232.50
										465.00
05	SEWER OPERATING									
1031	56871	1	05420 3602	PECO - 99193-01204 C.C. COLLECTION -UTILITIES 99193-01204 9/24-10/26/18	110218	11/15/18		11/15/18		524.17
	56871	2	05420 3600	C.C. METERS - UTILITIES 99193-01204 9/24-10/26/18	110218	11/15/18		11/15/18		9.14
	56871	3	05422 3601	R.C. COLLEC.-UTILITIES 99193-01204 9/24-10/26/18	110218	11/15/18		11/15/18		84.11
	56871	4	05422 3600	R.C STP -UTILITIES 99193-01204 9/24-10/26/18	110218	11/15/18		11/15/18		6,286.86
										6,904.28
										19,180.86
										0 Printed, totaling 19,180.86

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	11,811.58	GENERAL FUND
03	03	465.00	SINKING FUND
05	05	6,904.28	SEWER OPERATING
		19,180.86	

PERIOD SUMMARY

Period	Amount
1811	19,180.86
	19,180.86

Report Date 11/15/18

Procurement Card Entries

PAGE 1

MARP17 run by BARBARA

12 : 47 PM

Per	Budget #	Sub#	Description	Vendr	Vendor Name	Invoice #	Inv Date	Credit	Src	Trx #	#	U
1811			CREDIT CARD PAYMENT									
	05422	4500	LAB TESTING RCSTP 7/10-7/20/18	2918	ALS ENVIRONMENTAL	40-2270901	07/31/18	138.00	PC	65737	1	
	05422	4500	LAB TESTING RCSTP 8/21-9/4/18	2918	ALS ENVIRONMENTAL	40-2281059	09/14/18	348.00	PC	65737	2	
								486.00				
								486.00				

GENERAL LEDGER SUMMARY

GL Account #	Debit	Credit	Description
054XX-XXXX	486.00		SEWER OPERATING Expense Account
05100-1005		486.00	SEWER OPERATING Bank Account

Memorandum

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

Date: 11/16/2018
To: Board of Supervisors
From: Mark Gordon, Township Zoning Officer
Re: Township Fire Prevention Program

Dear Board Members,

Staff has developed the following recommendations and outline for a Fire Prevention Program:

Fire Prevention Program

Intent:

The intent of the Fire Prevention Program is to establish a minimum fire safety and fire prevention standard across all commercial, industrial, and institutional uses in order to help prevent injuries and losses by implementing an inspection program that focuses on code enforcement and incident prevention, which will be conducted by a professional staff of certified code officials.

Recommendations:

1. Adoption of a Fire Prevention Program Ordinance
 2. Hire a full-time certified Fire Code Official
 3. Conduct annual inspections of all commercial properties in East Goshen Township
- 1. Adoption of a Fire Prevention Program Ordinance**
 - a. The Board of Supervisors has the following options:
 - i. The Township Fire Prevention Ordinance §143 could be amended to include specific Fire Prevention Program (FPP) language.
 - ii. The Township could follow the IFC outlined "ADMINISTRATIVE PROVISIONS" in Chapter 1 of the IFC.
 - 2. Hire a full-time certified professional Fire Code Official**
 - a. "Fire Code Official" should be defined in the ordinance, with specific duties

and certification requirements.

- i. The Fire Code Official will oversee the program and report to the Director of Code Enforcement.

3. Conduct annual inspections of all commercial properties in East Goshen Township

- a. The Fire Code Official will conduct annual inspections of all commercial properties in East Goshen Township to include:
 - i. Exits and egress safety
 - ii. Fire and smoke alarm operation
 - iii. Sprinkler system condition and certification
 - iv. Fire extinguishers
 - v. General electrical conditions
 - vi. Miscellaneous / general fire safety
- b. Approximately 170 commercial properties including:
 - i. Businesses (112)
 - ii. Schools (3)
 - iii. Life care facilities (2)
 1. Independent living units (397)
 2. Assisted living units (130)
 3. Skilled care units (100)
 - iv. Group homes (5)
 - v. Hospital facilities (3)
 1. Malvern Institute
 2. Bellingham Skilled Care
 3. Wellington Skilled Care
- c. Apartment communities (9)
 - i. New Kent
 - ii. Rose Hill
 - iii. Ridgewood
 - iv. Waterview
 - v. Racquet Club
 - vi. Treetops
 - vii. Metropolitan
 - viii. Oxford Gateway
 - ix. The Point at Windermere
- d. Places of assembly
 - i. Places of worship (5)
 1. United Church of Christ East Goshen
 2. SS Peter and Paul Catholic Church
 3. Church of Christ of West Chester
 4. Goshen Baptist Church
 5. East Goshen Bible Church
 - ii. Recreational clubs / facilities (3)

1. Applebrook Golf Club
2. Hershey's Mill Country Club
3. YMCA of the Brandywine Valley

e. Schools

- i. East Goshen Elementary
- ii. SS Peter and Paul School
- iii. PA Leadership Cyber Charter School

We estimate that the man hours required to implement a complete and effective Fire Prevention Program for all of the commercial facilities listed above will exceed that of one full-time employee (FTE). The tasks required to implement this program will stretch across the Code Department. Some administrative work can and will be done by others (i.e., Permit Coordinator, Zoning Officer, and Administrative Assistant) and some inspections will be carried out by the township building inspectors under the direction and supervision of the Fire Code Official.

Estimated Costs:

Salary and benefits: ~\$100K Annual

Vehicle / radios / equipment: ~\$40K (initial capital cost)

Workstation / cell phone / office setup / etc.: ~\$4k

Estimated total: ~\$144K

Staff Recommendation

At this time, staff believes that one full time employee will be necessary to develop the program policies and procedures and get the program up and running. The Fire Code Official will then train the building inspectors, who are also certified fire inspectors, to assist with the program.

I've enclosed a basic inspection checklist and a job description for the Fire Code Official for your review and comment.

Draft Motion:

Mr. Chairman, I move that Board direct the township staff to begin implementation of the recommendations outlined above with the modifications outlined by the Board this evening.

DRAFT

TITLE: FIRE CODE OFFICIAL

FLSA STATUS: NON-EXEMPT

POSITION SUMMARY:

This is a professional and specialized technical position. The employee acts as the inspector and enforcement officer for the Township Fire Code. The Fire Code Official reports to the Township Zoning Officer.

REPORTS TO:

- Zoning Officer

SUPERVISES:

- None

PRINCIPAL ACCOUNTABILITIES AND/OR TASKS:

- Enforces the adopted Township Fire Code
- Conducts inspections for the Township Fire Prevention Program
- Inspects new construction for compliance to the Township Fire Code
- Prepares and submits fire reports required by the State, County and other governmental bodies or agencies
- Prepares and submits a monthly written report of activities and tasks performed
- Investigates the cause, origin, and circumstances surrounding all fires of a suspicious nature
- Designates Fire Lanes and enforces the same
- Conducts public education appearances regarding fire prevention
- Reviews commercial sprinkler plan applications
- Inspects commercial sprinkler system installations
- Investigates burning complaints

ADDITIONAL DUTIES AND/OR TASKS

- Additional Duties as assigned

INTERPERSONAL INTERACTIONS REQUIRED:

Internal Contact:

- Board of Supervisors
- Township Manager
- Zoning Officer
- Office Staff

External Contact:

- County Fire Marshal

- Fire Department Personnel
- Residents / Property Owners / Business Commercial and Industrial Community
- Builders
- Contractors
- Engineers / Designers

PHYSICAL DEMANDS:

The employee must be able to walk, hear, see, speak, move 25 pounds from one location to another, use a phone, computer and climb up and down stairs. In addition, the employee may be exposed to dirt, dust, mud, noise, heat and cold. The employee must be able to drive a car.

REQUIRED EDUCATION, TRAINING, EXPERIENCE, AND KNOWLEDGE:

- High School Diploma or equivalent
- Certified Fire I and II Inspector
- Working knowledge of Microsoft Office
- Minimum of ten years' experience in a similar position

REQUIRED SKILLS:

The employee must be able to read and write above the high school level. The employee must be able to reason, solve problems, and communicate with Township personnel, residents, contractors, builders, engineers, etc. in both oral and written form. The employee must be able to use basic office equipment, have a basic skill level with word processing and be able to read and understand architectural and engineering plans. The employee must maintain currency with all IFC certifications and attend continuing education courses as needed and required.

REQUIRED LICENSES:

- Valid PA Drivers License

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171
Fax: 610-692-8950
E-mail: mgordon@eastgoshen.org

Date: 11/15/2018
To: Board of Supervisors
From: Mark Gordon, Township Zoning Officer *mlg*
Re: Keeping of Domesticated Chickens Ordinance

Dear Board Members,

As requested Jon Altshul did some research on chickens and what number of chickens are needed to provide enough eggs for a family of four. Jon's research shows that keeping 10 domestic chickens will provide enough eggs for a family of 4.

The draft ordinance has been revised to allow 10 chickens to be kept on a lot of 1 acre or larger.

The ordinance will have to be resent to the CCPC for review.

Draft Motion:

I move that the Board direct staff to submit the revised "Domesticated Chickens" ordinance amendment to the CCPC for review and comment and to schedule a hearing once those comments are received.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, AT SECTIONS 240-6 AND 240-32.A, IN ORDER TO ALLOW FOR THE KEEPING OF DOMESTICATED CHICKENS WITHIN THE TOWNSHIP, TO CLARIFY PROVISIONS WITHIN SUCH SECTIONS RELATED TO THE KEEPING OF ANIMALS, FOWL, HOUSEHOLD PETS AND DOMESTICATED CHICKENS, AND TO DELETE SECTIONS OF THE ZONING ORDINANCE TO REMEDY CONFLICTING LANGUAGE.

WHEREAS, it has been determined by the Board of Supervisors of East Goshen Township that the keeping of domesticated chickens should be permitted in the Township to enable residents of single-family detached dwellings to keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts upon surrounding properties; and

WHEREAS, additional amendments were needed to the Zoning Ordinance in order to insure consistency throughout the Zoning Ordinance related to the keeping of animals, fowl, household pets and domesticated chickens;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township, that the East Goshen Township Zoning Ordinance of 1997, as amended, which is codified in Chapter 240 of the East Goshen Township Code, titled, "Zoning", shall be amended as follows:

SECTION 1. Section 240-6, titled, "Definitions", shall be amended to include a new definition of Chicken Coop and Run as follows:

"CHICKEN COOP AND RUN - a fenced or other type of enclosure that is mostly open to the elements and includes a henhouse or coop. The chicken coop and run allows the chickens to leave the coop and move around while remaining in a predator-safe environment."

SECTION 2. Section 240-6, titled, "Definitions", shall be amended to replace the definition of Fowl as follows:

“FOWL – Any of the larger domestic birds used for food such as turkey, geese or ducks. A chicken is a type of domesticated fowl subject to separate regulations set forth in Section 240-32.A of this Zoning Ordinance.”

SECTION 3. Section 240-14.E.(8)(e) shall be removed and marked as “Reserved”.

SECTION 4. Section 240-19.E.(13) shall be removed and marked as “Reserved”.

SECTION 5. Section 240-36.(D) (1) (i) shall be removed and marked as “Reserved”.

SECTION 6. Section 240-32.A shall be removed and replaced to read as follows:

“A. Keeping of Animals, Fowl, Household Pets and Domesticated Chickens.

- (1) Number of household pets. Household pets, as defined in § 240-6, may be kept as an accessory use to a residential dwelling in any zoning district, provided that their keeping is clearly incidental and subordinate to the principal use of the residential dwelling, and subject to the restrictions set forth in the chart below for dogs:

Dwelling Type	Maximum Number of Dogs 3 Months or Older
Apartment, townhouse, semidetached or single family detached	4
Single-family detached on 3 or more acres	4 plus 1 additional dog for each acre of lot area in excess of 2 acres

- (2) Commercial use. Commercial breeding or use of pets and animal husbandry shall not be permitted as an accessory use under this section.
- (3) Large animals may be kept as an accessory use to a single family detached dwelling in any zoning district provided that their keeping is clearly incidental to the principal use of the residential dwelling. For purposes of this section, a "large animal" shall be defined as an animal standing over 30 inches at the shoulder or weighing over 200 pounds. Large animals (such as cattle, horses and pigs, but excluding dogs) and fowl (excluding domesticated chickens which are separately regulated below) shall be stabled or housed in buildings which are a minimum of 100 feet from any lot line. In order to keep large animals for private, recreational use of the residents of the property where the large animals are kept, there must be a minimum of two acres for the first large animal and one acre for each additional large animal. In order to keep fowl (excluding domesticated chickens), goats or pigs for private, recreational use of

the residents of the property where the fowl, goats or pigs are kept, there must be a minimum of two acres to keep up to 4 fowl, goats or pigs and 1/2 acre for each additional animal. All grazing and pasture areas for horses, goats and pigs must be fenced.

- (4) The person with the responsibility for the care of the animals shall keep the animals off private property which he/she does not have permission to use, and shall regularly collect and properly dispose of fecal matter from the animals in a sanitary manner that avoids nuisances for neighbors. Waste matter shall not be allowed to be carried by stormwater into waterways or onto other lots.
- (5) Domesticated Chickens. Domesticated female chickens may be kept as a noncommercial accessory use to a single family detached dwelling in any zoning district upon property with a minimum lot area of one (1) acre, provided their keeping is clearly incidental and subordinate to the principal use of the residential dwelling, and subject to the additional restrictions:
 - a. A maximum of five (10) chickens may be kept on a lot that has a lot area equal to or greater than 1 acre.
 - b. Roosters are prohibited.
 - c. The chicken coop and run must be located to the rear of the dwelling. The chicken coop must provide at least 4 sq. ft. per chicken if it is attached to an exterior run and 6 sq. ft. per chicken if it does not have an exterior run. The chicken coop and/or run shall be located a minimum of 20 ft. from the rear property line and 15 ft. from any side property line. The fence used for the run shall have a minimum height of 4 ft. and a maximum height of 6 ft. The chicken coop and run shall be fully enclosed to prevent entry of predators or the escape of the chickens.
 - d. It shall be unlawful for the owner of chickens to allow the same to run at large upon any public land, including, but not limited to, sidewalks, streets, roads, alleys, parks, or upon another person's private property.
 - e. All owners of chickens must maintain sanitary living conditions for the chickens so that the keeping of chickens does not become a public or private nuisance. All chicken feed must be stored in closed containers. Owners shall remove feces at least once a week. The feces must be double-bagged and placed in the trash for collection. Any slaughtering of chickens shall be conducted in a fully enclosed structure.
 - f. Permits. An owner wishing to keep chickens on his/her property must obtain a zoning permit from the Zoning Officer for the use and the structures. A storm water permit shall also be required and shall follow the guidelines outlined for storage sheds. An applicant seeking to obtain a permit to maintain chickens must submit an application on forms provided by the Township and pay the

applicable permit fee as determined by resolution of the Board of Supervisors.

- g. Denial, suspension or revocation of permit. The Township shall deny a permit if the applicant has not demonstrated compliance with all of the provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the Township where the Township finds that the keeping of the chickens creates a public nuisance or for any violation of, or failure to comply with, any of the provisions of this section or with the provisions of any other applicable ordinance or law.”

SECTION 7. 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 8. 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 9. Effective Date. This Ordinance shall become effective in five (5) days from the date of adoption.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

Carmen Battavio, Vice-Chairman

Janet L. Emanuel, Member

Michael Lynch, Member

David E. Shuey, Member

Rick:

You asked me to research the question: “How many chickens would reasonably feed a family of four?”

There is both a quantitative and a qualitative way to answer that question.

Quantitative Approach

According to the USDA, the average hen lays between 280 and 290 eggs per year. However, the USDA is only accounting for commercial poultry farms, not backyard coops. According to the *New York Times*, chickens on small farms lay about 200 eggs per year, which is the figure that I’ll use in my calculation.

According to the USDA, the average American consumes between 250 and 276 eggs per year, or around 0.7 eggs per day (I found two slightly different USDA data sets, but the figures in both data sets were relatively close), including both regular shelled eggs and eggs used in processed foods.

Based on those data points, $(260 \text{ eggs} * 4 \text{ people}) / 200 \text{ eggs per chicken} = 5.2 \text{ chickens}$

However, it stands to reason that a family that raises chickens will eat more eggs than one that doesn’t. For the sake of argument—and this is an entirely unsupported assumption—I will assume that a member of a family that raises eggs in its backyard eats as many as two times as many eggs as an average American, or about 520 eggs per year. Using this assumption, the figure should be **10.4 chickens**.

Qualitative Approach

I posed this same question to two contacts: 1) my father-in-law who lives in rural North Carolina, who does not personally raise chickens, but is friends with many people who do and 2) a family friend who is the matriarch of a family of four and a backyard chicken farmer in Falls Church, Virginia, about 10 miles from Washington DC.

My father-in-law asked around to some of his friends and the response he got was “**between 8 and 12**”. He noted that hens do not lay eggs at the same consistent rate throughout their lives and that their fertility drops significantly as they get older (i.e. they do not lay 200 eggs consistently every year of their life). I would also observe that there is an informal bartering economy in rural North Carolina. For example, my mother-in-law grows tomatoes. She gives some of her surplus tomatoes to her friend down the road who raises chickens in exchange for some of her friend’s extra eggs. This is probably more of a fun, social bartering exchange than it is one driven by financial considerations.

My family friend in Northern Virginia has **4 chickens** that lay sufficient eggs (3-4 per day) to feed her family. However, at the risk of painting with a broad brush, I would imagine that a “typical” Northern Virginia family eats fewer eggs than a “typical” rural North Carolina family, where large egg and bacon breakfasts are a staple of weekday mornings.

Recommendation

I would recommend that we limit the number of chickens (hens) on residential lots to between **8 & 10**.

Eggs and egg products: Supply and disappearance (shell-egg equivalent, million dozen) and per capita disappearance (shell-egg equivalent, number)

Year 1/	Quarter	Table production	Hatching production	Total production	Beginning stocks 2/	Imports	Total supply 3/	Exports	Ending stocks 2/	Hatching use	Total disappearance 3/ 4/	U.S. population 5/ Million persons	Per capita disappearance	Federally inspected eggs broken 6/
2014	Q1 Jan-Mar	1,794	260	2,054	63	7	2,124	92	59	240	1,734	318	65	518
	Q2 Apr-Jun	1,823	266	2,089	59	8	2,156	101	59	247	1,749	319	66	578
	Q3 Jul-Sep	1,852	271	2,123	59	11	2,193	108	83	247	1,756	319	66	593
	Q4 Oct-Dec	1,896	271	2,167	83	10	2,259	114	76	246	1,822	320	68	573
	Yr Jan-Dec	7,365	1,067	8,433	63	35	8,531	414	76	981	7,060	319	266	2,262
2015	Q1 Jan-Mar	1,820	270	2,090	76	8	2,173	104	70	247	1,752	320	66	552
	Q2 Apr-Jun	1,726	280	2,006	70	9	2,085	89	57	253	1,686	321	63	540
	Q3 Jul-Sep	1,664	284	1,948	57	35	2,040	78	64	249	1,649	322	62	504
	Q4 Oct-Dec	1,728	281	2,009	64	81	2,154	71	74	247	1,763	322	66	507
	Yr Jan-Dec	6,938	1,114	8,052	76	132	8,261	342	74	996	6,850	321	256	2,104
2016	Q1 Jan-Mar	1,793	283	2,076	74	56	2,206	71	70	254	1,812	323	67	523
	Q2 Apr-Jun	1,827	287	2,114	70	28	2,213	68	104	254	1,787	323	66	585
	Q3 Jul-Sep	1,876	288	2,164	104	13	2,280	79	134	250	1,817	324	67	595
	Q4 Oct-Dec	1,940	285	2,225	134	32	2,391	87	142	252	1,910	325	71	589
	Yr Jan-Dec	7,436	1,142	8,579	74	130	8,782	304	142	1,010	7,326	324	272	2,292
2017	Q1 Jan-Mar	1,906	276	2,182	142	12	2,336	80	146	255	1,855	325	68	580
	Q2 Apr-Jun	1,904	282	2,187	146	11	2,343	86	137	259	1,862	326	69	578
	Q3 Jul-Sep	1,916	288	2,204	137	7	2,349	91	113	260	1,886	326	69	573
	Q4 Oct-Dec	1,950	284	2,235	113	4	2,351	98	88	261	1,904	327	70	576
	Yr Jan-Dec	7,677	1,131	8,808	142	34	8,984	355	88	1,035	7,507	326	276	2,307

Abbreviations: quarter (Q), year (Yr).

1/ Latest data may be preliminary.

2/ Eggs stocks are only reported for egg products.

3/ Totals may not add due to rounding.

4/ Includes shipments to U.S. territories.

5/ Includes Armed Forces overseas. Estimate is calendar-year average.

6/ Commercially broken eggs used for egg products.

Source: USDA, World Agricultural Outlook Board, "World Agricultural Supply and Demand Estimates" and supporting materials; U.S. Department of Commerce, Bureau of Economic Analysis (population); and USDA, Economic Research Service estimates of per capita disappearance.

Note: On May 10, 2018, updates to conversion factors for shell egg equivalency and inclusion of dried egg inventory data led to revised estimates of quarterly egg disappearance for 2000-2017.

Historical data on disappearance for 1960-2004 are still available (unrevised) in the Poultry Yearbook from USDA's Economics, Statistics and Market Information System, hosted online by Cornell University's Mann Library.

USDA

Annual Average Number of Layers, Eggs per Layer, and Total Egg Production – States and United States: 2016 and 2017

[Annual estimates cover the period December 1 previous year through November 30]

State	Average number of layers		Eggs per layer ¹		Total egg production	
	2016 (1,000 layers)	2017 (1,000 layers)	2016 (number)	2017 (number)	2016 (million eggs)	2017 (million eggs)
Alabama	9,130	9,112	231	227	2,110.7	2,072.3
Arkansas	13,799	13,962	247	242	3,411.4	3,376.9
California	12,082	13,198	287	285	3,473.5	3,758.5
Colorado	4,606	4,576	296	305	1,364.0	1,394.1
Florida	8,565	7,585	276	276	2,364.1	2,095.1
Georgia	19,618	19,363	258	256	5,054.5	4,964.1
Illinois	5,117	5,013	300	295	1,534.7	1,478.1
Indiana	30,467	32,575	292	294	8,910.4	9,581.6
Iowa	49,230	55,170	276	289	13,603.7	15,953.1
Kentucky	4,906	4,944	266	261	1,304.1	1,289.3
Louisiana	2,195	1,982	246	242	541.0	480.2
Maryland	2,713	2,826	293	295	795.9	833.7
Massachusetts	143	124	284	324	40.6	40.2
Michigan	13,364	14,270	297	296	3,963.9	4,224.7
Minnesota	9,958	10,573	283	293	2,813.9	3,103.1
Mississippi	5,605	5,586	248	249	1,391.9	1,392.6
Missouri	10,962	10,454	293	292	3,208.9	3,057.0
Montana	436	523	312	294	135.9	153.8
Nebraska	8,844	8,168	291	305	2,570.2	2,489.2
New York	5,645	5,582	297	303	1,673.8	1,694.1
North Carolina	14,501	15,223	257	259	3,731.4	3,935.3
Ohio	33,278	30,833	287	289	9,546.0	8,903.8
Oklahoma	2,891	2,836	239	235	691.8	666.5
Oregon	2,387	2,367	307	314	732.0	743.9
Pennsylvania	27,177	27,812	302	295	8,201.2	8,212.8
South Carolina	4,246	3,921	269	272	1,141.7	1,067.9
South Dakota	2,147	2,705	277	290	594.2	785.4
Tennessee	1,706	1,633	231	229	394.5	374.6
Texas	20,583	21,567	271	267	5,571.8	5,760.5
Utah	4,571	5,153	278	294	1,271.4	1,512.7
Vermont	126	150	305	293	38.4	43.9
Virginia	2,971	2,620	263	264	782.3	691.4
Washington	6,959	6,994	288	301	2,006.5	2,103.7
West Virginia	1,263	1,238	227	221	287.1	273.1
Wisconsin	5,616	6,080	288	289	1,618.8	1,759.4
Other States ²	18,190	19,127	288	283	5,235.3	5,422.1
United States	365,997	375,845	279	281	102,111.5	105,688.7

¹ Total egg production divided by average number of layers on hand.

² Alaska, Arizona, Connecticut, Delaware, Hawaii, Idaho, Kansas, Maine, New Hampshire, New Jersey, New Mexico, Nevada, North Dakota, Rhode Island, and Wyoming combined to avoid disclosing individual operations.

Eggs: Per capita availability

Filename: EGGS

SOURCE: USDA FOOD AVAILABILITY DATA SYSTEM (LAST UPDATED 7/26/17)

Year	U.S. population, July 1 ¹	Shell		Processed		Total ²							
		Total	Per capita	Total	Per capita	Farm weight ³		Retail weight ⁴					
						Pounds		Pounds					
		Number	Per capita	Total	Per capita	Total	Per capita	Total	Per capita				
--- Millions ---	--- Millions ---	--- Number ---	--- Millions ---	--- Number ---	--- Millions ---	--- Number ---	--- Mil. lbs. ---	--- Pounds ---	--- Mil. lbs. ---	--- Pounds ---	--- Number ---	--- Number ---	
1995	266.557	45,927.5	172.3	15,985.8	60.0	61,913.3	232.3	8,100.3	30.4	7,978.8	29.9	60,984.6	228.8
1996	269.667	46,459.4	172.3	16,478.8	61.1	62,938.2	233.4	8,234.4	30.5	8,110.9	30.1	61,994.2	229.9
1997	272.912	46,384.0	170.0	17,559.7	64.3	63,943.7	234.3	8,366.0	30.7	8,240.5	30.2	62,984.6	230.8
1998	276.115	47,733.1	172.9	19,500.2	70.6	67,233.3	243.5	8,796.4	31.9	8,664.4	31.4	66,224.8	239.8
1999	279.295	49,651.4	177.8	21,030.3	75.3	70,681.7	253.1	9,247.5	33.1	9,108.8	32.6	69,621.5	249.3
2000	282.385	50,177.5	177.7	21,759.5	77.1	71,936.9	254.7	9,411.7	33.3	9,270.6	32.8	70,857.9	250.9
2001	285.309	51,340.7	179.9	21,791.1	76.4	73,131.8	256.3	9,568.1	33.5	9,424.6	33.0	72,034.8	252.5
2002	288.105	51,883.3	180.1	22,655.9	78.6	74,539.1	258.7	9,752.2	33.8	9,605.9	33.3	73,421.0	254.8
2003	290.820	52,990.3	182.2	22,116.9	76.1	75,107.2	258.3	9,826.5	33.8	9,679.1	33.3	73,980.6	254.4
2004	293.483	52,968.1	180.5	23,777.1	81.0	76,745.2	261.5	10,040.8	34.2	9,890.2	33.7	75,594.1	257.6
2005	296.186	52,389.4	176.9	24,653.1	83.2	77,042.5	260.1	10,079.7	34.0	9,928.5	33.5	75,886.9	256.2
2006	298.996	54,020.4	180.7	24,487.4	81.9	78,517.8	262.6	10,272.7	34.4	10,118.7	33.8	77,340.0	258.7
2007	302.004	52,864.9	175.0	24,473.4	81.0	77,338.3	256.1	10,118.4	33.5	9,966.6	33.0	76,178.2	252.2
2008	304.798	51,958.7	170.5	24,909.4	81.7	76,868.1	252.2	10,056.9	33.0	9,906.1	32.5	75,715.1	248.4
2009	307.439	53,568.1	174.2	24,093.7	78.4	77,661.8	252.6	10,180.8	33.0	10,008.3	32.6	76,496.9	248.8
2010	309.767	53,305.5	172.1	24,894.8	80.4	78,200.3	252.4	10,231.2	33.0	10,077.7	32.5	77,027.3	248.7
2011	312.139	54,142.5	173.5	23,335.7	74.8	77,478.2	248.2	10,136.7	32.5	9,984.7	32.0	76,316.0	244.5
2012	314.335	56,112.5	178.5	23,800.3	75.7	79,912.9	254.2	10,455.3	33.3	10,298.4	32.8	78,714.2	250.4
2013	316.506	57,929.5	183.0	23,766.6	75.1	81,696.0	258.1	10,688.6	33.8	10,528.2	33.3	80,470.6	254.2
2014	318.839	59,764.8	187.4	25,457.4	79.8	85,222.2	267.3	11,149.9	35.0	10,982.7	34.4	83,943.9	263.3
2015	321.132	57,684.2	179.6	24,571.2	76.5	82,255.4	256.1	10,761.7	33.5	10,600.3	33.0	81,021.5	252.3

NA = Not available.

¹Prior to 1930, except for the war years, 1917-19, resident population only; from 1930 thereafter, resident population plus Armed Forces overseas. ²Computed from unrounded data. ³A dozen eggs converted at 1.57 pounds. ⁴The factor for converting farm to retail weight was 0.97 in 1965 and was increased 0.003 per year until 0.985 was reached in 1990.

Source: Calculated by ERS/USDA based on data from various sources (see <https://www.ers.usda.gov/data-products/food-availability-per-capita-data-system/food-availability-documentation/>). Data last updated Feb. 1, 2017.

The New York Times

Q&A

How Many Eggs Does a Chicken Lay in Its Lifetime?

By C. Claiborne Ray

April 18, 2016

Q. How many eggs does a chicken lay in its lifetime?

A. A laying hen's lifetime productivity depends on many factors, including breed, feed, environment and life span, but rough estimates for the first two or three years of laying, when a hen is most highly productive, suggest figures in the high hundreds.

One authoritative survey, issued regularly by the Department of Agriculture based on commercial operations, puts the most recent United States figure at 276 eggs a year.

Poultry hens on small farms in Australia can be expected to yield four to five eggs a week, or 200 a year, by one estimate, while Canadian battery hens are estimated by the Canadian branch of the Humane Society International to lay eggs on seven out of eight days, for a total of about 320 a year.

Commercial flocks are often culled when hens stop laying or taper off sharply. This may be as soon as the end of the first year.

Backyard chickens are another matter. In 2013, a cosseted British hen, Victoria, thought to be the oldest in the country, squeezed out two last eggs at the remarkable age of 17.

Two American "long-distance layers," as they were called, became celebrities in poultry circles in the early years of the 20th century for continuing to lay

eggs in old age. Cornell Endurance died at age 12, having laid 1,232 eggs. Cecilia, who was merely 10, was closing in on her record, The Farm Journal reported in 1922.

At the time, the normal maximum was believed to be 600 eggs, but selective breeding has since raised the limit. All the eggs a hen will ever lay are present in undeveloped form in the body from the start. *question@nytimes.com*

Questions of general interest will be answered, but requests for medical advice cannot be honored and unpublished letters cannot be answered individually.

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A version of this article appears in print on April 19, 2016, on Page D6 of the New York edition with the headline: That's a Lot of Omelet Fodder

Memo

East Goshen Township

Date: November 13, 2018
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Regulation of Drones

On October 12, 2018 Act 78 of 2018 (former HB 1346) was signed into law.

Under the Act it is a criminal offense to use a drone to; conduct surveillance of another person in a private place, operate a drone in a manner which places another person in reasonable fear of bodily injury, and/or deliver, provide or furnish contraband to an inmate. The Act also pre-empts our existing ordinance drone ordinance.

The Act takes effect on January 10, 2019.

A draft ordinance repealing our existing drone which is codified in Chapter 153 of the East Goshen Township Code is attached for your consideration.

Motion: I move that we direct staff to advertise the ordinance to repeal Chapter 153 of the East Goshen Township Code.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1346 Session of 2017

INTRODUCED BY PYLE, ROZZI, PICKETT, SOLOMON, MARSHALL, BERNSTINE, RYAN, CAUSER, SCHLOSSBERG, MILLARD, D. COSTA, O'NEILL, READSHAW, B. MILLER, WARD, JAMES, IRVIN, GROVE, OBERLANDER, KNOWLES, WATSON, C. QUINN, JOZWIAK, KAUFFMAN, COOK, WHEELAND AND GILLEN, MAY 8, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 28, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities
2 Generally) of the Pennsylvania Consolidated Statutes, in
3 burglary and other criminal intrusion, defining the offense
4 of unlawful use of unmanned aircraft; and, in preemptions,
5 prohibiting local regulation of unmanned aircraft.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 3505. Unlawful use of unmanned aircraft.

11 (a) Offense defined.--A person commits the offense of
12 unlawful use of unmanned aircraft if the person intentionally or <--
13 knowingly uses an unmanned aircraft INTENTIONALLY OR KNOWINGLY <--
14 TO:

15 (1) To conduct CONDUCT surveillance of another person in <--
16 a private place.

17 (2) To operate OPERATE in a manner which places another <--

1 person in reasonable fear of bodily injury.

2 (3) ~~To deliver~~ DELIVER, provide, transmit or furnish <--
3 contraband in violation of section 5123 (relating to
4 contraband) or 61 Pa.C.S. § 5902 (relating to contraband
5 prohibited).

6 (b) ~~Separate violations. A separate violation under~~ <--
7 subsection (a) (1) or (2) shall occur:

8 (1) ~~for each victim of an offense under subsection (a)~~
9 ~~(1) or (2) under the same or similar circumstances pursuant~~
10 ~~to one scheme or course of conduct, whether at the same or a~~
11 ~~different time; or~~

12 (2) ~~if a person is a victim of an offense under~~
13 ~~subsection (a) (1) or (2) on more than one occasion during a~~
14 ~~separate course of conduct, either individually or otherwise.~~

15 (c) ~~Penalties.~~

16 (1) ~~A violation of subsection (a) (1) or (2) is a~~
17 ~~misdemeanor of the third degree if there is more than one~~
18 ~~violation. Otherwise, a violation of subsection (a) (1) or (2)~~
19 ~~is a summary offense.~~

20 (2) ~~An offense under subsection (a) (3) shall be graded~~
21 ~~as a felony of the second degree.~~

22 (B) GRADING.--THE OFFENSE OF UNLAWFUL USE OF UNMANNED <--
23 AIRCRAFT SHALL BE GRADED AS FOLLOWS:

24 (1) AN OFFENSE UNDER SUBSECTION (A) (1) OR (2) IS A
25 SUMMARY OFFENSE PUNISHABLE BY A FINE OF UP TO \$300.

26 (2) AN OFFENSE UNDER SUBSECTION (A) (3) IS A FELONY OF
27 THE SECOND DEGREE.

28 (d) (C) ~~Exceptions for law enforcement officers.--Subsection~~ <--
29 (a) shall not apply if the conduct proscribed under subsection
30 (a) is committed by any of the following:

1 (1) Law enforcement officers engaged in the performance
2 of their official law enforcement duties.

3 (2) Personnel of the Department of Corrections, local
4 correctional facility, prison or jail for security purposes <--
5 or during investigation of alleged misconduct by a person in
6 the custody of the Department of Corrections, local
7 correctional facility, prison or jail ENGAGED IN THE <--
8 PERFORMANCE OF THEIR OFFICIAL DUTIES.

9 ~~(e)~~ (D) Other exceptions.--Subsection (a)(1) and (2) shall <--
10 not apply if the conduct proscribed under subsection (a)(1) or
11 (2) is committed by any of the following:

12 (1) Firefighters, as defined in section 2 of the act of
13 December 16, 1998 (P.L.980, No.129), known as the Police
14 Officer, Firefighter, Correction Employee and National Guard
15 Member Child Beneficiary Education Act, or special fire
16 police, as provided for in 35 Pa.C.S. Ch. 74 Subch. D
17 (relating to special fire police), engaged in the performance
18 of their official firefighting or fire police duties.

19 (2) Emergency medical responders, as defined in 35
20 Pa.C.S. § 8103 (relating to definitions), engaged in the
21 performance of their official duties.

22 (3) An employee or agent of an electric, water, natural
23 gas or other utility while engaged in the performance of the
24 employee's or agent's official duties.

25 ~~(4) A person engaged in aerial data collection if the~~ <--
26 ~~unmanned aircraft is authorized by an exemption that is~~
27 ~~issued by the Federal Aviation Administration or is used in~~
28 ~~compliance with regulations promulgated by the Federal~~
29 ~~Aviation Administration.~~

30 ~~(5)~~ (4) An employee or agent of a government agency <--

1 while engaged in the performance of the employee's or agent's
2 official duties.

3 (E) AERIAL DATA COLLECTION.--SUBSECTION (A) (1) SHALL NOT <--
4 APPLY IF THE CONDUCT PROSCRIBED IS COMMITTED BY A PERSON ENGAGED
5 IN AERIAL DATA COLLECTION IF:

6 (1) THE PERSON UTILIZED THE UNMANNED AIRCRAFT IN A
7 MANNER WHICH COMPLIES WITH FEDERAL AVIATION ADMINISTRATION
8 REGULATIONS OR THE UNMANNED AIRCRAFT IS AUTHORIZED BY AN
9 EXEMPTION THAT IS ISSUED BY THE FEDERAL AVIATION
10 ADMINISTRATION; AND

11 (2) THE PERSON DID NOT KNOWINGLY OR INTENTIONALLY
12 CONDUCT SURVEILLANCE OF ANOTHER PERSON IN A PRIVATE PLACE.

13 (f) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Bodily injury." As defined in section 2301 (relating to
17 definitions).

18 "Law enforcement officer." An officer of the United States,
19 of another state or subdivision thereof, or of the Commonwealth
20 or political subdivision thereof, who is empowered by law to
21 conduct investigations of or to make arrests for offenses
22 enumerated in this title or an equivalent crime in another
23 jurisdiction and an attorney authorized by law to prosecute or
24 participate in the prosecution of the offense.

25 "Private place." A place where a person has a reasonable
26 expectation of privacy.

27 "Surveillance." Using or causing to be used an unmanned
28 aircraft to enter or remain on or above the land of another in <--
29 order to observe, record or invade the privacy of another.

30 "Unmanned aircraft." An aircraft that is operated without

1 the possibility of direct human intervention from within or on
2 the aircraft.

3 Section 2. Title 53 is amended by adding a section to read:

4 § 305. Local regulation of unmanned aircraft prohibited.

5 (a) Preemption.--The provisions of 18 Pa.C.S. § 3505
6 (relating to unlawful use of unmanned aircraft) shall preempt
7 and supersede any ordinance, resolution, rule or other enactment
8 of a municipality regulating the ownership or operation of
9 unmanned aircraft. As of the effective date of this section, a
10 municipality shall not regulate the ownership or operation of
11 unmanned aircraft unless expressly authorized by statute.

12 (b) Municipal use.--Nothing under 18 Pa.C.S. § 3505 shall
13 prohibit a municipality from using unmanned aircraft within the
14 boundaries of the municipality for municipal purposes and
15 regulating that use.

16 (c) Definition.--As used in this section, the term
17 "municipality" shall include a county, city, borough,
18 incorporated town or township or home rule, optional plan or
19 optional charter municipality, any other general purpose unit of
20 government established by the General Assembly, a municipal
21 authority and any entity formed pursuant to Ch. 23 Subch. A
22 (relating to intergovernmental cooperation).

23 Section 3. This act shall take effect in 90 days.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ – 2018

**AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN,
CHESTER COUNTY, PENNSYLVANIA, REPEALING
ORDINANCE NO. 129-B-2015 CODIFIED AS CHAPTER
153 OF THE EAST GOSHEN TOWNSHIP CODE, TITLED
“MODEL AIRCRAFT AND AMATEUR ROCKETS”.**

WHEREAS, on October 12, 2018, the Governor of Pennsylvania signed into law Act 78 of 2018, which becomes effective January 10, 2019, and which preempts local regulations that attempt to regulate the use of unmanned aircraft; and

WHEREAS, on March 17, 2015, the Board of Supervisors of East Goshen Township adopted Ordinance No. 129-B-2015 to regulate the use of unmanned aircraft, including drones; and

WHEREAS, as a result of the adoption of Act 78 of 2018, it is necessary to repeal Ordinance No. 129-B-2015 which was codified in Chapter 153 of the East Goshen Township Code;

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

SECTION 1. Ordinance No. 129-B-2015, as codified in Chapter 153 of the East Goshen Township Code, titled “Model Aircraft and Amateur Rockets” is repealed.

SECTION 2. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 3. Repealer. Ordinance No. 129-B-2015, as codified in Chapter 153 of the East Goshen Township Code, and any other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 4. Effective Date. This Ordinance shall become effective on January 10, 2019.

ENACTED AND ORDAINED this _____ day of _____, 2018.

·ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

Carmen R. Battavio, Vice-Chairman

Janet L. Emanuel, Member

Michael P. Lynch, Member

David Shuey, Member

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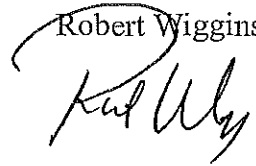
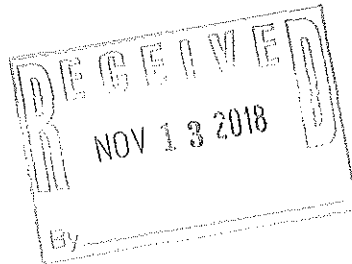
November 1 2018

East Goshen Twp

I would like permission to sell christmas trees at 1301 West Chester Pike West Chester from Thanksgiving till Christmas. 2018 season.

Thankyou

Robert Wiggins

A handwritten signature in cursive script, appearing to read "Robert Wiggins", written over the printed name.A rectangular stamp with the word "RECEIVED" in large, bold, capital letters at the top. Below it, the date "NOV 13 2018" is stamped. At the bottom left, the word "By" is followed by a blank line for a signature.

DRAFT

November 20, 2018

Mr. Robert C. Wiggins
1301 West Chester Pike
West Chester, PA 19382

Re: Christmas Tree Sales

Dear Bob:

Please be advised that at their meeting on Tuesday, November 20, 2018 the Board of Supervisors approved your request for permission to sell Christmas trees on your property at 1301 West Chester Pike, provided adequate off-street parking is provided and clean-up takes place immediately after Christmas. All signs must also be removed at that time.

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

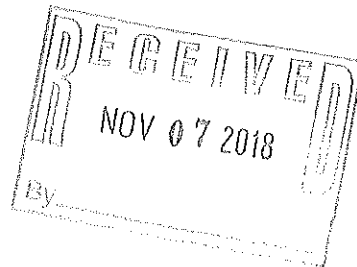
Sincerely,

Louis F. Smith, Jr.
Township Manager



October 31, 2018

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380



Dear Sir or Madam,

Girl Scouts of Eastern Pennsylvania is pleased to inform you that some of your young constituents have recently completed requirements for the Girl Scout Gold Award, the highest award in Girl Scouting. Information about the girls being recognized for earning the Gold Award is attached.

330 Manor Road
Miquon, PA 19444
888.564.4657
www.gsep.org

The Gold Award requires a special commitment from the girl. Many hours have gone into meeting the requirements, including the completion of a Girl Scout Journey. Each Girl Scout has planned and worked with a team she recruited and trained to help her carry out a Girl Scout Gold Award Take Action Project using her combined talents, strengths, and leadership skills. This project demonstrates her commitment to serving her community.

Nationally, fewer than six percent of all Girl Scouts attain this award. These girls, therefore, are special to Girl Scouts of Eastern Pennsylvania. The Gold Award Girl Scouts will be honored at our annual Girl Scout Gold Award Ceremony on December 18, 2018, at GSEP's Camp Laughing Waters. We feel these girls would be honored to receive a congratulatory citation from you.

We are presenting each girl with a folder containing all of her congratulatory certificates and letters at our ceremony. Please send the citations/letters to: Girl Scouts of Eastern Pennsylvania, Attn: Rebecca Saunders, 100 Juliette Low Way, P.O. Box 814, Valley Forge, PA 19482. **Please send the citations/letters by December 6th**, if at all possible.

If you have any questions, please contact me at rsaunders@gsep.org or at 267-332-4327. Thank you in advance for your support.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Saunders".

Rebecca Saunders
Manager of Girl Programs & Camp Valley Forge



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

DRAFT

November 20, 2018

Girl Scout Ellery G. Coleman
Girl Scouts of Eastern Pennsylvania, Troop 439

Dear Ellery:

On behalf of the East Goshen Township Board of Supervisors, it gives me great pleasure to congratulate you on attaining the Gold Star Award, the highest award in Girl Scouting. You are among a select few that have achieved this award, fulfilling requirements in the areas of leadership and service.

You are to be commended for your Gold Star Award project that addressed your community's lack of access to books. This project required using your talents and strengths to lead a group to build book boxes in public parks to provide easy access to books for both children and adults. The project also included your establishing a website to encourage and instruct others how to install book boxes in their community parks. The end result has a sustainable impact on the community and truly demonstrates your commitment.

The Board of Supervisors will acknowledge your achievement at their meeting on November 20, 2018 at 7:00 PM. This recognition of your exemplary service to your community will become a part of the permanent record in the Board of Supervisor's meeting minutes of that evening.

The Gold Star Award is synonymous with good citizenship, dedication, initiative, leadership and resourcefulness; all qualities that will serve you, and those around you, well throughout life.

Sincerely,

Marty Shane
Chairman
East Goshen Board of Supervisors

Memo

To: Board of Supervisors
From: Jon Altshul
Re: Consider a letter to Bow Tree residents regarding Bow Tree I pond
Date: November 15, 2018

On November 14, Township staff met with the Township engineer to discuss plans for dredging and rehabilitating the Bow Tree I pond. Pennoni has conducted a topographic survey of the parcel, is in the process of conducting a PNHP review to determine whether any threatened flora or fauna are on site, and is in the early stages of determining what permits are needed. Unlike Marydell, which is fed primarily by inlets and surface water, Bow Tree I is fed by a tributary of Ridley Creek. Therefore, the solutions employed at Marydell (forebays and plantings above the pond) would not be as effective at the Bow Tree site. Accordingly, Pennoni is recommending that the emphasis in this rehab project be on stream restoration upstream and slowing the flow of water into the pond by the strategic placement of natural obstacles upstream to prevent silt and other materials being washed into the pond.

Staff recommends that we send a letter to all Bow Tree residents advising them about the upcoming work at the pond.

Recommended motion: Mr. Chairman, I move that we authorize staff to send a letter to all Bow Tree residents informing them of the Township's general plans to dredge and rehabilitate this pond over the next 12 months.

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171
Fax: 610-692-8950
E-mail: mgordon@eastgoshen.org

Date: 11/16/2018
To: Planning Commission
From: Mark Gordon, Township Zoning Officer 
Re: **Fireworks**

Dear Board Members:

The Township Code is silent on the use of fireworks in the Township. The State legislature just amended the state law for fireworks and now it is legal to purchase, sell and use consumer fireworks in PA within certain parameters. This also includes temporary sales locations for consumer fireworks like those you see on the side of the road. The use of display fireworks is also outlined in the New Fireworks Law.

PSATS recently highlighted the new law in their "Q&A" section of the June issue of the *PA Township News*, I have enclosed it for your review.

Staff has discussed this matter at length with the Township Solicitor and she has opined on how she believes the PA State Law preempts the township from restricting the use and sale any further than what is outlined in the State Law. I have included her opinion paper on the matter for your review and consideration.

We do believe, and the solicitor agrees, that we can and should do the following as it relates to the "New Fireworks Law":

1. Identify where we want to permit temporary sales of consumer fireworks
2. Adopt an ordinance that governs the use of display fireworks (This ordinance will be separate from the Consumer fireworks ordinance.)

Draft Motion:

Mr. Chairman, I move that the Board direct staff to send the "Temporary structures for the sale of consumer fireworks" ordinance to the Planning Commission and the CCPC for review and comment.



KRISTIN S. CAMP
p: 610.436.4400 Ext# 1050
f: 610.436.8305
e: kcamp@buckleyllp.com
118 W. Market Street, Suite 300
West Chester, PA 19382-2928

MEMORANDUM

TO: Rick Smith, Manager
Mark Gordon, Zoning Officer
Board of Supervisors

FROM: Kristin Camp, Esquire

Date: October 15, 2018

Subject: Regulation of Fireworks

We have been asked to address the regulation on the use of fireworks within East Goshen as a result of amendments that were made to the Pennsylvania law. The Fireworks Act of 1939 was repealed and completely amended in a new law that went into effect on October 30, 2017. The new law is found in the Tax Reform Code of 1971, codified at 72 P.S. §9401–9416 (hereinafter referred to as the “New Fireworks Law”). I have attached the entire law for your reference as well as an article from the PA Township news that highlights many of the changes in the new law. I also think it is helpful for me to summarize the provisions in the Pennsylvania law relating to the use and sale of fireworks, so the Township understands what is and what is not allowed under state law.

Under the New Fireworks Law, fireworks are classified as either “consumer fireworks” or “display fireworks”.

“Consumer fireworks”, commonly referred to as Class C or consumer grade fireworks include:

“Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and

labeling requirements promulgated by the Consumer Product Safety Commission in 16 CFR or any successor regulation and complies with the provisions for consumer fireworks as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

Consumer fireworks do not include devices such as ground and hand-held sparkling devices, novelties or toy caps, the sale possession and use of which shall be permitted at all times throughout this Commonwealth.

“Display fireworks” are:

“Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes but is not limited to: (1) salutes that contain more than two grains or 130 milligrams of explosive materials; (2) aerial shells containing more than 60 grams of pyrotechnic compositions; and (3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and which are classified as fireworks under [certain federal regulations].”

Display fireworks may be possessed and used by a person 21 years of age and older who has been issued a permit from the municipality and who has posted a bond in an amount not less than \$50,000. 72 P.S. §9402 (emphasis added). If a permit is issued for the use of display fireworks, the permit is only valid for that particular event. The New Fireworks Law also provides that the municipality can establish reasonable rules and regulations for displays of display fireworks. 72 P.S. §9406. The Township does not have any stand-alone ordinances or regulations that govern the use of display fireworks. There are provisions in the International Fire Code (which was adopted by the Township as part of the statewide building code in Chapter 143 of the Township Code) that govern fireworks displays but there is not a separate chapter of the Township Code that regulates the use of display fireworks. I enclose the relevant provisions from the most recent edition of the International Fire Code that address fireworks display. We have received from PSATS an example ordinance that governs the use of display fireworks which we suggest the Board adopt.

The most notable change in the law deals with the use of consumer fireworks which is found in 72 P.S. §9404. That section provide as follows:

- (a) Conditions. - A person who is at least 18 years of age and meets the requirements of this article may purchase, possess and use consumer fireworks.

- (b) Prohibitions. - A person may not intentionally ignite or discharge:
- (1) Consumer fireworks on public or private property without the express permission of the owner.
 - (2) Consumer Fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
 - (3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - (4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
 - (5) Consumer fireworks within 150 feet of an occupied structure.

The New Fireworks Law also addresses where consumer fireworks may be sold. It provides that consumer fireworks shall be sold only from facilities which are licensed by the Department of Agriculture that meet the following criteria:

- 1) The facility shall comply with the provisions of the Pennsylvania Construction Code Act.
- 2) The facility shall be a stand-alone, permanent structure.
- 3) Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.
- 4) The facility shall be located no closer than 250 feet from a facility selling or dispensing gasoline, propane or other flammable products.
- 5) The facility shall be located at least 1,500 feet from another facility licensed to sell consumer fireworks.
- 6) The facility shall have a monitored burglar and fire alarm system.
- 7) Quarterly fire drills and preplanning meeting shall be conducted as required by the primary fire department.

72 P. S. § 9407.

The New Fireworks Law also establishes conditions for facilities that are used for the sale of consumer fireworks. These conditions are found in 72 P.S. §9409 and include among others: (i) requirement for security personnel on the premises for seven days preceding and including July 4 and for the three days preceding and including January 2; (ii) no smoking in the facility; (iii) no cigarettes or tobacco products, matches, lighters or any other flame producing devices shall be permitted; (iv) no minors shall be permitted in the facility unless accompanied by an adult; (v) at least \$2 million in public and product liability insurance; (vi) training for employees; and (vi) no display fireworks shall be stored or located at a facility selling consumer fireworks.

The New Fireworks Law does allow the sale of consumer fireworks from temporary structures if they are licensed by the Department of Agricultural and meet the criteria in 72 P.S. §9410. The temporary structure must meet all the following requirements:

- 1) The temporary structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.
- 2) An evacuation plan is posted in a conspicuous location for temporary structure in accordance with NFPA standards.
- 3) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire suppression.
- 4) Temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks and temporary structures.
- 5) The temporary structure is located a certain distance from a permanent facility licensed to sell consumer fireworks under the prior fireworks law.
- 6) The temporary structure does not exceed 2,500 ft.²
- 7) The temporary structure is secured at all times during which consumer fireworks are displayed within the structure.
- 8) The temporary structure has a minimum of \$2 million in public and product liability insurance.
- 9) The sale is limited to June 15 to July 8 and December 21 to January 2 of each year.

- 10) Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.
- 11) The sale of consumer fireworks from the temporary structure is limited to three types of fireworks: (i) helicopter, aerial spinner, (ii) Roman candle; and (iii) mine and shell devices not exceeding 500 grams.

The New Fireworks Law requires that anyone who sells consumer fireworks must obtain a license from the Department of Agriculture. The Department of Agriculture must also inspect facilities where consumer fireworks are sold. Any license issued by the Department of Agriculture for the sale of consumer fireworks is effective for one year from the date the license is issued. 72 P.S. §9408.

The New Fireworks Law is enforced in a criminal proceeding. The illegal use of consumer fireworks is a summary offense punishable by a fine of not more than \$100. The illegal sale of consumer fireworks is a misdemeanor of the 2nd degree punishable by a minimum fine of \$5000 or two years in prison and the illegal use of display fireworks is a felony of the 3rd degree punishable by a minimum fine of \$15,000 or seven years in prison. Because the state law is enforced in a criminal proceeding through the issuance of citations issued by the Township Police Department or by filing a complaint with the District Attorney's office, I do not see a benefit in having the Board adopt its own regulations that mirror the state law. If the police find that a person is violating any provision of the New Fireworks Law, appropriate criminal sanctions can be pursued.

Because the New Fireworks Law specifically states that "any person who is at least 18 years of age may purchase, possess and use consumer fireworks", I do not believe that the Township can enact an ordinance which prohibits the use of consumer fireworks from all locations in the Township. I believe that an outright prohibition on the use of consumer fireworks in the Township would be preempted by the New Fireworks Law as a Township ordinance that contradicts, contravenes or is inconsistent with the state statute is invalid under the doctrine of conflict preemption.

The Township currently prohibits the use of fireworks in any park without the consent of the Fire Marshal and the Board of Supervisors. *See* Section 163-3(N)(2).

I do not think that the Township may outright prohibit the sale of consumer fireworks from temporary or permanent structures within the Township that meet the conditions and criteria in the New Fireworks Law and which are licensed by the Department of Agriculture. However, as with any lawful use, the Township does have the power to restrict where such temporary and permanent facilities are located

through its zoning ordinance. We previously prepared an amendment to the Zoning Ordinance to identify where temporary structures for the sale of consumer fireworks may be located. A draft of that Zoning Ordinance amendment is enclosed.

I will follow up with Rick and Mark to see what direction the Board wants to follow with respect to regulating fireworks in light of the new state law.

Q Was a new law adopted recently that changed who may purchase and use fireworks in Pennsylvania?

A Yes. Act 43 of 2017 made several changes to who may buy and sell fireworks in the commonwealth.

Q We understand that Pennsylvania residents may now purchase fireworks at licensed facilities in Pennsylvania. What types of fireworks does this include?

A This includes consumer-grade fireworks with a maximum of 50 milligrams of explosive material. Examples include firecrackers, roman candles, and bottle rockets. They are also known as "1.4G fireworks."

Q Are there any additional restrictions on who may purchase these consumer fireworks?

A Anyone age 18 and older may purchase and use consumer-grade fireworks in Pennsylvania.

Q Our township used to issue permits for the purchase and use of consumer fireworks. May we still require our residents to obtain a permit?

A No. Municipalities may no longer require a permit for the purchase or use of consumer fireworks.

Q Does Act 43 place any restrictions on where or how consumer fireworks may be used?

A Yes, Act 43 stipulates that consumer fireworks cannot be ignited or discharged under the following conditions:

- within 150 feet of any occupied structure;
- on public or private property without express permission of the property owner;
- from, within, or toward a motor vehicle or building; or
- by a person who is under the influence of alcohol, a controlled substance, or another drug.

Q Are there resources we can use to promote the safe use of consumer fireworks?

A Yes, the American Pyrotechnics Association has resources available at www.americanpyro.com. The association also has a website, www.celebratesafely.org, that promotes fireworks safety.



Q Where may consumer fireworks be purchased?

A Consumer fireworks may be purchased from any licensed fireworks facility in Pennsylvania, including temporary facilities.

Q Who is responsible for overseeing fireworks facilities?

A The Pennsylvania Department of Agriculture oversees and issues permits for these facilities.

Q How can we verify that a temporary fireworks facility is properly licensed to sell consumer fireworks?

A The Ag Department has a map that lists all approved temporary and permanent fireworks facilities. To view the map, go to www.agriculture.pa.gov, choose "Business & Industry," and then "Fireworks."

Q Are there any additional restrictions on temporary fireworks facilities?

A Yes. First, they can only sell fireworks from June 15 to July 8 and December 21 to January 2 of each year. Second, these facilities may only sell the following types of consumer fireworks: helicopters and aerial spinners, roman candles, and mine and shell devices not exceeding 500 grams.

In addition, these structures must be secured at all times, carry liability insurance, be at least five miles from permanent fireworks facilities, and comply with NFPA 1124. The operators must post an evacuation plan, have an outdoor storage unit that is separate from the wholesale or retail area, and locate their business at least 250 feet from a facility storing,

selling, or dispensing gasoline, propane, or other flammable products.

Q Must licensed, temporary fireworks facilities comply with township zoning regulations?

A Yes. In fact, the application for a temporary structure requires the operator to have a permit or other documentation that allows the temporary structure at the stated location.

Q If an unlicensed tent facility is selling consumer fireworks, who can shut it down?

A The Pennsylvania State Police, a sheriff, or local police officer may shut down illegal facilities and remove the fireworks.

Q What about professional displays of fireworks? Are permits required for these?

A Yes, municipalities may continue to issue permits for professional displays of fireworks, termed "display fireworks" in the new act. In fact, Act 43 requires municipal permit and site inspections before these professional displays are held.

Keep in mind that the minimum requirements for issuing permits for display fireworks have changed. Act 43 requires operators to be 21 or older and post a minimum bond of \$50,000. It also prohibits displays within 300 feet of a structure selling consumer fireworks. In addition, federal law requires anyone using display fireworks to have an appropriate federal license.

Q What are "display fireworks"?

A Display fireworks include salutes that contain more than two grains or 130 milligrams of explosive materials and professional-grade aerial shells containing more than 60 grams of pyrotechnic compositions. They are also known as "1.3G fireworks" and can only be used by professionals with a municipal permit.

Q If an operator has registered with the state Attorney General's Office to present a professional fireworks display, does he also need a permit from the township?

A Yes. A municipal display permit is needed even if the operator has registered with the state.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, SECTION 240-34, TITLED, "AGRICULTURAL USE; SALE OF FARM PRODUCTS; AGRICULTURAL BUSINESS REGULATIONS; SALE OF HOLIDAY ITEMS" TO PROVIDE FOR REGULATIONS FOR TEMPORARY STRUCTURES FOR THE SALE OF CONSUMER FIREWORKS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township, that the East Goshen Township Zoning Ordinance of 1997, as amended, which is codified in Chapter 240 of the East Goshen Township Code, titled, "Zoning", shall be amended as follows:

SECTION 1. A new Section 240-34.E shall be added to Article V as follows:

- "E. Temporary Structures for Sale of Consumer Fireworks. The sale of consumer fireworks, as defined and regulated by the Pennsylvania State Fireworks Law, 72 P.S. §9401 et seq., (the "Act") shall be permitted by right in the C-1 and C-4 Zoning Districts subject to following restrictions:
- (1) Such temporary structures shall comply with all applicable Building Code and Fire Code provisions and with the Act as amended and all regulations promulgated by the Pennsylvania Department of Agriculture pursuant to the Act.
 - (2) Sales shall only be permitted to take place within such temporary structures from June 15 through July 8, and December 21 through January 2 of each year unless otherwise authorized by the Act.
 - (3) The temporary structure shall be no closer than 50 feet from an intersection and at least 20 feet from the edge of an existing cartway.
 - (4) Adequate vehicular parking shall be provided in an area off of the existing street right-of-way.

(5) The applicant shall submit a plan which depicts the location of the temporary structure and traffic circulation to the Township Zoning Officer for approval prior to the issuance of any zoning permit.”

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

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

SECTION 4. Effective Date. This Ordinance shall become effective in five (5) days from the date of adoption.

ENACTED AND ORDAINED this ___ day of _____, 2018.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

Carmen R. Battavio, Vice-Chairman

Janet L. Emanuel, Member

Michael P. Lynch, Member

David E. Shuey, Member

FYI

Memo

To: Board of Supervisors
From: Jon Altshul
Re: Transfer of \$180,774 from Police Pension Trust to WEGO Pension Plan
Date: November 15, 2018

On October 16th, 2018, the Pension Committee, as trustee, approved a motion to transfer \$180,774 from East Goshen's Police Pension Trust to the Westtown East Goshen Police Pension plan. This amount represents East Goshen's share of the additional 30% of MMO that was agreed to with Westtown last year. We have asked the investment manager to execute a stock transfer between the two accounts, effective December 1, 2018. This transfer will directly offset the Township's December payment to WEGO. No Board action is required.