

MINUTES OF THE TWENTY-FIRST MONTHLY MEETING
OF THE BOROUGH OF CHESTER HEIGHTS, PA. COUNCIL
HELD IN THE BOROUGH SCHOOL BUILDING, MONDAY
SEPTEMBER 8th, 1947.

Meeting called to order at 8 P.M. by President of Council, J. Taney Willcox. Councilmen Little and Stromgren absent.

The minutes of the August meeting were read by the Secretary approved after the following corrections. Councilman E. Clay Krebs objected to his name appearing on the August minutes as Clay E. Krebs. E. Clay Krebs also objected to the fact the August minutes did not set forth the fact he had offered a resolution which was defeated and suggested all pertinent resolutions offered whether defeated or not should be recorded in the minutes, therefor, Council directed the minutes of the August meeting be corrected as follows:

1st. motion to pay \$300.00 to the Chester Heights Fire Co. was offered and defeated.

2nd. Motion to appropriate \$150.00 to the Chester Heights Fire Co. and \$150.00 to be divided three ways between Concordville, Lenni and Lima Fire Co.'s. was made but not seconded.

3rd. Upon new evidence developed by discussion, Councilman Breneman re-introduced his original motion to pay \$300.00 to the Chester Heights Fire Co. This motion was seconded and passed with one negative vote, that of E. Clay Krebs.

The next order of business was the approval of the following bills which achieved unanimous consent after consideration; a motion and seconding.

Phila. Elec. Co.	\$30.00
Geo. H. Wilson, Jr. (Police)	25.00
John S. Voigt "	25.00
C. Nelson Smitheman (Secy.)	25.00
John S. Voigt (Street Comm)	3.00
W.E. Griffith (Printing)	49.95
C.N. Smitheman (Postage)	15.00

Remington Rand Inc.	158.75
Donald H. Hamilton (Attorney)	500.00
Donald H. Hamilton "	35.00
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Total	\$ 866.70

It was also moved and seconded ~~the~~ Secretary write Mr. Richard D. Wood and send him a bill of expenses connected with the abandonment of the old portion of the Balto. Pike abutting on his land.

It was moved seconded and unanimously RESOLVED that the letter from John H. Ware 3rd. of Oxford, Pa. re. an appropriation to the "Octoraro Branch Citizens Group" to combat the P.R.R. Co's. petition before the P.U.C. to abandon Passanger service on the Octoraro Branch, be tabled until the October meeting.

Next a motion was made, seconded and unanimously RESOLVED as follows;

AN ORDINANCE authorizing The American Telegraph and Telephone Company of Pennsylvania, its successors and assigns to construct, operate and maintain its lines of telephone and telegraph including the necessary conduits, cables, manholes and fixtures in, under, through, across and along the public streets, alleys and highways within the present or future limits of the Borough of Chester Heights, County of Delaware, State of Pennsylvania.

The Burgess and Borough Council of the Borough of Chester Heights, County of Delaware, State of Pennsylvania, do ordain and enact as follows:

That permission be and is hereby granted to The American Telegraph and Telephone Company of Pennsylvania, its successors and assigns, to construct, operate and maintain its lines of telephone and telegraph including the necessary conduits, ducts, manholes and fixtures in, under, through, across and along the public streets, alleys and highways within the present or future limits of the Borough of Chester Heights, County of Delaware, and State of Pennsylvania; to use the underground facilities of other companies and permit other companies that possess authority to operate within the said Borough to use the underground facilities under such arrangements as the two companies may agree to; provided:

SECTION 1. That whenever the said company shall desire to lay down or construct any conduits, cables, manholes or fixtures, it shall present a plan or plans showing the location, number and size thereof to the Chairman of the Highway Committee who is hereby authorized and empowered for and on behalf of Council to approve or disapprove as to location, which plan or plans, or copy, thereof,

with approval endorsed thereon, shall be filed with the Secretary of Council before any work thereon is started.

SECTION 2. That the construction of conduits, cables, manholes and fixtures under the provision of this ordinance shall be subject to the supervision of the Chairman of the Highway Comm. and said company shall replace and properly relay that portion of any sidewalk or street which may have been displaced or damaged by it in the construction and maintenance of its underground facilities; and in the installation and maintenance of its underground system, said company shall not open or encumber more of any street, alley or highway than will be necessary to enable it to perform the work with proper economy and efficiency.

SECTION 3. That space in the conduits constructed under the provision of this ordinance may be used free of charge for the purpose of carrying wires of any fire alarm or police telegraph system owned and maintained by the said Borough provided the said wires are placed and maintained in such manner as may be prescribed by the said company and that no use shall be made of said space by the said Borough which will result in interfering with or impairing the operation or use of the said Company's property or service, or will endanger its property or employees.

SECTION 4. That the said company shall maintain all conduits, cables, manholes and fixtures and all other appurtenances erected or constructed under the provisions of this ordinance in good and safe order and condition, and shall at all times fully indemnify, protect and save harmless the said Borough from and against all action, claims, suits, damages and charges, and against all loss and necessary expenditures arising from the erection, construction and maintenance of its system, or from its neglect or failure to maintain the said apparatus in good and safe order and condition.

SECTION 5. That nothing in this ordinance contained shall be construed to grant unto the said company any exclusive right, or to prevent a grant of similar privileges to other companies.

SECTION 6. That the said company shall be governed by all legal ordinances of a general nature particularly Ordinance No. 11 affecting its operations in the Borough of Chester Heights that are now in force and enacted under and by virtue of the police powers of the said Borough or the laws of the State, as well as all such ordinances hereafter so enacted, provided the terms, conditions and regulations prescribed therein do not impair or abridge the permission contained in this ordinance.

SECTION 7. That the said company shall, under its seal and by its proper officers, within thirty (30) days from the date of the final enactment of this ordinance, signify in writing its acceptance of all the terms, conditions, regulations and restrictions herein contained, in default of which this ordinance shall become null and void and of no effect.

SECTION 8. That all legal advertising or printing fees incurred by the Borough of Chester Heights, in connection with the passage of this ordinance, shall be paid by the said company,

ORDAINED AND ENACTED into an ordinance this day
of , 1947.

ATTEST:

Secretary of Council

President of Council

APPROVED THIS

day of

,1947.

Burgess

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance enacted by the Council of the Borough of Chester Heights, Delaware County, Pennsylvania, and approved by the Burgess on the _____ day of _____, 1947.

Secretary of Council

Mr. E. Clay Krebs offered a motion that Ordinance No. 11 be amended, reducing the fee of \$1.50 per pole for Public Utility Co's. to \$1.00 per pole. This motion was not seconded.

It was moved, seconded and unanimously RESOLVED that the Secretary advise the Phila. Elec. Co. and the Bell Telephone Co. that Council carefully considered all the provisions of Ord. No. 11 but decided to make no change and that the Phila. Elec. Co. and the Bell Tele. Co. should submit their plans and statements under oath and to pay the license fee provided in the ordinance.

A motion was made, seconded and unanimously RESOLVED that the proposed Ordinance No. 14 commonly referred to as the Pedlers Ordinance, be deferred pending the appointment of a Committee by the President, to consider revisions of this proposed ordinance.

It was suggested the Secretary provide each Councilman with 5 copies of each printed ordinance.

Mrs. Josephine Breneman, Tres. read the Treasurers report which was unanimously approved.

Officer Wilson reported assisting the Lima Fire Co. at

their Carneval and of being called to a fire Sept. 8th. on the Road to Aston Mills.

The Secretary was requested by Council to write Councilman Stromgren a letter of sympathy for the loss of his wife.

Their being no further business it was moved, seconded and unanimously resolved to adjourn.

