

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 11, 2004**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Patricia B. McIlvaine at 3:59 p.m. on Wednesday, August 11, 2004, at the West Goshen Township Administration Building. All members were present. Ms. McIlvaine opened the meeting with the Pledge of Allegiance to the Flag.

Ms. McIlvaine opened the floor for public comment.

Mrs. Evelyn Baker, 900 Sheridan Drive, asked if the Board would be rendering a decision at this meeting on the application of Westrum Land Development, LLC, which was heard by the Board on July 28, 2004, and Ms. McIlvaine said the Board would not be rendering a decision at this meeting.

Dr. White announced that the Board had met in Executive Session on this date to consider personnel matters.

Ms. Nancy D. Rodgers, Zoning Officer, announced that the West Goshen Township Zoning Hearing Board of West Goshen Township will conduct a public hearing on Monday, August 23, 2004 at 7:00 p.m. at the Township Administration Building. The applicant and legal owners are Steven and Lynn Ayers, 600 Perry Drive, West Chester, PA. The property for which the application is filed is a conforming corner lot bounded on the south by Goshen Road and on the West by Perry Drive, consisting of .44 acres and is located at 600 Perry Drive. The applicant is appealing an Enforcement Notice issued by the Township on July 2, 2004, which determined that as the above referenced property met the definition for a corner lot, the installation of a storage shed on the portion of the property abutting Goshen Road, which by definition would be considered a front yard did not meet the requirements of the West Goshen Township Code. Due to the topography of the property and the existing water drainage system, the applicant is seeking a Variance and any other relief necessary which would allow the storage shed to remain at its current location.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously approved the Board of Supervisors minutes from July 14 and July 28, 2004.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved the Treasurer's Report dated July 31, 2004 for the General Fund, the Sewer Revenue Fund, the Waste and Recycling Fund, and the Capital Reserve Fund, as well as the bills to be paid from the General Fund, the Sewer Fund, the Capital Reserve Fund, and the Waste and Recycling Fund.

Chief Michael Carroll gave the Police Report for the month of July 2004. Mrs. Baker asked how many of the 85 alarms in the Police Report were valid and Chief Carroll replied that 11 were valid. Mrs. Baker stated that Ordinance 05-2004 which was approved on April 14, 2004 and which raised the fines for false alarms did not seem to be reducing the number of false alarms. Chief Carroll said that the new fines became effective June 1, 2004 and that it was too early to assess the affect on reducing false alarms.

Mr. Ralph Brown, Fire Marshal, gave the Fire Marshal Report for the month of July 2004. Mr. Brown also gave the report for Good Fellowship Ambulance. The report was not available for Goshen Fire Company. Mr. Brown thanked everyone for their support of the Goshen Fair which was held August 2 through August 7, 2004.

Mr. Richard E. Hicks, Building Official, gave the Building Inspection Activity Report for July 2004.

On motion by Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved the awarding of a contract for banking services to Commerce Bank.

Ms. Sharon Lynn, Township Manager, introduced Mr. James Gray, Vice President of Government Banking for Commerce Bank, and said that he was available to answer questions anyone may have now or in the future. Mrs. Baker noted that at the Organizational Meeting held by the Board on January 5, 2004, several banks were named as depositories for the Township. Ms. Lynn said that several banks were confirmed by the Board. She said that fourteen Requests for Proposals were sent out to various banks and that eleven responses were

received. She added that it was a competitive process and that Commerce Bank provided the best proposal for banking fees, services and had the most technological advances. Ms. Lynn said that the contract award is for a continued relationship with Commerce Bank. Dr. White stated that for the last five years Commerce Bank has provided most of the day-to-day banking services for the Township.

Mr. Richard J. Craig, Township Engineer, opened and read the following bids for the 2004-2005 Road Materials:

Vendor	1. 320 Tons ID-2 Top and/or	1 a. PG 64-22 9.5mm SuperPave	2. 900 Tons Bituminous Concrete Base Course and/or	2 a. PG 64-22 25mm SuperPave	3. 30 Tons Bituminous Cold Mix	4. 400 Tons 2A PA Subbase	5. 100 Tons #57 Coarse Aggregate	6. 2000 Tons Anti-skid Materials
Glasgow, Inc. Willow Grove Avenue & Limekiln Pike P. O. Box 1089 Glenside, PA 19038	\$33.54 per ton \$10,732.80 Total	\$33.79 per ton \$10,812.80 Total	\$28.39 per ton \$25,551.00 Total	\$29.24 per ton \$26,316.00 Total	\$52.48 per ton \$1,574.40 Total	\$10.27 per ton \$4,108.00 Total	\$11.17 per ton \$1,117.00 Total	\$11.17 per ton \$22,340.00 Total
Independence Construction Materials 638 Lancaster Avenue Malvern, PA 19355	\$27.00 per ton \$8,640.00 Total	\$27.00 per ton \$8640.00 Total	\$23.50 per ton \$21,150.00 Total	\$23.50 per ton \$21,150.00 Total	<u>Plant Price</u> \$50.00 per ton \$1,500.00 Total <u>Delivered</u> \$54.43 per ton \$1,632.90 Total	<u>Plant Price</u> \$6.50 per ton \$2,600.00 Total <u>Delivered</u> \$10.24 per ton \$4,096.00 Total	<u>Plant Price</u> \$8.25 per ton \$825.00 Total <u>Delivered</u> \$11.99 per ton \$1,199.00 Total	<u>Plant Price</u> \$8.00 per ton \$16,000 Total <u>Delivered</u> \$12.63 per ton \$25,260.00 Total

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved awarding the bid to the low bidder pending a review of the bids by Mr. Craig.

Prior to the consideration of Ordinance 19-2004 amending the West Goshen Township Revised Zoning Ordinance of 1990 to establish a new Zoning District known as the "MCX" Municipal Complex District, Mr. Ronald C. Nagle, Township Solicitor, presented the following exhibits:

- B1 – Proof of Publication in the Daily Local News on July 19 and July 26, 2004
- B2 – Filing with the Daily Local News on July 7, 2004 and letter from Daily Local News confirming the filing dated July 12, 2004
- B3 – Filing with the Chester County Law Library on July 7, 2004 and letter from Chester County Law Library confirming the filing dated July 9, 2004
- B4 – Review letter from the Chester County Planning Commission dated August 9, 2004
- B5 – Act 247 Referral Letter and Form sent to Chester County Planning Commission by Mr. Nagle dated July 7, 2004.
- B6 – Affidavit of Posting of Property of hearing by Nancy D. Rogers, Zoning Officer on July 14, 2004.
- B7 and B7A – Notices sent to the property owner, West Goshen Township, on July 9, 2004.
- B8 – Secretary's Certification of Notification of Hearing and confirming of parcel numbers
- B9 – Secretary's Certification of location of property and notice to surrounding area property owners

Mr. Nagle explained that the purpose of the ordinance was to rezone the property currently zoned C-1R on which is currently located the West Goshen Township Municipal Complex at 1025 Paoli Pike. He said the following uses would be permitted by right: West Goshen Township administrative offices, equipment, garages, radio towers and related facilities; West Goshen Township Public Works Department offices, equipment, garages, materials and equipment storage, radio towers and related facilities; West Goshen Township Police Department offices, equipment, garages, radio towers and related facilities; West Goshen Township-owned principal and ancillary buildings and structures necessary to the maintenance and operation of the Township and its Commissions, Boards and Departments; West Goshen Township-owned parks and ballfields for use by the general public and organized sports activities of clubs and groups approved by the Supervisors; any West Goshen Township accessory use to any of the foregoing uses.

Mr. Nagle said that the following uses would be permitted as a Conditional Use when authorized by the Board of Supervisors: wireless communications facilities, subject to compliance with the applicable Supplementary Regulations of §84-57.03 (Telecommunications Code) of Chapter 84 of the West Goshen Township Zoning Code.

Dr. White asked if the Board so chose, could the Board rezone other Township property to this zone and Mr. Nagle said that the Board would have the option to do so at a later date.

Mrs. Baker said she felt the ordinance was not clear because the word "Township" did not modify all of the uses listed and that private uses could be allowed in the zone. Mr. Nagle replied that West Goshen Township is stated before all of the uses and that the ordinance is clear that this zone is for Township uses only.

Dr. White said that one of the reasons the Board was considering this change was because the current C-1R Zone does not allow for the installation of cellular towers. He added that the Board is considering allowing a cellular tower to be constructed on the property, which will bring in revenue to the Township and ease the tax burden on residents. He said the land will be leased rather than being sold to the cellular company. Mrs. Baker said she was concerned that a cellular company could buy land elsewhere in the Township and ask to construct a tower under this ordinance and Mr. Nagle said the proposed ordinance change applies only to the property on which the Municipal Complex is located, not any other property in the Township. Mrs. Baker asked if a cellular tower could be constructed at Community or Barker Parks and Mr. Nagle said one could not be built at those locations since this proposed ordinance does not apply to those properties. Mr. Nagle stated that the Township is not exempt from the Zoning Ordinance. Mrs. Baker asked if the property was being rezoned specifically to allow the cellular tower and Mr. Nagle answered that it was being rezoned to what it is, a Municipal Complex.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Ordinance 19-2004 amending the West Goshen Township Revised Zoning Ordinance of 1990, as amended and zoning map, codified as Chapter 84 of the Code of the Township of West Goshen, establishing a new Zoning District known as the "MCX" Municipal Complex District.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Resolution 24-2004 authorizing the signing of a Five Year Winter Traffic Services Agreement with PennDOT.

Ms. McIlvaine opened the floor for public comment. No comments were made.

There being no further business, on motion by Ms. McIlvaine, seconded by Mr. Meakim, the meeting was adjourned at 4:29 p.m.

Respectfully submitted,

Sharon Lynn
Township Manager

**West Goshen Township
Supervisor Hearing
August 11, 2004**

S-4-04

Supervisor Hearing S-4-04 was called to order by Chairman Patricia B. McIlvaine at 4:37 p.m. All members were present.

Mr. Ronald C. Nagle, Esquire, and Mr. Brian L. Nagle, Esquire, were present to represent the Township. Mr. Mark Kozar, Esquire, was present to represent the applicant, TGI Friday's, Inc. who is seeking approval to allow an Inter-municipal Liquor License Transfer pursuant to Act 141 of 2000, Pennsylvania Liquor Code, 47P.S. §4-461 for their restaurant that will be located at the Town and Country Shopping Center, Route 3 and Spring Lane, West Goshen Township, Chester County, Pennsylvania.

See Court Reporter's Transcript

At the conclusion of all testimony and comments, on motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Resolution 25-2004 authorizing the Inter-municipal Liquor License Transfer pursuant to Act 141 of 2000, Pennsylvania Liquor Code, 47P.S. §4-461 by TGI Friday's Inc. for their restaurant that will be located at the Town and Country Shopping Center, Route 3 and Spring Lane, West Goshen Township, Chester County, Pennsylvania.

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the hearing was closed at 5:15 p.m.

**West Goshen Township
Supervisor Hearing
August 11, 2004**

S-5-04

Supervisor Hearing S-5-04 was called to order by Chairman Patricia B. McIlvaine at 5:17 p.m. All members were present.

Mr. Ronald C. Nagle, Esquire, and Mr. Brian L. Nagle, Esquire, were present to represent the Township. The applicant is Omnipoint Communications Enterprises, L.P., which seeks conditional use approval pursuant to the conditional use procedures and general standards of Sections 84-74 and 84-75 of the West Goshen Township Zoning Ordinance, codified in Chapter 84 of the West Goshen Code to construct a wireless telecommunications facility consisting of a 120 foot monopole (designed for possible future extension to 150 feet) and antennas, radio equipment cabinets and radio equipment in an enclosed compound to be placed at the base of the monopole property owned by Spaz Beverage Company, Inc. The subject property consists of approximately 12.8 acres and is located in the I-2-R Light Industrial District-Restricted at 890 South Matlack Street.

See Court Reporter's Transcript

Mr. Nagle stated that a letter had been received by facsimile on this date from Mr. Christopher H. Schubert, Esquire, who is representing the applicant. Mr. Nagle said that the applicant is seeking a continuance of the hearing to November 10, 2004, as it has recently been learned the proposed location of the monopole is in the 100-year flood plain. He added that Mr. Schubert will advise the Board before November 10, 2004 if the applicant will be going forward with the application.

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On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved continuing the hearing to a date certain of November 10, 2004, at 4:00 p.m.

The hearing was adjourned at 5:23 p.m.