

MINUTES OF THE 79th MEETING OF THE BOROUGH OF CHESTER
 HEIGHTS COUNCIL HELD IN THE BOROUGH SCHOOL BUILDING
 MONDAY SEPTEMBER 14th 1953 at 8.00 P. M.

This meeting was called to order By President Breneman with all members present. The Minutes of the Aug. meeting were approved as read. The following receipts were reported and handed to the Treas.,

S. E. Jobson	current taxes	1452.91
Dela. Co. Treas.	Delinq. taxes	6.45
Theo. O. Buckley	Fines	10.00
Comm. Penna.	Highway Aid Instal. #3	69.47

The following bills were approved and ordered paid;

Rockdale Herald	Adv. Fin. Sta.	5.00
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President Breneman requested suspension of the regular order of business at this time to allow Mr. Brown, of the Bell Tele. Co. and Mr. Joshua Fish, representing the Wawa Chest Hospital, to leave as early as possible.

Mr. Brown, representing the Bell Telephone Company of Penna., was present in the interest of proposed Ordinance #24 which was presented to Borough Council at the August meeting and has the approval of Solicitor Hamilton.

Upon motion, duly seconded it is unanimously RESOLVED that the following Ordinance #24 is hereby enacted;

At this time, Mr. Joshua Fish, Architect for the Wawa Chest Hospital, requested the floor.

Mr. Fish appealed to Council for definite action on his application for a permit to proceed with extensive alterations to the Wawa Chest Hospital. Mr. Fish stated he has been unable during the last six months to receive a reply from the Building Inspector or the Zoning Board of Adjustment on this application, therefore he was appealing to Council for information as to what further procedure he should follow in order that he may be informed on the granting or rejection of this permit.

Mr. Fish was advised to place his appeal with the Zoning Board of Adjustment.

At this time, the resignation of Mr. G. W. K. Voigt as a member of the Zoning Board of Adjustment, was read and accepted with regrets. President Breneman called for nominations to fill the vacancy created by this resignation and the name of Dr. G. L. Stark was placed in nomination and nominations declared closed.

Upon motion, duly seconded it was unanimously Resolved that the Secretary cast the ballot appointing Dr. Stark as a member of the Zoning Board of Adjustment. Mr. Fish then withdrew to consult with Dr. Stark.

There being no further business, the meeting adjourned.

Hilton E. Jones,
Secretary

ORDINANCE 24A

AN ORDINANCE, authorizing The Bell Telephone Company of Pennsylvania, its successors and assigns, to construct, maintain and operate its posts, poles, cables, wires and all other necessary overhead apparatus on, over and along, and its conduits, ducts, mains, pipes, cables, wires, manholes, terminal and distributing poles, and all other necessary underground appliances on, in, under and through the streets, alleys and highways within the present or future limits of the Borough of Chester Heights, County of Delaware, State of Pennsylvania; prescribing the manner of placing the same and regulating the use of streets, alleys and highways by the said Company.

THE BURGESS AND TOWN COUNCIL of the Borough of Chester Heights, County of Delaware, State of Pennsylvania, enacts as follows:

THAT PERMISSION BE AND IS HEREBY GRANTED to The Bell Telephone Company of Pennsylvania, its successors and assigns, to construct, maintain and operate its posts, poles, cables, wires and all other necessary overhead apparatus on, over and along, and its conduits, ducts, mains, pipes, cables, wires, manholes, terminal and distributing poles, and all other necessary underground appliances on, in, under and through the streets, alleys and highways within the present or future limits of the Borough of Chester Heights, County of Delaware, State of Pennsylvania; to use the property of other companies and to permit other companies that possess authority to operate within the limits of the said Borough to use its property, upon such arrangements as the two companies may agree to; Provided:

SECTION 1. That all poles erected by said Company shall extend not less than twenty (20) feet above the surface of the ground, and shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets, alleys and highways, 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 2. That whenever the said Company shall desire to erect, lay down or construct any poles, conduits or manholes, it shall present a plan or plans showing the location, number and size thereof to the Chairman of the Street 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 shown thereon is started. In case the said Chairman disapproves any plan or plans he shall designate thereon, by the use of appropriate words or marks, or both, some other location suitable for the purposes of the said Company.

SECTION 3. That space on the poles erected and in the conduit constructed under the provisions 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 a manner as may be prescribed by

plan or plans he shall designate thereon, by the use of appropriate words or marks, or both, some other location suitable for the purposes of the said Company.

SECTION 3. That space on the poles erected and in the conduit constructed under the provisions 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 a manner as may be prescribed by the said Company, and that no use shall be made of such 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 posts, poles, cables, wires, conduits, ducts, mains, pipes, manholes, and all other apparatus 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 actions, 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 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. This ordinance shall take effect at the expiration of thirty (30) days from the date when a copy thereof shall have been filed in the office of the Secretary of the Pennsylvania Public Utility Commission; provided that if the Commission shall, prior to the expiration of such period, institute a proceeding under the provisions of Section 911 of the Public Utility Law affecting its validity, this ordinance shall become effective only upon approval by said Commission.

SECTION 8. That the said Company, shall, under its seal and by its proper officers, within sixty (60) 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 9. That all legal advertising or printing fees incurred by the Borough of Chester Heights, County of Delaware, State of Pennsylvania, in connection with the passage of this ordinance, shall be paid by the said Company.

ORDAINED AND ENACTED INTO AN ORDINANCE this 14th day of Sept, 1953.

ATTEST:

Helen E. Jones
Secretary of Council.

President of Council.

APPROVED THIS 14 day of Sept, 1953.