

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 14, 2005**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Edward G. Meakim Jr., at 4:06 p.m. on Wednesday, September 14, 2005, at the West Goshen Township Administration Building. All members were present. Mr. Meakim opened the meeting with the Pledge of Allegiance to the Flag.

Mr. Meakim opened the floor for public comment. No comments were made.

Ms. Sharon Lynn, Township Manager, announced that the 10th Annual Community Day, which was held on Sunday, September 11, 2005, was a success with about 5,000 people in attendance.

Ms. Lynn announced that due to the fact that the Daily Local News did not publish the advertisement for bids for the base repair of Five Points Road the Board of Supervisors cannot accept the low bid of DiRocco Brothers. The bids were opened on August 10, 2005 at the Board of Supervisors meeting. Ms. Lynn said that the base repair will be rebid in early 2006 and that the Township Streets Department will repair and maintain areas of Five Points Road until the base repair is done in 2006.

Ms. Lynn announced that beginning October 6, 2005, bulk item curbside pickups will be changed from once a month to every Thursday. One item per week per household will be picked up. Ms. Lynn said that the change was made at the request of BFI, the Township trash hauler, and will be at no extra cost.

On motion by Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved the Board of Supervisors minutes from August 10 and August 24, 2005.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved the Treasurer's Report dated August 31, 2005 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 except for an invoice for FOP dues in the General Fund items in the amount of \$240.00.

Ms. Diane Clayton, Assistant Zoning Officer, announced that the Zoning Hearing Board of West Goshen Township will conduct a public hearing on Wednesday, September 28, 2005 at 7:00 p.m. at the Township Administration Building to hear ZHB 09-05. The applicant is Omnipoint Communications Enterprises, L.P., d/b/a T-Mobile Wireless, 400 Street Road, Bensalem, PA 19020. The legal owner of the property is Sheller Oil Company, 603 Montgomery Avenue. The property is located at 603 Montgomery Avenue and is zoned I-3 General Industrial District. The applicant is seeking interpretive and/or variance relief regarding the property being deemed merged, compliance with area and bulk regulations, design standards and general performance standards to which wireless communication facilities must comply. In the alternative the applicant requests interpretation as to whether the area and bulk regulations may be extended at least 50 feet into the R-4 district, that the height of an antenna support be permitted up to 120 feet in height and any additional interpretations as determined necessary in support of their application. In addition to or in the alternative the applicant seeks dimensional variances from setbacks from tower base, yard contiguous to a residential zoning district or a residential use, and other variances as may be required for the placement of the proposed monopole antenna support structure and equipment cabinets for the purpose of a wireless communication facility.

Chief Michael Carroll gave the Police Report for the month of August 2005.

Mrs. Evelyn Baker, 900 Sheridan Drive, asked how many of the alarms in the police report were valid and Chief Carroll answered that there were 110 alarms and that 8 were valid.

Ms. Andrea Testa, Fire Marshal, gave the Fire Marshal Report for the month of August 2005. Ms. Testa also gave the report for Good Fellowship Ambulance and Goshen Fire Company.

Mr. Richard Hicks, Building Official, gave the Building Inspection Activity Report for August 2005.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Resolution 27-2005, establishing the local discharge limits of certain pollutants to the Township's sewer system by industrial users and establishing various application, permit and inspection fees that the Township may change to industrial users of the Township's sewer system who must participate in the pretreatment of industrial wastes.

Prior to the consideration of Ordinance 10-2005 amending Chapter 45 of the Code of West Goshen, Titled "Garbage and Recycling", specifically Section 45-11, to authorize the Township to collect interest at the rate of 9% on all delinquent trash and recycling fees from the date of filing a municipal lien consistent with the Pennsylvania Municipal Claims and Tax Lien Act; and amending Chapter 66 of the Code of West Goshen titled "Sewers and Sewage Disposal", specifically Section 66-30 to authorize the Township to collect interest at the rate of 9% on all delinquent sewer rents from the date of filing a municipal lien consistent with the Pennsylvania Municipal Claims and Tax Lien Act, Ms. Kristin Camp, Esquire, entered into the record the Proof of Publication of the Ordinance in the Daily Local News, the Filing of the Ordinance with the Daily Local News and the Filing of the Ordinance with the Chester County Law Library.

Ms. Camp said that Ms. Cindy Haldeman, Assistant Treasurer, had initiated the amendment of the ordinance after learning that the Pennsylvania Municipal Claims and Tax Lien Act had been revised to permit municipalities to charge interest on all delinquent liens filed for unpaid trash and sewer fees up to 10%. Mrs. Baker asked if the Township had charged interest in the past and Dr. White said the Township had charged interest in the past but at a lower rate. Mrs. Baker asked what the rate being charged presently was and Dr. White replied that it is currently 6%. Mrs. Baker asked if there are a lot of delinquent accounts and Ms. Lynn explained that there is a system in place to send notices when accounts are delinquent with 1st and 2nd letters. She said that the Township is up to date on 100% of the delinquencies and that the Township receives money accordingly. Mrs. Baker said that 9% was too much to charge for interest and Dr. White replied that the money is used to pay for legal fees and for executing the lien.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Ordinance 10-2005, amending Chapter 45 of the Code of West Goshen, Titled "Garbage and Recycling" specifically Section 45-11 to authorize the Township to collect interest at the rate of 9% on all delinquent trash and recycling fees from the date of filing a municipal lien consistent with the Pennsylvania Municipal Claims and Tax Lien Act; and amending Chapter 66 of the Code of West Goshen titled "Sewers and Sewage Disposal", specifically Section 66-30 to authorize the Township to collect interest at the rate of 9% on all delinquent sewer rents from the date of filing a municipal lien consistent with the Pennsylvania Municipal Claims and Tax Lien Act.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Resolution 28-2005 setting the date of October 26, 2005, to hold a Public Hearing for Pulte Homes of PA, L.P., for Conditional Use in the R-3 Residential District for the purpose of utilizing the Flexible Design Option on Property located at the northwest corner of the Route 322 Bypass and Phoenixville Pike.

Mr. Meakim opened the floor for public comment.

Mr. Hugh Purnell, 704 Owen Road, asked when the culvert will be replaced on North Penn Drive in the North Hill development and Ms. Lynn replied that letters to the North Hill residents will be sent out the week of September 19, 2005 informing them that the work will start on October 3, 2005 and last for approximately two weeks. Mr. Purnell said that the stop stripes on Goshen Road at Marshall Street and on North Hill Drive at Marshall Street are worn away. Ms. Lynn said that the Streets Department will be remarking the streets this fall. Mr. Purnell said that the stripes had to be redone last fall also. He suggested that the Streets Department consider using a different longer lasting paint for the work. Mr. Purnell asked why there was no report from the West Chester Fire Department and Dr. White replied that the report does not arrive in time to be included in the Fire Marshal's report.

Ms. Karen Kent, 1211 Grove Road, asked why the trees were removed from the property on Pottstown Pike where the athletic fields are being constructed and Dr. White said that the property belongs to the West Chester

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Area School District. Ms. Kent asked if the Township had any input into whether the trees were cut down or not and Dr. White said that the Township has no input on the cutting of the trees. Mr. Richard Craig, Township Engineer, said that screening will be added back in adjacent to the residential districts when the project is completed. Dr. White said that the Township is getting 28 acres of open space with the athletic fields and that the area will become a park on weekends and in the summer when the School District is not using the fields.

There being no further business, on motion by Ms. McIlvaine, seconded by Dr. White, the meeting was adjourned at 4:27 p.m.

Respectfully submitted,

Sharon Lynn
Township Manager

**West Goshen Township
Supervisor Hearing
September 14, 2005**

S-10-05

Supervisor Hearing S-10-05, which was duly advertised, was called to order by Chairman Edward G. Meakim at 4:37 p.m. All members were present.

Ms. Kristin Camp, Esquire, was present to represent the Township. Mr. John W. Nilon, Jr., Esquire, was present to represent the applicant. The applicant, Cellco Partnership, d/b/a Verizon Wireless, seeks the Board's Conditional Use approval pursuant to Section 84-131.B(1) and Section 84-57.03(B)(5) of the West Goshen Township Zoning Ordinance in order to install commercial communications antennas on an existing wireless communications tower and facility constructed by Nextel Communications on the Township's property located at 1025 Paoli Pike.

See Court Reporter's Transcript

The hearing was recessed at 5:06 p.m. and resumed at 5:11 p.m.

At 5:13 p.m. the record was closed. A decision will be rendered by the Board on October 26, 2005, at 4:00 p.m. at the regular Board of Supervisors meeting.

**West Goshen Township
Supervisor Hearing
September 14, 2005**

S-11-05

Supervisor Hearing S-11-05, which was duly advertised, was called to order by Chairman Edward G. Meakim at 5:14 p.m. All members were present.

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Ms. Kristin Camp, Esquire, was present to represent the Township. Mr. William J. Brennan, Esquire, was present to represent the applicant. The applicant, 1301 Phoenix L.P., seeks to amend the West Goshen Township Revised Zoning Ordinance of 1990, as amended, specifically the West Goshen Township Zoning Map, by rezoning parcel 52-1-5 from C-2 Commercial Shopping Center to C-1 Neighborhood Commercial and by rezoning parcel 52-1-6.1 from C-1R Neighborhood Commercial Restricted to C-1 Neighborhood Commercial.

See Court Reporter's Transcript

At the conclusion of all testimony, on motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Ordinance 11-2005 amending the West Goshen Township Revised Zoning Ordinance of 1990, as amended, specifically the West Goshen Township Zoning Map, by rezoning parcel 52-1-5 from C-2 Commercial Shopping Center to C-1 Neighborhood Commercial and by rezoning parcel 52-1-6.1 from C-1R Neighborhood Commercial Restricted to C-1 Neighborhood Commercial.

The hearing ended at 5:37 p.m.

**West Goshen Township
Supervisor Hearing
September 14, 2005**

S-09-05

Supervisor Hearing S-09-05, which was continued from August 10, 2005, was called to order by Chairman Edward G. Meakim at 5:47 p.m. All members were present.

Ms. Kristin Camp, Esquire, was present to represent the Township. Mr. Louis J. Colagreco, Jr., Esquire, and Ms. Alyson Mamourian, Esquire, were present to represent the applicant. The hearing was for the consideration of the application of Jerrehian, a Pennsylvania General Partnership and Pulte Homes of Pennsylvania, Limited Partnership seeking to amend the West Goshen Township Revised Zoning Ordinance of 1990, as amended, which is codified in Chapter 84 of the West Goshen Township Code. Jerrehian is the legal owner of 446.3 acres of property located at the northwest corner of the Route 322 Bypass and Phoenixville Pike. The Property is located in the R-3 Residential Zoning District and is currently improved with a country house estate with residence mansion as well as three single family detached dwellings and various outbuildings. Pulte is the equitable owner of the Property who seeks to subdivide and develop a portion of the Property using a flexible design option. The proposed Zoning Amendment would apply to all properties in the Township which are zoned R-3 and to all Country House Estates in the Township and does not include an amendment to the West Goshen Township Zoning Map.

See Court Reporter's Transcript

The hearing was recessed at 6:35 p.m. and resumed at 7:04 p.m.

At 7:39 p.m. at the request of Ms. Mamourian the hearing was continued to a date certain of October 26, 2005 at 4:00 p.m.