

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 26, 2004**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Patricia B. McIlvaine at 4:03 p.m. on Wednesday, May 26, 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, which was followed by a moment of silence in honor of the veterans of military service both living and dead.

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

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved the bills to be paid from the General Fund, the Sewer Fund, the Capital Reserve Fund, and the Waste and Recycling Fund.

Ms. McIlvaine introduced Police Chief Michael J. Carroll who read the following commendation for 'D' Platoon of the West Goshen Township Police:

On February 6, 2004 while on patrol in West Goshen Township, Chester County, Pennsylvania, 'D' Platoon was alerted by an activated alarm that there was a bank robbery in progress at the Citizens Bank located at 22 Turner Lane, West Chester, Pennsylvania.

The members of the platoon converged on the location using proper response procedures. Upon arrival in the area, a masked gunman was observed exiting the bank. Communicating with each other in a coordinated manner, a short foot pursuit was started which resulted in the apprehension of the robber and the recovery of all the stolen monies without injury to any officer or member of the public.

The arrest of Michael Epler, the armed bank robber, subsequently led to the clearance on two additional bank robberies and a theft of a large amount of weapons in Montgomery County.

The Board of Supervisors and the Chief of Police hereby commend you for your actions, which led to the arrest and clearance of the above-mentioned crimes.

Chief Carroll, Lt. Joseph Gleason and Ms. McIlvaine presented a certificate to each of the members of 'D' Platoon: Sgt. Donald A. Loane, Ofc. Stephen J. Peacock, Ofc. Michael J. Cotter, Ofc. Brian J. Greisser, Ofc. Justin E. DiMedio and to Police Dispatcher Jeffrey J. Ingemie. Chief Carroll said that the actions on the part of the officers was related to their personal courage and training. He added that the Federal Government will be handling the prosecution of Mr. Epler due to the multiple jurisdictions and the large number of weapons involved.

Chief Carroll presented a certificate of commendation to Ofc. David S. Mauer for his participation in the saving of a resident's life. Chief Carroll stated that Good Fellowship Ambulance responded to a call on January 12, 2004 for a 70 year old male who went into cardiac and respiratory arrest. The crew started CPR until the Automatic External Defibrillator was placed on the patient. Upon arrival at the hospital the patient was speaking coherently with the staff. He said that the timing was a very important factor in saving the man's life.

Ms. McIlvaine congratulated all of the officers for a job well done.

On motion by Mr. Meakim, seconded by Ms. McIlvaine, the Board unanimously approved the signing of the Cold In-Place Base Recycling contract. Bids were opened and read at the April 28, 2004 Board of Supervisors meeting.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved the signing of the 2004 Street Re-Surfacing contract. Bids were opened and read at the April 28, 2004 Board of Supervisors meeting.

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Mrs. Evelyn Baker, 900 Sheridan Drive, asked what streets will be resurfaced in 2004 and Ms. Sharon Lynn, Township Manager, answered that the streets to be resurfaced are in the Hamlet Hill Development area. Dr. White said the Township normally repaves about three miles of streets each year.

Prior to the consideration of the possible approval of Ordinance No. 06-2004 amending Chapter 84 of the Code of the Township of West Goshen, Mr. Ronald C. Nagle, Esquire, Township Solicitor, presented the following exhibits: B1 – Proof of Publication in the Daily Local News, B2 – Certification of Tax Parcel, B-3 – Filing with the Daily Local News, B-4 – Filing with the Chester County Law Library, B-5 – Notice to Property Owners affected. Mr. Nagle explained that the purpose of this ordinance was to add Tax Parcel 52-5K-5 to the Multipurpose District which was created by Ordinance 02-2004 on January 28, 2004. Tax Parcel 52-5K-5 should have been included in Ordinance 02-2004 but was not. He added that because of the notice and advertising requirements, adding this parcel must now be done through a separate ordinance.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously approved Ordinance 06-2004 amending Chapter 84 of the Code of the Township of West Goshen by rezoning Tax Parcel No. 52-5K-5 from I-3 General Industrial District to MPD Multipurpose District.

Prior to the consideration of the possible approval of Resolution 09-2004, Mr. Nagle stated that at the April 28, 2004 Board of Supervisors meeting the Board had adopted a formal declaration to initiate procedures needed for a municipal cure for a portion of the Township sign regulations for off site signs and billboard signs. He said the present ordinance does not have a separate and distinct provision for allowance of billboards or billboard signs and that under the circumstances, in order to protect the Township, there is a need to institute a municipal cure which gives the Township 180 days in which to reexamine those regulations and determine at the end of that time period if the ordinance needs to be changed and any new regulations added. He said that new regulations can be added within that time period and that in the interim the Township is protected by this action from challenges to the validity of the ordinance. Mr. Nagle said that this resolution is the second step in the process with the first step being the adoption of a formal declaration which was completed on April 28, 2004. He said that the Municipalities Planning Code requires first the adoption of the formal declaration and secondly, within 30 days, the adoption of a resolution explaining why the ordinance may be invalid.

Mr. Nagle said the proposed Resolution 09-2004 states: a.) that the Board finds that the present Zoning Ordinance does not define or contain regulations for billboards or billboard signs, b.) what the Board has determined the definitions for the terms billboard or billboard sign are , c.) that the present Zoning Ordinance does not satisfy minimum legal requirements for billboards or billboard signs, d.) that the provisions for Off-Site Signs may also be inadequate for the use and regulation of such signs in the Township, and e.) the Board directs the study and evaluation of the subject matter. He said that the Township has 180 days from the date of the formal declaration to adopt a new ordinance; therefore, the Board still has approximately five months to study the matter.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Resolution 09-2004 declaring invalidity of the zoning ordinance relating to off-site signs.

Prior to the consideration of the possible approval of Resolution 10-2004, Dr. White said that this resolution will raise the Building Permit fees from \$14 per 100 square feet to \$15 per 100 square feet and will also add a Commonwealth mandated surcharge of \$2 for each permit, which will be used for the training of building inspectors. Mrs. Baker expressed concern for the increases citing recent court proceedings challenging West Chester Borough's rental property surcharges. Ms. Lynn explained that the fees of surrounding municipalities were reviewed and that these new fees are in line with the fees of those municipalities and further, were not being placed on rental properties.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Resolution 10-2004 establishing the schedule of fees for all permits issued in connection with the construction, erection, or demolition for any structure, addition or alteration in the Township of West Goshen.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously approved Resolution 11-2004 authorizing erection of 25 MPH speed limit signs on Arlington Avenue from Boot Road to Laurel Drive and on Rose Lane from Richfield Avenue to West Chester Pike.

The meeting was recessed at 4:22 p.m. for Supervisors Hearing S-2-04.

**West Goshen Township
Supervisor Hearing
May 26, 2004**

S-2-04

Supervisor Hearing S-2-04 was called to order by Chairman Patricia B. McIlvaine at 4:27 p.m. All members were present. Ms. Kristen Camp, Esquire, was present to represent the Township. The purpose of the hearing was to consider the following ordinances:

Ordinance 07-2004 - Adopts the Pennsylvania Construction Code Act and the regulations promulgated thereunder as the Township's Building Code which by reference adopts the international Building Code, 2003 Edition as the Township's Building Code; enumerates the provisions in the Township's existing Building Code which shall remain in effect; repeals Chapter 28, Article 1 of the West Goshen Township Code; provides that the Building Code shall be administered by the Building Code Official.

Ordinance 08-2004 – Adopts the International Existing Building Code, 2003 Edition as the Township's Building Code for buildings and structures which were built prior to October 4, 1967, which shall be codified as Chapter 29 of the West Goshen Township Code.

Ordinance 09-2004 – Adopts the International Residential Code, 2003 Edition for one and two family dwellings and townhomes which do not exceed 3 stories; amends Chapter 28, Article II of the West Goshen Township Code.

Ordinance 10-2004 – Adopts the International Electrical Code – Administrative 2003 Edition as the Township's Electrical Code; amends Chapter 39 of the West Goshen Code; requires electrical inspections to be performed by an Approved Electrical Inspection Agent.

Ordinance 11-2004 – Adopts the International Mechanical Code 2003 Edition; adds a new Chapter 49 of the West Goshen Code titled, "Mechanical Standards".

Ordinance 12-2004 – Adopts the international Plumbing Code 2003 Edition; amends Chapter 62 of the West Goshen Township Code.

Ordinance 13-2004 – Adopts the International Fuel Gas Code, 2003 Edition, which shall be codified as Chapter 43 in the West Goshen Code.

Ordinance 14-2004 – Adopts the International Energy Conservation Code, 2003 Edition as Chapter 28 of the West Goshen Township Code.

Ordinance 15-2004 – Adopts the International Fire Code, 2003 Edition as the Township's Fire Prevention Code; amends Chapter 41 of the West Goshen Township Code.

Ordinance 16-2004 – Adopts the international Property Maintenance Code, 2003 Edition as the Township's Property Maintenance Code; amends Chapter 63 of the West Goshen Township Code.

See Court Reporter's Transcript

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously adopted Ordinance 07-2004 which adopts the Pennsylvania Construction Code Act and the regulations promulgated thereunder as the Township's Building Code which by reference adopts the international Building Code, 2003 Edition as the Township's Building Code; enumerates the provisions in the Township's existing Building Code which shall remain in effect; repeals Chapter 28, Article 1 of the West Goshen Township Code; and provides that the Building Code shall be administered by the Building Code Official.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously adopted Ordinance 08-2004 which adopts the International Existing Building Code, 2003 Edition as the Township's Building Code for buildings and structures which were built prior to October 4, 1967, which shall be codified as Chapter 29 of the West Goshen Township Code.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously adopted Ordinance 09-2004 which adopts the International Residential Code, 2003 Edition for one and two family dwellings and townhomes which do not exceed 3 stories; and amends Chapter 28, Article II of the West Goshen Township Code.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously adopted Ordinance 10-2004 which adopts the International Electrical Code – Administrative 2003 Edition as the Township's Electrical Code; amends Chapter 39 of the West Goshen Code; and requires electrical inspections to be performed by an Approved Electrical Inspection Agent.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously adopted Ordinance 11-2004 which adopts the International Mechanical Code 2003 Edition and adds a new Chapter 49 of the West Goshen Code titled, "Mechanical Standards".

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously adopted Ordinance 12-2004 which adopts the international Plumbing Code 2003 Edition and amends Chapter 62 of the West Goshen Township Code.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously adopted Ordinance 13-2004 which adopts the International Fuel Gas Code, 2003 Edition, which shall be codified as Chapter 43 in the West Goshen Code.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously adopted Ordinance 14-2004 which adopts the International Energy Conservation Code, 2003 Edition as Chapter 28 of the West Goshen Township Code.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously adopted Ordinance 15-2004 which adopts the International Fire Code, 2003 Edition as the Township's Fire Prevention Code and amends Chapter 41 of the West Goshen Township Code.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously adopted Ordinance 16-2004 which adopts the international Property Maintenance Code, 2003 Edition as the Township's Property Maintenance Code and amends Chapter 63 of the West Goshen Township Code.

Supervisors Hearing S-2-04 was closed at 4:42 p.m.

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The Board of Supervisors meeting resumed at 4:42 p.m.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Resolution 12-2004 authorizing West Goshen Township to participate in the West Chester Area Council of Governments Joint Building Code Appeals Board.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Resolution 13-2004 appointing Richard J. Craig as Building Code Official and John R. Beswick, Jr., and Richard E. Hicks as Building Officials.

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

There being no further business, on motion by Mr. Meakim, seconded by Dr. White, the meeting was adjourned at 4:44 p.m.

Respectfully submitted,

Sharon Lynn
Township Manager