

WESTTOWN TOWNSHIP

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AGENDA

Westtown Township Board of Supervisors

Workshop Agenda

Westtown Township Municipal Building
1039 Wilmington Pike, Westtown

Monday, December 18, 2023

Start time: 6:20 PM Workshop

- 1. Consider Draft Parking Ordinance Amendments – 10 minutes**
- 2. Consider Draft Managed Meadow Ordinance – 10 minutes**
- 3. Consider Cohen Law Group Proposal to Renew the Verizon Cable Franchise Agreement – 10 minutes**
- 4. Consider 2024 Consultants – 10 minutes**
- 5. Consider PennDOT Proposal about Pedestrian Crossings along Sections of Route 926 – 10 minutes**
- 6. Consider Request from John Snook to Increase Not-to-Exceed Amount for Historical Ordinance Consultation from \$3,550 to \$6,173 – 10 minutes**
- 7. Public Comment on Workshop Items* - 10 minutes**

Tonight's Workshop will be viewable on Zoom via the following link:

<https://us02web.zoom.us/j/89939917814><https://us02web.zoom.us/j/89939917814>

Or by phone at: 646-558-8656

**The public comment period at the end of the Workshop will last approximately 10 minutes. The public will be asked to limit their remarks to two minutes each to allow others an opportunity to speak. To the extent that further public comment is required, speakers will be asked to save their remarks until the Public Comment - Non-Agenda Items portion of the Regular Board of Supervisors Meeting.*

MEMO

Date: December 13, 2023
To: Board of Supervisors
From: Jon Altshul, Township Manager
Re: Consider Draft Parking Ordinance Amendments

Concern has been raised that the Township's parking ordinance is out-of-date as it requires that commercial developers build more parking spaces than are needed. The Planning Commission, in close consultation with the Township's Traffic Engineer, has developed the attached draft parking ordinance for the Board's consideration. These amendments have been reviewed by the Township Solicitor.

The key proposed changes are as follows:

- The minimum required parking spaces in existing Shopping Centers would be reduced from 4.5 spaces per 1,000 square feet of leasable area to 3.5 spaces, provided the property owner can provide a parking study showing that the reduction in spaces can be justified.
 - An area equal to 10% of parking being removed in Shopping Centers shall have full depth removal of asphalt and be landscaped.
- A new formula is proposed for "shared parking" requirements—e.g. when a retail store shares a parking area with an office building—to better recognize how the volume of parking varies by use depending on the time and the day.
- A new formula is also proposed for "reserve parking"—i.e. excess parking spots beyond what is required—in order to retain as much pervious coverage as possible while designating additional parking areas for future needs.
- Minor clean-up of typos and incorrect references to other sections of Township Code.

I would observe that the new formulas for shared and reserved parking are complicated. To that end, Al Federico has prepared the attached examples about shared parking and will be available by Zoom in Workshop to answer any questions the Board has.

If the Board is agreeable to these changes, we could target authorizing Act 247 Review at the January 16 Board meeting.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article XVII **Off-Street Parking and Loading**

§ 170-1700 **General requirements.**

A. Applicability

- (1) Off-street parking facilities shall be provided whenever:
 - (a) A building is constructed or a new use is established.
 - (b) The use of an existing building is changed to a use requiring more parking facilities, as determined by this article.
 - (c) An existing building is altered so as to increase the amount of parking space required, as determined by this article.
- (2) Structures and uses in existence as of the date of adoption of this chapter shall not be subject to the requirements of this article, so long as the use is not changed nor its extent or density increased. No parking facility now serving structures or uses shall, in the future, be reduced below the requirements of this chapter.
- (3) All required parking facilities shall be provided and maintained for as long as the use which they are designed to serve remains in existence.

B. **Decreased parking demand.** When a building or structure undergoes a decrease in the number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measure specified hereinafter as a means for determining required off-street parking or loading facilities, or when the application of the standards herein would result in a requirement for fewer total off-street parking or loading spaces than are provided on the subject site, the available off-street parking and loading facilities may, upon approval by the Township, be so reduced accordingly; provided, however, that existing off-street parking or loading facilities may be so decreased only when the parking or loading facilities remaining would equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building, activity, or structure, as modified.

C. **Increased parking demand.** When any building or structure undergoes a change of use or any increase in the number of dwelling units, employees, gross floor area, seating capacity, or other unit of measurement specified hereinafter as a means for determining required off-street parking or loading facilities, and when such a change or increase would, through application of the provisions of these standards, result in a requirement for greater total off-street parking or loading spaces, such off-street parking or loading facilities shall be increased to equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure, as modified in use or capacity.

D. **Front yard parking restriction.** No motor home, travel trailer, boat, or boat trailer shall be parked within any front yard. **[Amended 5-2-2005 by Ord. No. 2005-4]**

E. **Repair, service, or sales use of parking facilities.** It shall be unlawful to utilize any required

off-street parking or loading facilities for motor vehicle repair work, service, display, or sales of any kind, except as expressly permitted elsewhere in this article.

§ 170-1701 **Location.**

- A. Except as provided under the terms of § 170-1706 of this article, all parking spaces shall be on the same lot as the principal building which they serve.
- B. No parking or paved area, except for permitted driveways or accessways, shall directly abut a public street. The minimum setback from the street line to the parking area shall be equal to that specified in § 170-1701D of this chapter. Each such area shall be separated from the street by a curb, planting strip, wall or other suitable barrier against vehicles. **[Amended 5-2-2005 by Ord. No. 2005-4]**
- C. A garage may be located wholly or partly inside the walls of the principal building, or may be attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- D. The minimum distance for parking areas, as measured from the street line, shall be equal to the greater of 1/2 of the front yard building setback line or the setback prescribed for parking areas in the particular district in which the parking area is located. **[Amended 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4]**

§ 170-1702 **Size.**

- A. The following schedule of parking space and layout standards shall apply to all but commercial/retail parking facilities, in accordance with this article:

	Angle of Parking Row to Driveway Aisle			
	30°	45°	60°	90°
Depth of parking row	17'	20'	21'	18'
Width of parking space	9.5'	9.5'	9.5'	9.5'
Width of aisle	11'	13'	18'	24'
	(1 way)	(1 way)	(1 way)	(1 or 2 way)

- (1) Parking spaces for commercial/retail uses shall be a minimum of 20 feet in depth and 10 feet in width.
 - (2) Parallel parking spaces shall be at least 24 feet in length and eight feet in width.
 - (3) In the case of churches, schools and office parks, where parking is at a ninety-degree angle and a twenty-four-foot aisle is provided, ~~10% of the spaces shall be 9.5 feet by 18 feet. The remainder may be~~ nine feet by 18 feet. **[Amended 12-5-1994 by Ord. No. 94-6]**
- B. Wheel stops: The Board may approve the use of continuous curbs as wheel stops and thus measure the size of parking spaces to be two feet less in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by two feet; such overhang area must be clear of all obstructions (signs, trees, etc.) and may not be

regarded as required landscaped area or pedestrian circulation space.

§ 170-1703 **Design and maintenance standards.**

A. General on-site circulation design standards.

- (1) There shall be an adequate, safe, and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. Pedestrians moving between buildings shall not be unnecessarily exposed to vehicular traffic.
- (2) Roads, pedestrian walks, bicycle facilities, and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
- (3) Landscaped, paved, and comfortably graded pedestrian walks, appropriate also for use by wheelchairs, shall be provided along the paths of the most intense use, particularly from building entrances to parking areas and adjacent buildings. Such walks shall have a minimum width of four feet.
- (4) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs, and benches shall be of good appearance, easily maintained, and appropriate to their function.
- (5) Ramps shall be provided, giving access from parking areas to the building served, for disabled persons utilizing wheelchairs.
- (6) Accessways, parking areas, and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers, and/or landscaped islands. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be designed and landscaped so as not to impair visibility needed for traffic flow and turning movements. A maximum of 20 parking spaces shall be permitted without being separated by a landscaped area/island with a minimum 10 feet width. **[Amended 3-3-2003 by Ord. No. 2003-2]**
- (7) The design of access and traffic control and of interior circulation shall, in all other respects, comply with the requirements of §§ **170-1510** and **170-1513**, respectively, of this chapter.

B. General on-site parking design standards.

- (1) Parking spaces shall have a dust-free, all-weather surface; this requirement shall be met by paving unless otherwise approved by the Board of Supervisors. Pervious surfaces such as porous paving, concrete lattice blocks, or gravel may be substituted if approved by the Board, e.g., for reserve or overflow parking. Pervious surfaces shall be the only permitted means of providing parking in areas subject to floodplain regulations. **[Amended 9-5-2017 by Ord. No. 2017-3]**
- (2) Parking areas shall have a minimum slope of 1% in any direction to provide for drainage, and a maximum slope of 5% in any direction for safety, user convenience, and stormwater management.
- (3) All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the space, or by curbs or other means, to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to

assure efficient and safe traffic operation.

- (4) Lighting shall be provided to illuminate any off-street parking spaces to be used at night. Lighting facilities shall comply in all applicable respects with the standards in § 170-1514 of this chapter.
- (5) Parking area landscaping and screening shall be accomplished in accordance with §§ 170-1507 and 170-1508 of this chapter.
- (6) Any person operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove snow and ice from the surface of the parking lot. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet, and snow and shall keep the sidewalks in a safe condition for use by pedestrians.
- (7) All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Any walls or landscaping, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout their use, and the Board shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair, or rehabilitation is completed.

§ 170-1704 Handicapped parking.
[Amended 3-3-2003 by Ord. No. 2003-2]

Handicapped parking and related facilities shall conform to the requirements of Pennsylvania Act 235, the Universal Accessibility Act, as amended. In addition, the following regulations shall apply, unless superseded by further amendments to the aforementioned Act and its rules and regulations:

- A. In any parking area where the total number of parking spaces exceeds five, a minimum of one space for each 25 total spaces or fraction thereof shall be designed and designated for physically handicapped persons. Number of spaces: Any parking lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans ~~W~~with Disabilities Act:

	Total number of parking Spaces on Lot	Required Minimum Number/ Percent of handicapped Parking Spaces
	1 to 25	1
	26 to 50	2
	51 to 75	3
	76 to 100	4
	101 to 150	5
	151 to 200	6

	Total number of parking Spaces on Lot	Required Minimum Number/ Percent of handicapped Parking Spaces
	201 to 300	7
	301 to 400	8
	401 to 500	9
	501 to 1,000	2% of required number of spaces
	1,001 or more	20, plus 1% of required number of spaces over 1,000

- B. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped-accessible building entrance. Curb cuts shall be provided as needed to provide an accessible route from the handicapped spaces to an accessible entrance.
- C. Minimum size. Each required handicapped parking space shall be eight feet by 18 feet. In addition, each space shall be adjacent to a five-foot-wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.
- D. Slope. Handicapped parking spaces shall be located in areas of less than 2% slope in any direction.
- E. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and pavement markings. Blue paint is recommended.
- F. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

§ 170-1705 Schedule of required parking.

The following shall be the minimum number of off-street parking spaces required for each land use, activity, building, or structure permitted by this chapter. When the determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of 1/2 space or less should be disregarded and any fraction over 1/2 space shall count as one space. Parking spaces required on the basis of building floor area shall apply to gross leasable area as defined by this chapter, unless otherwise specified. Parking spaces required on an employee basis shall be based on the projected maximum number of employees on duty or residing, or both, on the premises at any one time, which would include any overlap of employees at a change of shift.

A. Residential and lodging uses.

- (1) Single-family and two-family dwellings: Three parking spaces for each dwelling unit. The Board of Supervisors may require that a street include sufficient paved width to allow on-street parking along one or both sides of the street if determined to be necessary to meet parking needs. **[Amended 3-3-2003 by Ord. No. 2003-2]**

- (2) Mobile homes: two parking spaces per dwelling unit.
- (3) Townhouses, apartments, and similar multifamily dwellings: 2.5 parking spaces per dwelling unit, 0.5 spaces of which may be located in convenient overflow areas for guests. The allowable parking for apartments designed for and exclusively occupied by individuals over the age of 55 may be reduced to 1.5 parking spaces per household with the specific approval of the Board of Supervisors. Garage parking spaces serving a townhouse or apartment shall only count as 0.5 parking spaces. The Board of Supervisors may require that a street include sufficient paved width to allow on-street parking along one or both sides of the street if determined to be necessary to meet parking needs. **[Amended 5-3-1999 by Ord. No. 99-2; 3-3-2003 by Ord. No. 2003-2]**
- (4) Motel, hotel: 1.2 parking spaces for each sleeping room or suite offered for tourist accommodation. Additional parking spaces shall be provided, equal to 60% of that which is required by this section, for restaurants or places of assembly which are available for use by the general public but are located within the hotel or motel.
- (5) Nursing home: 1.5 parking spaces for every two beds that can be provided at maximum design capacity of the facility.
- (6) Residential care facilities. **[Amended 2-5-2001 by Ord. No. 2001-3]**
 - (a) With 20% or more of the total bed count dedicated to residents requiring continual health-care services: 1.0 spaces for every five resident beds or 1.0 spaces for every four dwelling units, whichever is greater.
 - (b) With less than 20% of the total bed count dedicated to residents requiring continual health care: 1.0 space for every three resident beds or 2.0 spaces for every five dwelling units, whichever is greater.
- (7) Adult community development: Two off-street parking spaces shall be required for each dwelling unit. However, in the case of townhouse dwellings, an average of 0.5 spaces per dwelling unit may be located along interior streets in locations that are convenient to the dwellings being served, provided that the street is of sufficient width. **[Added 5-3-1999 by Ord. No. 99-2]**
- (8) Continuing care retirement community (CCRC): In a CCRC, off-street parking shall be provided in clear proximity to each use being served as follows: **[Added 9-15-2008 by Ord. No. 2008-1]**
 - (a) One parking space shall be provided for each employee on the largest shift; plus
 - (b) One parking space for every four assisted living residences; plus
 - (c) One parking space for every five beds in a nursing facility; plus
 - (d) Parking spaces for each independent living residence in an apartment structure in the amount of 1.3; plus
 - (e) Two parking spaces for each independent living residence in a single-family, two-family or townhouse structure; plus
 - (f) Additional reserve or overflow parking or parking for guests and visitors as required by the Board as a condition of conditional use approval, based upon evidence demonstrating the

need therefor.

B. Retail and service uses. [Amended 3-3-2003 by Ord. No. 2003-2]

- (1) Indoor retail businesses: Parking or storage space for all vehicles used in the conduct of business, plus five parking spaces per 1,000 square feet of floor area of rooms accessible to customers. For a shopping center, see § ~~170-1609~~170-1709.
- (2) Theaters, recreation centers, swimming pools, skating rinks, and other public or private recreation and amusement facilities:
 - (a) One parking space for every three customers (or patrons), computed on the basis of maximum servicing capacity at any one time, as shall be determined by the Township, plus one additional space for every two persons regularly employed on the premises at a peak period of use.
 - (b) Specific provisions over and above this standard may be required for uses, such as movie theaters, involving successive changes of patrons with a corresponding overlap in parking required.
- (3) Bowling alleys: Five parking spaces per lane.
- (4) Banks, credit unions, and related retail financial service organizations:
 - (a) One parking space per 75 square feet of floor area devoted to customer service and related circulation; plus
 - (b) Parking for the balance of the facility used for office purposes at a ratio of one parking space per 225 square feet of gross leasable area.
- (5) Restaurant or similar use:
 - (a) One space per three seats; or
 - (b) One space per 100 square feet of total floor area, whichever yields the greater number of spaces.
- (6) Carry-out, drive-in, drive-through, or other fast-food restaurant:
 - (a) Twenty-four parking spaces for every 1,000 square feet of gross leasable area, plus two parking spaces for every three employees.
 - (b) ~~Fas-food~~Fast-food restaurants providing drive-through window service shall be sited in such a manner that at least 10 vehicles can stand in line awaiting such service without blocking access to otherwise required parking spaces.
- (7) Automobile service stations: Parking or storage space for all vehicles used directly in the conduct of the business, plus:
 - (a) One parking space for each gas dispenser;
 - (b) Three spaces for each service bay or similar facility; and
 - (c) One space for every two persons employed on the premises.

(8) Grocery store or supermarket: Six spaces per 1,000 square feet of gross leasable area, unless part of a shopping center containing an additional 50,000 square feet or more of retail space, in which case this requirement shall be considered to be met through compliance with the overall shopping center requirements, as stipulated in ~~§ 170-1608~~ 170-1709.

(9) Funeral home:

- (a) One space for every four seats available for persons attending memorial services; or
- (b) One space for every 50 square feet of gross leasable floor area, whichever yields the greater number of spaces.

(10) Automobile sales:

- (a) Spaces for parking of vehicles for sale or lease, which shall not be required to meet minimum dimension and aisle width requirements.
- (b) One space for customer parking for every 25 vehicles offered for sale or lease.
- (c) One space per employee.
- (d) Four spaces for every service bay or similar facility.

C. Offices.

(1) General offices (including office campus as provided in Article **XII**): One parking space per 200 square feet of gross floor area for business, professional, governmental, or institutional offices, including associated storage areas for files, equipment, or office supplies, but excluding medical or dental offices.

(2) Medical or dental offices: One off-street parking space shall be provided per 150 square feet of gross habitable floor area. **[Amended 9-15-2008 by Ord. No. 2008-1; 4-4-2022 by Ord. No. 2022-03]**

D. Industrial and warehouse uses: One parking space for each employee on the shift of greatest employment, or one space for every 500 square feet of gross floor area, whichever yields the greater number of spaces.

E. Community service uses and places of assembly.

(1) General places of assembly: All theaters, auditoriums, churches, and other similar places of assembly, including those associated with public or private educational institutions, shall provide at least two parking spaces per five seats of the assembly or meeting space at maximum capacity. The maximum capacity shall be determined as allowed by applicable Fire Code or Building Code standards.

(2) University, college, academy, or similar institution of higher learning: One parking space for each resident student and each faculty or staff residence on the site, plus two parking spaces for each five seats occupied at maximum capacity, in combination, of any assembly hall, auditorium, stadium, gymnasium, or other places of assembly on the campus.

(3) Schools:

(a) Private vocational or similar adult trade school or training center: One space per student.

- (b) Elementary school, nursery school, day-care center: One space per 15 students.
- (c) Middle or junior high school: One space per 10 students, plus one space per 10 fixed seats in an auditorium.
- (d) High school: One space per four students, plus one space per 10 fixed seats in an auditorium.

F. Miscellaneous uses.

- (1) Libraries, museums, galleries, and similar uses: Parking or storage space for all vehicles used directly in the operation of such establishment, plus four parking spaces for each 1,000 square feet of total floor area.
- (2) Private clubs, lodges, or other organizations of a fraternal, civic, union-related, religious, or similar nature: One parking space for each four members, or one space per 50 square feet used for assembly, dining, meetings, or other specific use of the club facilities, whichever yields the greater number of spaces, plus one additional parking space for every two persons regularly employed on the premises.
- (3) Hospitals and rehabilitative services centers: 0.85 spaces per employee on duty at any one shift change or 0.65 spaces per full-time equivalent total employment, whichever yields the greater number of spaces, plus additional parking spaces for visitors on the basis of 0.6 spaces per bed. **[Amended 9-15-2008 by Ord. No. 2008-1]**
- (4) Research and development facility: One parking space per 350 square feet of gross leasable area occupied by research and development uses such as laboratories and testing facilities.

G. Other uses. The Board shall determine with which of the preceding categories of parking regulation any unlisted use shall comply.

§ 170-1706 **Shared parking.**

A. The parking spaces required by § 170-1705 may be reduced when two or more uses on abutting lots share a parking area, subject to the following conditions:

- (1) That some portion of the shared off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.
- (2) Pedestrian facilities comply with current standards for accessibility and § 149-916.
- (3) Access and parking easements are prepared and recorded for each property affected by the shared parking.

B. The minimum amount of shared parking required shall be based on the application of the below percentages to the parking required for each land use as per § 170-1705.

Use	Weekday		Weekend		Other
	Day (9 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (9 AM to 6 PM)	Evening (6 PM to 12 AM)	(12 AM to 9 AM)
Offices	100%	10%	10%	5%	5%
Retail and Service Uses	60%	90%	100%	70%	5%
Hotel/Motel	60%	100%	60%	100%	100%
Restaurant	50%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Other Uses	The Board shall determine with which of the preceding categories any unlisted use shall comply.				

~~A. Up to 50% of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multifamily dwelling units, for a VAC, or for a school may be provided and used jointly by banks, offices, certain retail stores, repair shops, service establishments, VAC accessory uses, and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8:00 a.m. to 5:00 p.m.) if specifically approved by the Board. [Amended 12-16-2013 by Ord. No. 2013-6]~~

~~C. B.~~ Written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor, and shall be filed and made part of the application for a building permit.

~~D. C.~~ Such approval may be rescinded by the Board and additional parking shall be obtained by the owners, in the event that the Board determines that such joint use is resulting in a public nuisance or otherwise adversely affecting the public health, safety, or welfare.

~~D. Upon approval of the Board, as prescribed in Subsection B above, two or more uses may satisfy their individual parking requirements in a common parking lot, provided that the number of parking spaces in the lot equals the sum of the parking spaces required for each use. Parking spaces shall be located so that no space is greater than 500 feet from the building or use it is intended to serve, except in the case where off street parking for a VAC use is provided off premises under § 170-802G, in which case such parking spaces may be located 650 feet from property on which the VAC use is located. [Amended 12-16-2013 by Ord. No. 2013-6]~~

E. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces have been made available.

§ 170-1707 Parking reserve area.

The number of parking spaces to be constructed may be up to 30% less than the number required herein only where the following conditions are met to the satisfaction of the Township:

A. Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or fewer spaces than that required by this article.

B. The land development plan submitted by the applicant indicates that the location and layout of ~~that portion~~ 50% of the required parking ~~or loading~~ area deemed unnecessary at the time

of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that ~~all or any additional portion of~~ this parking ~~or loading~~ is necessary and in the interest of the public health, safety, and welfare.

- C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other ~~non~~unpaved area required by other provisions of this chapter.
- D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
- E. The parking reserve area shall be landscaped according to an approved plan and in accordance with § 170-1507 of this chapter.
- F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time, ~~except as provided in § 170-1709A.~~
- G. Prior to approving a change of use or other modification that results in a requirement for greater total off-street parking, the owner must demonstrate continued compliance with this Article.

§ 170-1708 **Parking standards for single-family residential dwellings.**

In addition to the Schedule of Required Parking, § 170-1705A(1), the following regulations shall apply to single-family residential dwellings:

- A. Use of residential parking facilities. Parking facilities accessory to a residential use in any district shall be used solely for the parking of passenger automobiles and not more than one commercial vehicle of not more than two tons' gross weight utilized by occupants of the dwelling to which such facilities are accessory, or by guests of such occupants. **[Amended 5-2-2005 by Ord. No. 2005-4]**
- B. A garage may be located wholly or partly inside the walls of the principal building, or may be attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- C. Areas devoted to surface parking may occupy no more than 50% of any required front, side, or rear yard, and shall comply with § 170-1701.D of this chapter.
- D. Parking spaces shall have a dust-free, all-weather surface; this requirement shall be met by paving unless otherwise approved by the Board of Supervisors. Pervious surfaces such as porous paving, concrete lattice blocks, or gravel may be substituted if approved by the Board, e.g., for reserve or overflow parking. Pervious surfaces shall be the only permitted means of providing parking in areas subject to floodplain regulations. **[Amended 9-5-2017 by Ord. No. 2017-3]**
- E. Parking areas shall have a minimum slope of 1% in any direction to provide for drainage, and a maximum slope of 5% in any direction for safety, user convenience, and stormwater management.

§ 170-1709 Shopping center parking.

- A. Except as specified in Subsection ~~B-C~~ below, a minimum of ~~4.5-5~~ spaces shall be provided for each 1,000 square feet of gross leasable area, or fraction thereof, within the proposed shopping center. ~~In addition, a parking reserve area, consistent with the terms of § 170-1707, shall be designed and shown on the plan so that, if developed, it would yield a ratio of 5.0 spaces for each 1,000 square feet of gross leasable area. If, at the end of the sixth year following full development of the tract, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board for permission to develop or otherwise utilize the parking reserve area in accordance with the terms of this chapter.~~
- B. A minimum of 4.0 spaces shall be provided for each 1,000 square feet of gross leasable area or fraction thereof devoted to office use. An initial reduction of up to 25% of this area may be permitted by the Board, provided that sufficient land is reserved and properly identified as such to meet the full requirements of this chapter, should the Board subsequently deem it necessary.

C. The number of parking spaces for an existing shopping center may be reduced to 3.5 for each 1,000 square feet of gross leasable area, or fraction thereof, within the shopping center only when the following conditions are met to the satisfaction of the Township:

- (1) The owner shall submit to the Township for review and approval a Parking Study, which includes:
- a) Evidence documenting that the nature of the proposed occupancy or use of the buildings require less parking area or fewer spaces than that required by this article.
 - b) Documentation of parking occupancy based on two separate observations completed during peak summer and winter periods, the specific time of which are determined by the Township Traffic Engineer prior to collecting data.
 - c) A comparison of the observed and proposed parking relative to the 85th percentile parking demand presented in the Institute of Transportation Engineer's Parking Generation, latest edition.
- (2) An area equal to 10% of the parking being removed will be landscaped, including full depth removal of the existing paving.

§ 170-1710 Off-street loading.

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or large-scale residential or institutional use. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided in this section.

- A. Area of loading berths or spaces.
- (1) A required off-street loading berth to be utilized in conjunction with any use requiring tractor trailer delivery shall be at least 12 feet in width and at least 65 feet in length, exclusive of aisle and maneuver space, and shall have a vertical clearance of at least 14 feet.

- (2) Required loading spaces to serve commercial uses and other facilities with similar needs shall be at least 12 feet in width and at least 35 feet in length, and may be located parallel to the building served.
- B. Access to loading area. Each required off-street loading space or berth shall be afforded appropriate means of vehicular access to a street, highway, or alley in a manner which will least interfere with traffic movement.
 - C. Surfacing. All open off-street loading areas shall be improved with a compacted select gravel base and surfaced with an all-weather dustless material, suitably designed for the intended use to a standard approved by the Township Engineer.
 - D. Screening. All loading berths or spaces and truck circulation areas which abut a residential district shall be set back at least 100 feet therefrom unless they are completely screened therefrom by building walls, or a solid fence, wall, or landscaping, or any combination thereof, not less than six feet in height. In no case shall such spaces or berths be closer than 35 feet therefrom. Screening shall further comply with the standards of § **170-1508** of this chapter.
 - E. Number of spaces.
 - (1) Buildings with commercial, industrial, or storage use which exceed 6,000 square feet of gross leasable area shall be provided with a minimum of one off-street loading berth.
 - (2) Commercial or other uses which do not exceed 6,000 square feet of gross leasable area, and which involve regular deliveries as part of their operation, shall be provided with a minimum of one off-street loading space.
 - F. Location. Loading and unloading areas shall not be located between the building setback line and the street line. No delivery vehicle shall park on any sidewalk. Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or large-scale residential or institutional use. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided in this section. [**Amended 3-3-2003 by Ord. No. 2003-2**]



MEMORANDUM

To: Jon Althsul, Township Manager
 Westtown Township

From: Albert Federico, P.E., PTOE, Township Traffic Engineer

Subject: Proposed Zoning Update (§170-1706. Shared Parking)
 Westtown Township, Chester County

The Westtown Township Planning Commission has been considering amendments to Article XVII (Off-street Parking and Loading) of the Zoning Code, including §170-1706 (Shared Parking). "Shared Parking" recognizes that peak parking demands vary based on the specific use; and adjacent, complimentary uses require less overall parking if the peak demands occur at different times of day. The proposed amendment to §170-1706 is based on a Model Ordinance prepared by the Montgomery County Planning Commission.

As requested, below are two examples of how the proposed amendment would be applied to adjacent or proposed development(s) with complimentary uses.

Example 1 – Retail and Medical Office: Based on the difference in peak demands the overall parking could be reduced from 160 spaces to 120 spaces.

Use	Size	Parking Rate	Spaces
Indoor Retail	20,000 sf	5 spaces per 1,000 sf	100
Medical Office	9,000 sf	1.5 spaces per 150 sf	60
Peak Demand			160

Peak Parking Demand per §170-1705 (Schedule of required parking).

Use	Weekdays		Weekends		Midnight – 9 am
	9 am – 6 pm	6 pm – midnight	9 am – 6 pm	6 pm – midnight	
Retail	60%	90%	100%	70%	5%
Medical Office	100%	10%	10%	5%	5%
Retail	60	90	100	70	5
Medical Office	60	6	6	3	3
Demand	120	96	106	73	8

Demand per amended §170-1706 (Shared Parking).



ALBERT FEDERICO CONSULTING, LLC

Example 2 –Hotel and Restaurant (external to the hotel): Based on concurrent peak demands the overall parking could not be reduced.

Use	Size	Parking Rate	Spaces
Hotel	40 rooms	1.2 spaces per room	48
Restaurant	8,000 sf	1 space per 100 sf	80
Peak Demand			128

Peak Parking Demand per §170-1705 (Schedule of required parking).

Use	Weekdays		Weekends		Midnight - 9 am
	9 am – 6 pm	6 pm – midnight	9 am – 6 pm	6 pm – midnight	
Hotel	60%	100%	60%	100%	100%
Restaurant	50%	100%	80%	100%	10%
Hotel	29	48	29	48	48
Restaurant	40	80	64	80	8
Demand	69	128	93	128	56

Demand per amended §170-1706 (Shared Parking).

Please do not hesitate to contact me at 610.608.4336 or albert@federico-consulting.com should you have any questions or require additional information.

MEMO

Date: December 11, 2023
To: Board of Supervisors
From: Jon Altshul, Township Manager
Re: Consider Draft Managed Meadow Ordinance

Attached please find a draft ordinance that would give the Zoning Officer discretion in responding to property maintenance code complaints about properties with managed meadows. The ordinance has been reviewed by the Township Solicitor and the Planning Commission.

As background, in 2022, the EAC held a sustainability contest to recognize property owners who demonstrate a commitment to environmental sustainability. A number of the honorees were recognized for having managed meadows on their properties. I observed at the time that technically most managed meadows are violations of the property maintenance code, which prohibits grass in excess of 10", and that if the Zoning Officer were to receive a complaint about a property with a managed meadow, she would need to issue a Notice of Violation. This struck me as bad policy. As a result, I drafted an ordinance based on other municipal ordinances that would define a managed meadow and exempt such meadows from enforcement under the property maintenance code. Therefore, the Zoning Officer would have discretion to not issue a notice of violation to a property owner with a managed meadow.

Importantly, this ordinance is unrelated to the planting of managed meadows on Township land; it is strictly for Code Enforcement purposes. Notably, during my time with the Township, there has never been a complaint about a managed meadow.

If the Board is agreeable to the ordinance as drafted the next step would be to authorize Act 247 review and advertise for a public hearing on its adoption.

ORDINANCE 2023-01

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 170, ZONING, OF THE CODE
OF WESTTOWN TOWNSHIP TO PERMIT MANAGED MEADOWS**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Chapter 170, Zoning, Article II, Definitions, §170-201, Definitions, shall be amended to add the following term and definition to read as follows:

MANAGED MEADOW

An area intentionally planted or maintained with herbaceous plant material primarily composed of native species. A managed meadow shall be kept free of species identified in the most recent Noxious Weed Control Law and Invasive Plants List adopted by the Pennsylvania Department of Agriculture. Both are incorporated herein by reference.

SECTION 2. Chapter 170, Zoning, Article XV, General Regulations, Section 170-1507, Landscaping and Site Design, shall be amended to add a new Subsection D, which shall read as follows:

D. Managed Meadows may be used as all-season groundcover to satisfy the requirements of Subsection (A).

(1) Plantings that meet the definition of Managed Meadows are specifically excluded from the definition of “nuisance” in Chapter 54, Brush, Grass and Weeds, and “weeds” in Chapter 126, Property Maintenance, of the Westtown Township Code. Whether plantings meet the definition of Managed Meadows is within the sound discretion of the municipality.

(2) Managed meadows shall only be permitted within the side or rear yards.

(3) Managed meadows shall not be permitted within 10 feet of public rights of way, sidewalks, trails, pedestrian routes, parking areas, fences or property lines.

(4) Managed meadows shall not be permitted within 25 feet of buildings or structures.

(5) Managed meadows shall be mowed at least once per year and are kept free of woody species.

(6) Managed meadows shall not be permitted within any clear sight triangle.

(7) Upon request by the Township, the owner of managed meadow shall provide a plan with details on the composition of the meadow, including list of plantings, their location

and approximate quantity, and ongoing measures for managing invasive plant species within the meadow area.

SECTION 3. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township this ____ day of _____, 2023.

ATTEST:

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Jonathan Altshul, Township Manager

Thomas Foster, Chair

Richard Pomerantz, Vice Chair

Scott E. Yaw, Esq., Police Commissioner

MEMO

Date: December 12, 2023

To: Board of Supervisors

From: Jon Altshul, Township Manager

Re: Consider Cohen Law Group Proposal to renew the Verizon Cable Franchise Agreement

The Township's franchise agreement with Verizon expires in July 2026. Because cable companies are not utilities, they need to enter into municipal franchise agreements in order to lay and maintain their lines in public rights-of-way. Franchise agreements generally call for cable companies to provide municipalities with 5% of their revenues. For 2024, we budgeted \$110,000 in franchise fee revenue from Verizon and another \$106,000 from Comcast. However, with the growth of streaming services and "cord cutting", this revenue source has been decreasing for over a decade.

As outlined in the attached letter from Verizon, we are now within the timeframe to begin deliberations for a new contract. Cohen Law Group, which negotiated the current agreement on behalf of Westtown and dozens of other Chester County municipalities, has provided the attached proposal to negotiate the new agreement.

If the Board is agreeable to this proposal, you can approve it at your January 2 meeting.

Also, in case you're curious, the Township's franchise agreement with Comcast doesn't expire until 2030.

From: [Dan Cohen](#)
To:
Subject: Chester County Consortium: Proposal for Cable Franchise Renewal with Verizon
Date: Friday, December 1, 2023 12:52:11 PM
Attachments: [Chester County Consortium - Verizon Cable Franchise Proposal 11-30-23.pdf](#)
[Chester County Consortium Franchise Renewal Engagement Letter 11-30-23.pdf](#)
Importance: High

Dear All:

Our law firm assisted 22 Chester County municipalities in negotiating the last cable franchise agreements with Verizon. It's hard to believe, but those agreements will be coming up for renewal soon. Your municipality may have already received a renewal notice from Verizon. Mandie Cantlin, Manager for East Bradford Township, reached out to our firm recently to request a proposal after contacting the municipalities to re-assemble the Chester County Consortium for the upcoming renewal negotiations.

The attached proposal includes an introduction, description of benefits, scope of services, professional background of our firm, and cost of services on a flat fee basis. Please note that the proposal includes a franchise fee audit to determine whether Verizon has paid each municipality all of the franchise fee revenue to which it is entitled. In 2021-23, our firm conducted over 120 franchise fee audits and found underpayments approximately 65% of the time. We did not conduct an audit during the last Chester County franchise renewal with Verizon.

With respect to our fees, you will see on pages 12-13 of the proposal a chart that shows our standard, single-municipality fees based on population, followed by discounted fees for the Consortium based on the number of municipalities that participate. If 14-19 municipalities participate, then the discount is 15%, and if 20 or more participate, then the discount is 20%. Thanks to East Bradford Township, which recently approved the proposal, the sign-up process has already started!

Finally, I have attached an engagement letter to be signed and returned to me if your municipality approves the proposal. Please note that I have included municipalities on this distribution that were not part of the last Verizon negotiation, but may be eligible and interested in joining this project. We expect the "sign up" phase of this project to last about 3 months, the audit phase to last approximately 14 months, the negotiation phase approximately 10 months and the agreement approval phase approximately 3 months. Of course, conditions could alter this estimated schedule once the project is in full swing.

Thank you for considering participation in this project and please let me know if you have any questions or concerns. All the best, Dan

Daniel S. Cohen
Cohen Law Group
413 S. Main Street
Pittsburgh, PA 15215
Phone: (412) 447-0130, ext. 110
Fax: (412) 447-0129
dcohen@cohenlawgroup.org
www.cohenlawgroup.org

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PROPOSAL TO PERFORM

VERIZON CABLE FRANCHISE RENEWAL SERVICES

submitted to the

CHESTER COUNTY CONSORTIUM

by the

COHEN LAW GROUP

**413 South Main Street
Pittsburgh, PA 15215**

www.cohenlawgroup.org

(412) 447-0130

November 30, 2023

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I. INTRODUCTION

The Cohen Law Group (“CLG”) welcomes this opportunity to submit a proposal for legal services to assist the eligible municipalities in Chester County (“Chester County Consortium”) in a franchise fee audit and cable franchise renewal negotiations with Verizon of Pennsylvania, Inc. (“Verizon”). Based on our records and the Managers who have contacted our law firm after receiving renewal notices from Verizon, our understanding is that there are approximately 25-30 municipalities in the County that are eligible to negotiate cable franchise renewal with Verizon. The cable franchise agreements for these municipalities are set to expire within the next 2-2 ½ years.

As such, now is the time to begin the franchise renewal process. Franchise renewal is the best opportunity for local governments to obtain significant benefits and to assert their legal rights with their cable company. A multi-municipal negotiation also increases the negotiating leverage of each of the municipalities and, as detailed in Section V below, reduces their attorneys’ fees. Our law firm was privileged to represent 22 Chester County municipalities in the last multi-municipal franchise renewal negotiation with Verizon in 2019-21. We would welcome the opportunity to assist the group again in this upcoming franchise renewal.

There have been changes in video technology since the commencement of the municipalities’ current franchise agreements, especially the dramatic growth of internet-based video services (also referred to as video streaming) such as Netflix, Hulu and Disney+. In addition, there have been changes in the franchise operations of Verizon as the company is experiencing even more competition today than it did when the current agreements went into effect. Finally, there have been changes in federal law and regulations applicable to cable franchising in that time period.

As described in this proposal, we recommend that the Consortium: 1) **conduct a franchise fee audit** to ensure that each municipality has received all the franchise fee revenue to which it is

entitled from Verizon; and 2) **negotiate a new franchise agreement** that addresses the changes since the last franchise and secures increased financial and legal benefits for each municipality.

Municipal officials have two critical roles when it comes to renewing (or, in the rare circumstance, not renewing) a cable franchise. First, they are effectively the landlords of their cable company. The cable company utilizes the public rights-of-way to operate its cable system. Municipal officials manage those rights-of-way as a public trust and are entitled under law to a fair return for the cable company's use of those public properties.

Second, municipal officials have an obligation to protect and advance the interests of their residents. This means not only getting the best possible services from the cable operator today, but also doing everything possible to prepare for the future. Video and internet technology changes very rapidly. A cable franchise agreement must provide for the benefits available from existing technologies as well as those that may become available from future technologies.

CLG is uniquely qualified to represent the Chester County Consortium in cable franchise renewal negotiations. For 26 years, our firm has specialized in cable franchise matters on behalf of local governments, and we have negotiated more franchise agreements than any other law firm in Pennsylvania and surrounding states. We have represented over 500 municipalities in six states in negotiations with their cable companies. We have also negotiated over 200 franchise agreements with Verizon. We know Verizon's negotiators, their corporate policies, and their negotiating tactics.

The principal of the firm is Dan Cohen. Aside from his work as a telecommunications attorney, Mr. Cohen is especially qualified to represent municipalities because he was a municipal official himself. He has first-hand knowledge of the challenges and opportunities confronting municipal governments. With twelve years' experience in municipal government, he understands the practical needs and the financial constraints facing municipal officials. In addition, the Cohen Law

Group has a strong team that includes attorney Stacy Browdie, attorney Phil Fraga, attorney Mike Roberts, attorney Joel Winston, and Office Manager Victoria Novak.

CLG has developed a three-step approach to cable franchise renewal projects. The first step is identifying the clients' specific needs. Since these needs often become better defined as the negotiation progresses, we maintain flexibility throughout the process to achieve a franchise agreement that accomplishes the client's specific goals. Second, we negotiate firmly and deliberately to reach agreement in a timely fashion. Third and finally, our attorneys work efficiently in a manner that is cost effective for our clients. We are keenly aware of the fiscal constraints facing municipalities, and focus, therefore, on keeping attorneys' fees and costs as low as possible.

II. POTENTIAL FRANCHISE BENEFITS

There are significant benefits available to municipalities in a cable franchise renewal agreement. The key to receiving these benefits is to know the law and regulations relating to each benefit and to negotiate firmly to obtain them from Verizon. The following is a list of some of the more important potential benefits:

1. Franchise Fee Revenue

Under federal law, municipalities may assess a franchise fee of up to five percent (5%) of the cable company's "gross revenues" for cable services derived from their municipality. The central subject of negotiation with the cable operator is the specific revenue sources to be included in the definition of "gross revenues." **CLG has developed a comprehensive list that now includes 27 eligible revenue sources. The addition of new revenue sources in the definition of "gross revenues" would increase franchise fee revenue to the municipalities provided their subscriber levels remain steady.** Please note that all franchise fees are passed through to cable subscribers as a separate line item on their bills.

2. Franchise Fee Accountability

In addition to franchise fee revenue, it is essential for the municipalities to require franchise fee protection and accountability. In a franchise agreement, these include detailed franchise fee reports, the right to conduct franchise fee audits without unreasonable impediments, penalties for franchise fee underpayments, and new protections against fee reductions due to bundled service packages (also referred to as the “triple play” of television, internet, and phone).

3. Service to Unserved Areas

Depending on whether there are areas that are unserved by Verizon in certain municipalities, it is important to include requirements that the cable operator extend the cable system to those areas. These include, but are not limited to, negotiating an expansion of the cable system within a specified time frame, inserting a low density number (the number of homes per mile necessary for Verizon to extend the system to those homes) in the franchise agreement, and securing a strong line extension requirement for homes with long setbacks.

4. Legal Protections of the Rights-of-Way

Because cable companies place wires and equipment in the public rights-of-way, it is critical that a franchise agreement include legal protections for any damages or injuries that may occur. These protections include requirements for repair and restoration of property damage within a specified time frame, access to service area maps, emergency removal of equipment, disconnection of wires and equipment, indemnification of the municipality and full insurance coverage.

5. Customer Service Standards

In a franchise agreement, municipalities may impose customer service standards on the cable company to which the company must adhere. It is important to include comprehensive and enforceable standards, including but not limited to, telephone answering time limits for customer

service representatives, refunds for service interruptions, rules for resolving customer disputes, appointment windows for cable technicians to arrive at your home, and a prohibition against the premature application of late fees.

6. Services to Community Facilities

It is common in a franchise agreement for cable companies to agree to provide complimentary cable services to municipal facilities, schools and libraries. The major subjects of negotiation are the number of facilities (including municipal buildings, fire stations, public and private schools, and public libraries) that obtain the service, and the level of service obtained. Please note that this benefit will be significantly impacted by the FCC's 2019 *Third Report and Order*.

7. PEG Channels and PEG Financial Support

Municipalities have a legal right to dedicated channel space for public, educational and governmental ("PEG") programming. A PEG channel may be used to inform citizens by cablecasting government meetings, public safety alerts, local announcements and/or athletic events. Depending on whether a municipality currently administers a PEG channel, the renewal agreement may require improvements such as high definition (HD) or it may reserve the right for a channel in the future. A cash grant may also be available from Verizon for capital costs related to the channel.

8. Reporting Requirements

It can be helpful for municipalities to obtain periodic information from the cable operator related to financial and customer service issues. Depending on the municipalities' specific needs, a franchise agreement may require the cable operator to provide written reports to the municipality on such matters as franchise fee verification, customer complaints, service interruptions, and construction activity in the public rights-of-way.

9. Competitive Equity

Cable operators typically request that, if the municipality grants a franchise to another cable company (e.g. Comcast), then that franchise agreement cannot be more favorable or less burdensome to the competitor than the new agreement is to Verizon. While in theory this is a fair principle, in practice it can have the effect of impeding cable and internet competition. We will ensure that any such provision does not result in such an outcome.

10. Enforcement

Once the cable operator agrees to provide certain benefits, the municipalities must be able to enforce these obligations. It is important to include practical enforcement tools to ensure the company's faithful performance of its obligations under the agreement. These may include, but are not limited to, predetermined monetary fines (also known as liquidated damages), a substantial performance bond, and the right to revoke the franchise in extreme circumstances.

11. Length of Term

Because cable technology changes so rapidly, municipalities typically seek a shorter length of term in the franchise renewal agreement and cable companies typically seek longer terms to protect their capital investment in the cable system. Verizon, however, does not embrace this industry standard and, to date, has sought shorter terms due to business conditions and changes in video technology. This issue will be resolved through negotiation.

III. SCOPE OF SERVICES

The following is the scope of services that the Cohen Law Group will perform if hired to assist the Chester County Consortium municipalities in cable franchise renewal with Verizon.

A. Preliminary Setting of Priorities

We will first arrange an initial kickoff meeting (either in-person or virtual) with at least one representative from each participating municipality. During the meeting, we will describe the franchise fee audit and franchise renewal process, including both the formal and informal processes prescribed by the federal Cable Act. We will inform the officials regarding their legal rights, including the substantive areas in which they have legal authority over the cable operator and those areas in which their legal authority is limited. We will also outline the potential benefits available to the municipalities as well as solicit the concerns of the officials with respect to Verizon.

In addition, we will provide the municipalities with public notice and written talking points for a public hearing on cable franchise renewal. Section 626 of the Cable Act includes a “notice and comment” requirement, and we typically recommend that this requirement be satisfied by a public hearing inviting citizen comment. We will also advise the municipalities with respect to any other legal and regulatory requirements pertaining to franchise renewal.

B. Franchise Fee Audit

During the preliminary stage, we recommend a franchise fee audit of Verizon for each of the municipalities. Our firm conducts such audits on a regular basis. In 2021-23, we conducted over 120 audits and discovered underpayments approximately 65% of the time. Of course, we cannot guarantee that we will find franchise fee underpayments for every municipality in the Consortium. It will depend on the specific financial records that Verizon maintains for each municipality. **Note that we did not conduct franchise fee audits as part of the last Verizon franchise renewal.**

Section 626 of the federal Cable Act requires that municipalities, as part of cable franchise renewal, review the cable operator’s past performance. A franchise fee audit is a key component of assessing past performance. It is the best method to hold the operator accountable for past franchise

fees and to ensure the municipality receives the future revenues to which it is entitled.

The federal Cable Act allows municipalities to assess up to five percent 5% of the cable operator's "gross revenues" for cable services derived from the municipality. "Gross revenues" consists of numerous revenue sources, including both subscriber and non-subscriber revenues, that the cable operator collects from cable customers. We will prepare a written Request for Information and Documents ("RFID") to Verizon for specific franchise fee information and worksheets relevant to each municipality. CLG will then undertake the following activities:

- Make a determination of all eligible revenue sources for each municipality based upon the municipality's current definition of "gross revenues." There are currently 27 eligible revenue categories and many sub-categories.
- Review Verizon's supporting documentation for franchise fee revenue, including quarterly spreadsheets, worksheets, and other revenue reports for each municipality.
- Identify the revenue sources that Verizon has included in its franchise fee documentation for each municipality. Determine whether the cable operator has applied the fee to all eligible revenue sources. Identify any revenue sources that the cable operator did not include in calculating "gross revenues."
- Ensure that all eligible revenues recorded in Verizon's financial records are accurately included in the franchise fee payments in accordance with each municipality's franchise agreement.
- Determine whether non-subscriber revenues, such as advertising and home shopping commissions, which are typically recorded on a regional rather than a local basis, have been properly calculated and properly apportioned to each municipality.
- Review certain special revenue sources, such as "trouble call" fees, video downgrade fees, broadcast retransmission fees, franchise fee-on-fees, and others to determine proper inclusion in the determination of franchise fees for the time period under review.
- Re-perform a select number of cable operator calculations determining franchise fee revenues for the period under review. These calculations include, but are not limited to, figures underlying the amounts reported for revenue sources and calculations on specific items comprising general franchise fee categories such as "miscellaneous revenues" and "installation revenues" (which include, for example, installation, disconnection, reconnection, relocation and change-in-service fees).

- Ascertain trends of major revenue categories to spot discrepancies and/or inconsistencies in the reporting of revenues over time and making inquiries with the cable operator to explain such discrepancies and/or inconsistencies.
- Report trends in the number of Verizon subscribers in each municipality for the period under review.
- Determine whether there are franchise fee underpayments to the municipalities for the period under review, the amount of any underpayment, and whether any penalties and/or interest apply in accordance with each municipality's franchise agreement.

We expect to review four (4) years' worth of financial information, which is the period permitted by the current franchise agreements we have in our possession. Typically, our investigation includes follow-up requests for further information and discussions with the cable operator. Once the audit is completed, we will prepare a report that summarizes the results of the audit, including any franchise fee underpayments, describes the areas of inquiry, and provides charts showing subscriber and revenue trends. While CLG is fully qualified to file legal action against Verizon to collect underpayments, the flat fee for this project does not include litigation (or mediation or arbitration). Such actions would require a separate engagement.

C. Drafting of Proposed Agreement

After the setting of priorities stage is completed, we will draft a proposed master franchise agreement with Verizon (or redline Verizon's proposed agreement) to provide the municipalities with all of the benefits and legal protections to which they are entitled under current law and technology. The agreement will include the results of the setting of priorities stage discussed above, as well as our judgment as to the legal provisions that would advance the municipalities' interests and meet their future cable-related needs. We will then submit the draft agreement to the municipalities for informal review and comment. Suggested changes will be incorporated into the agreement and the proposed agreement will be presented to representatives of Verizon.

D. Negotiation with Cable Operator

The most important stage in the process is negotiating a franchise renewal agreement with representatives of Verizon. CLG has negotiated over 200 franchise renewal agreements with Verizon. We know Verizon attorney assigned to Chester County and the company's franchise policies. The working document for the negotiations will be the draft franchise agreement informally approved by the Consortium. We will preserve the municipalities' legal rights under the formal process, but negotiate with Verizon under the informal process outlined in the federal Cable Act.

The negotiation typically consists of many negotiation sessions with representatives of the cable operator, status conferences with the clients, multiple revisions of the proposed franchise agreement, redrafting specific franchise agreement provisions, and editing the final draft of the master agreement. We will then proceed to customize the master agreement to each municipality.

E. Consideration by the Municipal Governing Bodies

After tentative agreement with Verizon has been reached, CLG will report to each municipality on the substantive provisions of the deal. Specifically, we will present each municipality with its final customized franchise agreement negotiated by the parties and recommended by CLG. We will also draft an executive summary of the final agreement. Finally, we will draft an approval ordinance or resolution (depending on the classification of the municipality) for consideration by each Township Board and Borough Council.

IV. PROFESSIONAL BACKGROUND

For 26 years, the Cohen Law Group has specialized in representing municipalities in cable, wireless, and broadband matters. Collectively, our attorneys have worked on cable franchise issues on behalf of municipalities for over 70 years. CLG has represented over 500 local governments in

six states in negotiations with cable companies. CLG's full array of legal services includes the following:

- Drafting cable franchise agreements
- Review of current and proposed franchise agreements/ordinances
- Cable franchise renewal negotiations with cable companies
- Franchise fee audits
- Cable compliance reviews
- Broadband expansion planning and implementation
- Drafting of wireless facilities ordinances and design standards
- Negotiation with cellular tower and antenna companies
- Wireless facility litigation
- Drafting of right-of-way ordinances and development of right-of-way fees
- Drafting of pole attachment agreements and pole attachment negotiations

As an active member of the National Association of Telecommunications Officers and Advisors (NATOA) and other professional organizations, CLG stays current with frequent changes in cable, wireless, and broadband law. Dan Cohen served on the NATOA Board of Directors from 2017-21 and was Co-Chair of NATOA's Policy and Legal Committee from 2021-22. CLG attorneys have written articles on cable and wireless matters that have been published in the *Pennsylvania Township News*, *Pennsylvania Borough News*, and the *Pennsylvania Municipal Reporter*. They are also frequent speakers at municipal conferences.

Mr. Cohen is especially qualified to represent municipalities because he was a municipal official himself. He served as an elected official on the Pittsburgh City Council for 12 years. He has firsthand knowledge of the challenges and opportunities confronting municipal governments. Mr. Cohen served as Chair of City Council's Cable Television Committee for 10 years and also served on the Mayor's Telecommunications Committee. Mr. Cohen led Pittsburgh's efforts to regulate cable rates, which resulted in a refund ordered by the FCC for all City of Pittsburgh cable customers. Mr. Cohen graduated from Yale University and Stanford Law School.

In addition to Mr. Cohen, CLG has a strong team that includes attorney Stacy Browdie, attorney Phil Fraga, attorney Mike Roberts and attorney Joel Winston. Our office Manager is Victoria Novak.

V. COST OF SERVICES

The following represents CLG’s cost of services to perform **both franchise fee audits and franchise renewal negotiations with Verizon**. We propose to perform these services on a flat fee basis, because our significant experience in performing these projects lends predictability to our efforts on behalf of the Chester County Consortium. In addition, a flat fee provides “price certainty” to the municipalities. We are offering our services to the Consortium municipalities at a discounted rate depending on the population of each municipality and the number of municipalities that participate. The chart below shows our standard single-municipality flat fees based on population followed by discounts based on the number of municipalities that participate in the project.

**FLAT FEES FOR FRANCHISE FEE AUDIT AND
FRANCHISE RENEWAL NEGOTIATIONS WITH VERIZON**

Standard Single Municipality Fees (based on population prior to discount)

< 5,000	\$8,000
5,001-10,000	\$9,500
10,001-15,000	\$10,500
> 15,001	\$11,500

Consortium Discounted Fees (by population and number of participating municipalities)

20+ Municipalities - 20% Discount from the Single Municipality Fee

< 5,000	\$6,400
5,001-10,000	\$7,600
10,001-15,000	\$8,400
> 15,001	\$9,200

14-19 Municipalities - 15% Discount from the Single Municipality Fee

< 5,000	\$6,800
5,001-10,000	\$8,075
10,001-15,000	\$8,925
> 15,001	\$9,775

8-13 Municipalities - 10% Discount from the Single Municipality Fee

< 5,000	\$7,200
5,001-10,000	\$8,550
10,001-15,000	\$9,450
> 15,001	\$10,350

2-7 Municipalities - 5% Discount from the Single Municipality Fee

< 5,000	\$7,600
5,001-10,000	\$9,025
10,001-15,000	\$9,975
> 15,001	\$10,925

The flat fees above include all expenses. They do not include the unlikely possibility of extraordinary services outside the scope of services contained in this proposal or any significant unforeseeable developments. In the event of such extraordinary or unforeseeable developments, CLG will contact the affected municipality to discuss such developments prior to rendering services related to them. If such services were authorized, CLG would charge a fee of \$320 per hour, including travel time. Please note that our normal billing policy is to bill one-third of the fee at the commencement of the project, one-third at the middle of each project, and one-third at the conclusion of each project. Thank you for the opportunity to submit this proposal.

MEMO

Date: December 13, 2023
 To: Board of Supervisors
 From: Jon Altshul, Township Manager
 Re: Consider 2024 Consultants

In anticipation of the reappointments at the reorganization meeting on January 2, I have provided the proposed consultant fees for 2024. Notably, the increases proposed between 2023 and 2024 are either flat or relatively modest.

Westtown Township 2021-2024 Hourly Consultant Rates						
Consultant/Job Title	2021	2022	2023	2024	2021-2024 % Increase	2023-2024 % Increase
Carroll Engineering						
Department Manager	\$145	\$152	\$160	\$165	13.79%	3.13%
Project Manager	\$118	\$124	\$130	\$137	16.10%	5.38%
Cedarville Engineering						
Township Engineer	\$120	\$165	\$174	\$179	49.17%	2.87%
MS4 Project Manager	\$120	\$137	\$144	\$148	23.33%	2.78%
Construction Manager	\$108	\$130	\$137	\$141	30.56%	2.92%
Road Engineer	\$120	\$125	\$132	\$136	13.33%	3.03%
Gawthrop Greenwood						
Solicitor	\$200	\$200	\$200	\$200	0.00%	0.00%
Paralegal	\$125	\$125	\$125	\$125	0.00%	0.00%
Buckley Brion (Planning Commission Solicitor)	\$205	\$205	\$215	\$215	4.88%	0.00%
Siana Law (BOS alternate solicitor)	-	-	-	\$210		
Al Federico (Traffic Engineer)	\$135	\$135	\$150	\$150	11.11%	0.00%
Ron Agulnick (ZHB Solicitor)	\$200	\$200	\$200	\$200	0.00%	0.00%
Mingus, Gutowski (Auditor)*		\$ 14,800	\$15,200	\$15,600		2.63%
* Mingus, Gutowski is a lump sum. 2023 represents the final year of a 3-year contract.						

Board feedback is requested.

Jonathan Altshul

From: Natalia Dzietyczyk <natalia.dzietyczyk@dawood.net>
Sent: Wednesday, December 6, 2023 4:32 PM
To: Jonathan Altshul; Judy Lizza
Cc: Lori Ware; Velaga, Narayana; Gumas, George C; Mehra, Nidhi; Ferrell, Annmarie; Chin, Thomas
Subject: RE: ADA Design Project - Ped Study Concurrence - Westtown and Thornbury Twps (Chester Co)
Attachments: SR 0926 (1) Street Road-Westtown-Thornbury Twps-Updated 12-6-23.PNG; TE-672 Ped Study SR 0926 (1) Street Road-Westtown-Thornbury Twps.pdf; TE-672 Ped Study SR 0926 (1) Street Road-Westtown-Thornbury Twps-Updated 12-6-23.pdf

Good Afternoon Jon and Judy:

I hope this email finds you both well. I am following up in regard to the ADA Design Development Project we are working on with PennDOT. To reiterate, we are proposing pedestrian improvements along Street Road (State Route 0926) including banning pedestrian crossing at the intersection of Street Road & Cheyney Road that is located in both of your Townships.

Since the last time we spoke, we have coordinated with PennDOT's ADA Unit and they have no objections to the initial proposal to remove the pedestrian push buttons and pedestrian signal heads at the following intersections, pending both of your considerations. Can you please review the following locations and determine if you believe the push buttons should remain or can be removed? If the push buttons are to be removed, the associated pedestrian signal heads would be removed, signal permit plans would be updated and No Pedestrian crossing (R9-3) signs would be installed. If the push buttons are to remain, there would be additional consideration on proposing ADA ramps/landing pads to access the existing push buttons.

1. Street Road & Westtown-Thornton Road/Shiloh Road
[Street Rd & Shiloh Rd - Google Maps](#)
2. Street Road & Westtown Road
[Street Rd & Westtown Rd - Google Maps](#)

With the above information, this expands our improvements to three intersections along Street Road and we have updated the ped study and corridor screenshot that incorporates these changes. Please review the updated ped study attached in this email at your convenience as we continue to seek concurrence from both townships.

Please note that we are coordinating with PennDOT's Traffic Signal Unit for their concurrence as well. If additional coordination or information is required, please reach out and we can schedule a meeting.

Sincerely,

Natalia Dzietyczyk, EIT
Transportation Designer I
Dawood Engineering, Inc.
natalia.dzietyczyk@dawood.net
office: 855.432.9663 ext1504

From: Natalia Dzietyczyk
Sent: Wednesday, November 1, 2023 1:32 PM
To: Jonathan Altshul <jaltshul@westtown.org>
Cc: Lori Ware <Lori.Ware@~~da~~>; Mark Gross <mgross@~~westtown.org~~>
Subject: RE: ADA Design Project - Ped Study Concurrence - Westtown Township

Good Afternoon Jon:

Thank you for your response. Yes, we will need concurrence from Westtown Township as well since the intersection is on the border of both municipalities.

To reiterate, in this project, we have identified one intersection in your Township where we are proposing to ban pedestrian crossings. This intersection triggers pedestrian crossings from the sidewalk projections across the state route. We are requesting your concurrence on banning the pedestrian crossings using pedestrian studies (TE-672 forms) of Street Road (State Route 0926) at the intersection with Cheyney Road. The attached pedestrian study will provide justifications for these restrictions. Please note, No Pedestrian crossing signs will be installed within the state ROW for the banned crossings under this project. The concurrence can be as simple as replying to this email stating yes, you agree.

Attached is the ped study for your review and a screenshot of the corridor with the intersection for your reference.

Also, please note I have CC'ed Mark Gross since I originally sent my request to him.

Having approval after your December meeting (12/6) will work, thank you. In the meantime, feel free to contact me at this email address (Natalia.dzietyczyk@~~da~~) or over the phone at (855) 432-9663 ext. 1504 with any additional questions or concerns.

Sincerely,

Natalia Dzietyczyk, EIT
Transportation Designer I
Dawood Engineering, Inc.
natalia.dzietyczyk@~~da~~
office: 855.432.9663 ext1504

PEDESTRIAN ACCOMMODATION AT INTERSECTIONS CHECKLIST



PLEASE TYPE OR PRINT ALL INFORMATION IN BLUE OR BLACK INK

As specified in the MUTCD, Section 4E, an engineering study shall be conducted to determine the need for pedestrian accommodation at signalized intersections and the related design and operational features. Based on the engineering study and engineering judgment, proper documentation shall be made at all new signalized intersections and modifications to existing signalized intersections. This documentation shall be provided with guidance from this checklist.

When pedestrian accommodations will not be provided at an intersection, signalized or not, proper justification must be documented. Below is a checklist of information that may be relevant in the determination of pedestrian needs and warranted accommodations at an intersection. Not all of the information below is required to make a determination. This form can be used to summarize the needs and accommodations of a corridor or a single intersection.

Intersection Background Information			
DATE	DISTRICT	COUNTY	
MUNICIPALITY		INTERSECTION	
SUBMITTED BY		STREET ADDRESS	
CITY	STATE	ZIP	TELEPHONE NUMBER
Project Overview			
Provide a Project Description and Scope of the Project. _____			
Bike/Ped Checklist Completed. <input type="checkbox"/> Yes <input type="checkbox"/> No _____			
Existing Facility Description			
Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	Are pedestrian facilities present (i.e., sidewalks, curb ramps, crosswalks, pedestrian signals, etc.)?	
<input type="checkbox"/>	<input type="checkbox"/>	Are there descriptions of each quadrant of the existing intersection (photos are strongly recommended)?	
<input type="checkbox"/>	<input type="checkbox"/>	Are near-by land uses documented?	
<input type="checkbox"/>	<input type="checkbox"/>	Are pedestrian facilities near the intersection (i.e., sidewalks, bus stops, trails, etc.)?	
<input type="checkbox"/>	<input type="checkbox"/>	Is there current evidence of pedestrians using the intersection (worn paths, observed activity)?	
<input type="checkbox"/>	<input type="checkbox"/>	Were special accommodations made in the past for pedestrians at the intersection?	
<input type="checkbox"/>	<input type="checkbox"/>	Are restrictions for pedestrians present? (No Ped signs, limited crossings)	
<input type="checkbox"/>	<input type="checkbox"/>	Is this a defined walking route or safe route to school route?	
<input type="checkbox"/>	<input type="checkbox"/>	Are physical restrictions or right-of-way restrictions present?	
<input type="checkbox"/>	<input type="checkbox"/>	If pedestrian signals are present, is proper traffic signal timing designated for pedestrians at the intersection?	
Proposed Facility Description			
Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	Will the proposed improvements generate new or additional pedestrian traffic?	
<input type="checkbox"/>	<input type="checkbox"/>	Does the proposed facility introduce possible additional restrictions for pedestrians?	
<input type="checkbox"/>	<input type="checkbox"/>	Are new or existing pedestrian signals proposed at the intersection?	
<input type="checkbox"/>	<input type="checkbox"/>	Are sidewalks proposed as part of the project?	
<input type="checkbox"/>	<input type="checkbox"/>	Are detailed descriptions of changes to each quadrant documented?	
<input type="checkbox"/>	<input type="checkbox"/>	Do near-by land uses change as part of the project?	
<input type="checkbox"/>	<input type="checkbox"/>	Are additional pedestrian facilities proposed for the intersection?	
Outreach Efforts			
Has contact and discussion concerning pedestrian accommodations at the intersection been made with the following?			
Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	Municipality (s)	
<input type="checkbox"/>	<input type="checkbox"/>	Transit Organization (s)	
<input type="checkbox"/>	<input type="checkbox"/>	School District (s)	
<input type="checkbox"/>	<input type="checkbox"/>	Public Meeting (s)	
<input type="checkbox"/>	<input type="checkbox"/>	Emergency Services	
<input type="checkbox"/>	<input type="checkbox"/>	Advocacy Groups	
<input type="checkbox"/>	<input type="checkbox"/>	Other (s) _____	

Intersection Details

(The information below may be useful in the determination of pedestrian needs and warranted accommodations at uncontrolled intersections. Not all of the information is required to make a determination. The minor roadway information may also be needed in some situations.)

Roadway classification: _____

Roadway Typology: _____

Speed Limit (MPH): _____

Design Speed: _____

ADT: _____

Percentage of Trucks: _____

Travel lanes: _____

Is there a sight distance deficiency? Yes No

If yes, explain. _____

Sidewalk: Yes No Shoulders: Yes No Curb: Yes No

Is parking permitted on the roadway? Yes No

Municipal recommendation: _____

Pedestrian generators? _____

Distance to next available crossing: _____

Was a crash analysis completed? Yes No

Are there pedestrian crashes? Yes No

Has a pedestrian gap analysis been performed at the location? Yes No

[ftp://ftp.dot.state.pa.us/transfer/Traffic Signals/Unsignalized Intersection Ped Calcs from HCS.xlsx](ftp://ftp.dot.state.pa.us/transfer/Traffic%20Signals/Unsignalized%20Intersection%20Ped%20Calcs%20from%20HCS.xlsx)

Are there other geometric concerns? If yes, explain: _____

Pedestrian Traffic Signals (if applicable)

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Is there proper pedestrian timing established at the intersection?
<input type="checkbox"/>	<input type="checkbox"/>	Is an all-pedestrian phase recommended in the study?
<input type="checkbox"/>	<input type="checkbox"/>	Are the crosswalks in alignment with curb ramps?
<input type="checkbox"/>	<input type="checkbox"/>	Are pedestrian signals visible from the proposed crosswalk/curb ramp locations?
<input type="checkbox"/>	<input type="checkbox"/>	Are countdown pedestrian signals present?
<input type="checkbox"/>	<input type="checkbox"/>	Has the need for Accessible Pedestrian Signals (APS) been determined from the study?
<input type="checkbox"/>	<input type="checkbox"/>	Are pushbuttons proposed to be within the current ADA criteria?
<input type="checkbox"/>	<input type="checkbox"/>	Are all pushbutton locations accessible to all pedestrians?
<input type="checkbox"/>	<input type="checkbox"/>	Do all features satisfy applicable state and federal requirements?

Recommendations/Justification

Lined area for Recommendations/Justification, consisting of 25 horizontal lines.

District Traffic Engineer Approval

Assistant District Executive Approval

District Traffic Engineer

Date

District ADE of Design, Maintenance or Services

Date

PEDESTRIAN ACCOMMODATION AT INTERSECTIONS CHECKLIST



pennsylvania

DEPARTMENT OF TRANSPORTATION

www.dot.state.pa.us

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CITY	STATE	ZIP	TELEPHONE NUMBER
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Existing Facility Description			
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Yes	No		
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<input type="checkbox"/>	<input type="checkbox"/>	School District (s)	
<input type="checkbox"/>	<input type="checkbox"/>	Public Meeting (s)	
<input type="checkbox"/>	<input type="checkbox"/>	Emergency Services	
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<input type="checkbox"/>	<input type="checkbox"/>	Other (s) _____	

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Design Speed: _____

ADT: _____

Percentage of Trucks: _____

Travel lanes: _____

Is there a sight distance deficiency? Yes No

If yes, explain. _____

Sidewalk: Yes No Shoulders: Yes No Curb: Yes No

Is parking permitted on the roadway? Yes No

Municipal recommendation: _____

Pedestrian generators? _____

Distance to next available crossing: _____

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Are there other geometric concerns? If yes, explain: _____

Pedestrian Traffic Signals (if applicable)

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Is there proper pedestrian timing established at the intersection?
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<input type="checkbox"/>	<input type="checkbox"/>	Are countdown pedestrian signals present?
<input type="checkbox"/>	<input type="checkbox"/>	Has the need for Accessible Pedestrian Signals (APS) been determined from the study?
<input type="checkbox"/>	<input type="checkbox"/>	Are pushbuttons proposed to be within the current ADA criteria?
<input type="checkbox"/>	<input type="checkbox"/>	Are all pushbutton locations accessible to all pedestrians?
<input type="checkbox"/>	<input type="checkbox"/>	Do all features satisfy applicable state and federal requirements?

Recommendations/Justification**District Traffic Engineer Approval**_____
District Traffic Engineer_____
Date**Assistant District Executive Approval**_____
District ADE of Design, Maintenance or Services_____
Date

John D. Snook
Innovative Planning & Conservation
snookjohnd@gmail.com
610-314-5378

December 11, 2023

Jon Altshul, Westtown Township Manager
P.O. Box 79
Westtown, PA 19395

Dear Jon,

The draft Historic Preservation zoning text is substantially complete, with our 11/06/23 meeting with the Board of Supervisors. **I have not billed the Township at all during the entire year** as it became quickly evident that it was not going as I had projected nor as I had proposed to the Board. At the first meeting with the Historical Commission, I presented draft text that met all of the issues they had addressed to the Board of Supervisors, which was the rationale for my proposal. At each meeting of the Historical Commission, new revisions were requested including deletions of issues that they realized, and that I had pointed out during discussion, were not likely to be approved by the Board of Supervisors. This discussion continued through several meetings of the Historical Commission over several months, hence increasing my time commitment.

So, knowing that my original proposal was effectively irrelevant, I continued to record my time and mark as much as I could as **“NC” – no charge**, including considerable staff correspondence, text formatting, preparation for the meeting with the Board of Supervisors, and preparation for the meeting that I could not attend, where Andrea Campisi of East Bradford presented to the Historical Commission on my behalf, about the working out of similar 30-year-old regulations in a neighboring Township, which Board Chair Tom Foster attended and I believe appreciated.

I have recorded a total of 98 hours working for Westtown in regard to development of Historic Resource Protection zoning text and have already discounted a total of 44 hours as NC, “no charge.” All recorded time is indicated below. I apologize for not gathering the data and informing you earlier of what ultimately became a clear cost overrun. We have completed more meetings than originally proposed and considerably more text revisions. Perhaps, I was too responsive to the Historical Commission, but I felt it also was my duty. Now, as the year comes to an end, I would like to rectify this situation.

In the initial vacuum of unknown capacity of the Historical Commission to tackle zoning text, I had suggested an overall “not to exceed” cost of \$3,550. In view of work actually accomplished, I would ask you not to hold me to that cap. I would appreciate your consideration of payment for time accrued during the entirety of 2023, **excluding** the 44 hours of time costs that I have discounted as NC – no charge (accounting for what would have added up to \$5,060.00). That would still leave 54 hours in 2023, accounting

for a total of \$6,172.50 (after subtracting \$37.50 for the one Historical Commission meeting that exceeded \$250.00, the maximum I proposed for any one meeting). I can discount that further if you wish. I can attend future meetings, including the formal adoption hearing as well as any meetings with Pat McKenna, at no charge.

This letter is NOT an invoice. I await your review. Again, I apologize profusely for letting the whole year go by before trying to rectify the budget that almost immediately was blown away.

Yours sincerely,



Westtown Historic Resources Protection

Time incurred in 2023

- 1/17 2.5 attendance at Board work session and regular meetings NC**
- 2/02 2.0 revised work program/correspondence NC**
- 2/16 1.5 review existing ordinance text and begin new text preparation
- 2/22 2.5 text and correspondence prep
- 2/24 1.5 text and correspondence prep
- 2/25 1.0 text and correspondence prep
- 2/26 2.5 text and correspondence prep
- 3/03 3.0 text and correspondence prep
- 3/07 2.0 text preparation
- 3/07 2.0 text format NC**
- 3/08 2.0 text format NC**
- 3/08 2.0 text preparation
- 3/09 2.0 text format NC**
- 3/10 1.0 text format NC**
- 3/10 3.0 text preparation and correspondence
- 3/10 1.0 correspondence with Township staff NC**
- 3/14 0.5 correspondence with Township staff NC**
- 3/14 2.5 attendance and discussion at Historical Commission meeting; maximum charge: \$250; ***\$37.50 deleted from total cost as over \$250***
- 3/18 0.5 correspondence with Township staff NC**

4/03 2.0 text revision
4/06 1.0 text revision/correspondence
4/11 0.5 staff correspondence NC
4/14 1.0 staff correspondence NC
5/09 1.0 staff correspondence/meeting prep NC
5/09 2.0 attendance and discussion at Historical Commission meeting
5/26 0.5 staff correspondence NC
6/06 1.0 text revisions/correspondence
6/08 0.5 staff correspondence NC
6/26 1.0 text revisions
6/28 2.0 text revisions
6/29 0.5 staff correspondence NC
7/05 1.0 Staff comment review
7/06 1.5 Staff discussion/text revision/correspondence
7/11 1.0 HC meeting
7/12 0.5 staff correspondence NC
7/24 3.0 text revision
7/27 0.5 staff correspondence NC
8/07 0.5 staff correspondence NC
8/08 2.5 meeting prep, HC meeting, and staff correspondence
8/10 1.5 text research/revision notes and staff correspondence
8/15 0.5 correspondence with CCPC
8/16 1.0 correspondence review and staff correspondence NC
8/17 1.0 additional research into UCC/PA IBC
8/21 1.0 correspondence with Jeannine Spiers, CCPC
8/24 1.0 additional research
8/24 2.0 preparation of draft memo to Solicitor, submitted to staff NC
8/25 1.0 preparation of draft memo to Solicitor/staff correspondence NC
8/28 2.0 text revision/annotation
8/30 1.0 text revision
9/05 2.0 text revision

- 9/05 1.0 staff correspondence NC**
- 9/06 1.0 text review with staff NC**
- 9/08 2.0 text revision
- 9/10 1.0 HC and staff correspondence NC**
- 9/11 0.5 HC and staff correspondence NC**
- 9/12 2.0 draft Summary of ordinance provisions for Township NC**
- 9/12 1.5 HC meeting, presented revised draft and summary
- 9/25 1.0 staff discussion NC**
- 9/26 1.0 prep of red-line version of latest draft compared to existing ZO**
- 10/02 1.0 meeting with staff and 2 HC members**
- 10/02 0.5 correspondence with A. Campisi, EBT about attendance at 10/10/23 HC meeting NC**
- 10/05 1.0 prep of suggested presentation for A. Campisi to HC, 10/10/23**
- 10/10 HC meeting which Andrea Campisi attended on my behalf at no charge, but for which I did significant preparation NC**
- 10/30 0.5 Staff correspondence/presentation prep NC**
- 11/01 2.0 Staff correspondence/presentation prep NC**
- 11/02 2.5 PPT presentation prep/correspondence NC**
- 11/03 2.0 PPT presentation revision/correspondence NC**
- 11/06 1.0 correspondence with staff/HC re BoS meeting prep NC**
- 11/06 1.0 BoS meeting attendance
- 12/08 3.0 review of time costs over the entire year of 2023, preparation of correspondence NC**