

**REGULAR MEETING
EAST NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS
APRIL 12, 2004**

The regular meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on April 12, 2004. Those present were Chairman, Samuel A. Goodley, Jr., Vice-Chairman, Thomas J. Olivieri; Charles D. Shelton, Supervisor; Zoning Officer, Kathy L. Kovach; Treasurer, Pamela A. Mason; Secretary, Mary Ellen McCormack and numerous guests.

Chairman Samuel A. Goodley, Jr., called the meeting to order at 7:00pm.

Meeting commenced with Vice-Chairman Olivieri leading the Pledge of Allegiance.

On motion by Chairman, Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the agenda as revised, for April 12, 2004 with the following addition to XI, Supervisors, Item "C", Authorize Advertisement for April 22, 2004 Work Session.

Goodley, Olivieri, Shelton Aye Nay: -0-

Recurring Reports:
Minutes

On motion by Chairman Goodley, seconded by Supervisor Shelton upon revision requested of Supervisor Shelton the minutes of March 8, 2004 were unanimously approved and accepted with the following change
Noted: Under Recognition of Visitors: Two (2) State Troopers arrived during the meeting in response to a telephone call from the secretary and remained for the duration without approaching the Board of Supervisors. This change was discussed and agreed upon by the BOS.

Goodley, Olivieri, Shelton Aye Nay: -0-

Treasurer's Report:

(1) **Bills for Approval:** The Treasurer presented the monthly Treasurer's Report stating that East Nottingham's Township total cash assets amounted to \$2,182,058.82. Bills totaling \$64,094.08 were presented for approval for payment from the General Fund. Income received for March 2004 totaled \$69,507.85 realized from taxes, escrow, court fines, franchise fees, permits, endowment fees, fire hydrant reimbursements and miscellaneous permit fees. On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Treasurer's Report and pay all bills presented from the General Fund for a total of \$64,094.08.

Goodley, Olivieri, Shelton Aye Nay: -0-

(2) **Return of Escrow Account** -- The Treasurer, Pam Mason, requested BOS authorization approve return of escrow to Israel Stoltzfus in the amount of \$415.00 as final plan was signed and approved December 29, 2003. Motion was entered by Chairman Goodley, seconded by Supervisor Shelton, and unanimously approved authorizing return of escrow as presented.

Goodley, Olivieri, Shelton Aye Nay: -0-

Zoning Officer's (ZO) Report: The ZO, Kathy Kovach, reported a total 36 permits were issued during March as compared to 10 in February, for permit costs totaling \$23,492.00 with construction costs amounting to \$5,116,047.00. Other permits included five (5) sheds to one (1) in February and 53 Certificates of Occupancy compared to 15 in the previous month.

East Nottingham Township
Bills for Approval
4/12/04

Date	Number	Payee	Description	Amount
4/12/2004	3210	Oceanport Industries, Inc.	salt	5,042.86
4/12/2004	3211	Office Depot	office supplies	636.83
4/12/2004	3212	DM Stoltzfus & Son, Inc.	cinders, stone	434.99
4/12/2004	3213	Cameron's Inc.	supplies	246.37
4/12/2004	3214	Ledger Newspapers	advertising	23.12
4/12/2004	3215	Daily Local News	advertising	130.14
4/12/2004	3216	Farm Plan	key, hose, filter	44.19
4/12/2004	3217	Summit Chemical Co.	mosquito dunks	225.60
4/12/2004	3218	McMinn's Asphalt Co. Inc.	asphalt	3,903.48
4/12/2004	3219	Long's Asphalt, Inc.	equip. rental for asphalt	3,527.00
4/12/2004	3220	Terre Hill Concrete Products	boxes, grates, inlet tops, frames	1,278.00
4/12/2004	3221	US Municipal Supply, Inc.	supplies	344.08
4/12/2004	3222	CARQUEST OF OXFORD	joint repair kit	25.44
4/12/2004	3223	Automotive of Oxford	parts	19.98
4/12/2004	3224	H.A. Weigand, Inc.	posts, signs	1,878.85
4/12/2004	3225	CLEANING EQUIP. SUPPLY CO.	5 gal. Glory TW	40.00
4/12/2004	3226	BFI	trash removal (2 mos)	120.06
4/12/2004	3227	Steen's Plumbing & Electrical	fix GFI recept., part rm ceiling light	158.92
4/12/2004	3228	Armstrong	internet	41.95
4/12/2004	3229	Postal Privilege	postage refill for meter	200.00
4/12/2004	3230	FreCom	fix radio, install 2 base stations	541.52
4/12/2004	3231	SICO	diesel fuel	609.53
4/12/2004	3232	FedEx	shipping charges	85.39
4/12/2004	3233	PBCC	postage meter rental	85.69
4/12/2004	3234	Mt. Rocky Trucking	skid loader & broom to sweep stones	550.00
4/12/2004	3235	Pennsylvania One Call System, Inc.	monthly chg for notification system	70.00
4/12/2004	3236	Berkheimer Associates	EIT commission	978.03
4/12/2004	3237	PSATS	law binder	7.00
4/12/2004	3238	Chester County Treasurer	tax duplicate	50.00
4/12/2004	3239	MMPMET	health, life, dis. Insurance	1,373.06
4/12/2004	3240	PHONEAMERICA CORP	repair phone	320.00
4/12/2004	3241	Ehrlich	pest control	62.00
4/12/2004	3242	ARAMARK	uniforms	355.80
4/12/2004	3243	Rothwell Document Solutions	staples for copier	75.85
4/12/2004	3244	Summers & Zim's, Inc.	service contract for gas heaters	240.00
4/12/2004	3245	Zee Medical Service Co.	first aid supplies	352.91
4/12/2004	3246	Nextel	cell phones	243.80
4/12/2004	3247	Verizon	phones, fax lines	309.70
4/12/2004	3248	AT&T	long distance	230.36
4/12/2004	3249	PECO	electric	536.44
4/12/2004	3250	PP&L	gas heat	273.66
4/12/2004	3251	IFSC	software- municipal library	637.61
4/12/2004	3252	Hewlett-Packard Co.	network server for municipal software	6,017.00
4/12/2004	3253	David C. Sweet	professional services 10/03-12/03	3,150.09
4/12/2004	3254	Belmont and Crystal Springs	water for cooler	14.98
4/12/2004	3255	William C. Weaver	backhoe rental	1,320.00
4/12/2004	3256	Winifred Moran Sebastian	solicitor fees	2,680.00
4/12/2004	3257	Ragan Engineering	engineering fees	6,262.00
4/12/2004	3258	Code Administrators, Inc	building inspection for OASD	3,500.00
4/12/2004	3259	Charles Shock, Inc.	building plan review fees	1,450.02
4/12/2004	3260	John D. Coldiron	building inspection/plan review fees	7,698.66

East Nottingham Township
 Bills for Approval
 4/12/04

4/12/2004	3261 Mary E. McCormack	mileage-seminar	127.55
4/12/2004	3262 Kathy Kovach	mileage	23.40
4/12/2004	3263 Pamela Mason	mileage for escrow seminar	21.60
4/12/2004	3264 Hamlin, James	Tax collector and postage for tax bills	2,756.96
4/12/2004	3265 Mason, Pamela A.	Treasurer for March	595.75
4/12/2004	3266 PSATS - UC Group Trust	unemployment tax 1st qtr	1,581.24
4/12/2004	3267 PA UC FUND	employee contributions - 1st qtr	47.42
4/12/2004	3268 PA Dept. of Revenue	add'l 1st qtr tax	4.15
4/12/2004	3269 HAB-EIT	Berkheimer 1st qtr tax	<u>533.05</u>
		TOTAL GENERAL FUND:	64,094.08

Roadmaster Report: The March Roadmaster Report was submitted and accepted with no outstanding issues.

Training Requests:

On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved authorizing payment for the Secretary to attend training on 05-13-04 at a cost of \$45.00

Goodley, Olivieri, Shelton Aye Nay: -0-

Residents Requesting to be on Agenda:

A. Mr. William Blackburn, an ENT resident, presented to the BOS a letter concerning the rezoning of owned property on Mt. Pleasant and the possible financial loss should rezoning occur. Mr. Blackburn's letter was then read by the Chairman as a matter of public record.

B. Messrs Orner and Loble, ENT residents, presented their views relative to a joint contract between East Nottingham Township and Armstrong Cable for the past 13 years. Concerns arose as cable service is not available to the parties involved. After a lengthy discussion with the residents, Mr. James Culver, Armstrong Cable Representative and the BOS the following motion was proposed. On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to authorize the Township Solicitor to review the specifics of the current contract and advise BOS on issues presented by residents.

New Items of Business:

A. **Escrow Releases** – On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri the following escrows were unanimously approved for release; **Pennwood Subdivision**, Release #04, for \$167,454.00; **Happy Harry's**, Release #07 for \$155.00; **Misty Meadows**, Release #13 for \$155.00; **Blackburn Knoll**, Release #11 for \$147.50; **Tommy Tinkers**, Release #01 for \$77.50; and **Hopewell Ridge** Inspection Fees for \$225.00.

Goodley, Olivieri, Shelton Aye Nay: -0-

On motion by Chairman Goodley, seconded by Vice-Chairman, it was unanimously approved to authorize release of \$225.00 from Wilmer Hostetter Escrow for payment of inspection fees.

B. Subdivision/Land Development Plan

(1) **Plan Approval – Brown Partnership** – On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to grant preliminary plan approval upon review of Planning Commission (PC) Secretary memo and Solicitor's review and approval of Declaration language concerning the submission of subject plans.

Goodley, Olivieri, Shelton Aye Nay: -0-

(2) **Shepherd Farm** – On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to adopt PC recommendation to grant a waiver from Section 507.01E (screening for double frontage lots) and disapprove second waiver request relating to Section 502.14 (cul-de-sac length).

Goodley, Olivieri, Shelton Aye Nay: -0-

C. Extension Letter

Prior to review of extension letters submitted Chairman Goodley read a statement relating to **Elkdale Green** and **Hickory Hill** requests and due to services previously provided and legal services pending, Chairman Goodley will abstain from voting on these matters to avoid any appearance of impropriety. The actions submitted were then addressed accordingly.

(1) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Liz Miller Farm**. Extension will run through and include the date of July 28, 2004.

Goodley, Olivieri, Shelton Aye Nay: -0-

(2) On motion by Vice-Chairman Olivieri, seconded by Supervisor Shelton, it was unanimously approved to accept the Letter of Extension for **Elkdale Green**. Extension will run through and include the date of July 26, 2004.

Olivieri, Shelton Aye Abstention: Goodley

(3) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Cameron Subdivision**. Extension will run through and include the date of June 26, 2004.

Goodley, Olivieri, Shelton Aye Nay: -0-

(4) On motion by Vice-Chairman Olivieri, seconded by Supervisor Shelton, it was unanimously approved to accept the Letter of Extension for **Hickory Hill**. Extension will run through and include the date of May 24, 2004.

Olivieri, Shelton Aye Abstention: Goodley

(5) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Cooper Farm Subdivision**. Extension will run through and include the date of June 15, 2004.

Goodley, Olivieri, Shelton Aye Nay: -0-

(6) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Jordan Manor**. Extension will run through and include the date of May 24, 2004.

Goodley, Shelton Aye Abstention: Olivieri

(7) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Inspection Fees totaling \$225.00 for Hopewell Ridge.

Goodley, Olivieri, Shelton Aye Nay: -0-

Developers:

A. Todd Jorgenson discussed the townships' requirements and the necessity to apply for a waiver request having to file a Land Development Plan (LDP) at 1000 Hickory Hill Rd. In addition a letter from Mr. Jorgenson's attorney was submitted on his behalf. Upon review a motion was entered by Supervisor Shelton, seconded by Vice-Chairman Olivieri authorizing solicitor to review applicants attorney's letter along with township engineers correspondence.

Goodley, Olivieri, Shelton Aye Nay: -0-

A second motion was then entered by Chairman Goodley, seconded by Supervisor Shelton, and unanimously approved requesting status update be presented at the BOS Work Session scheduled for April 22, 2004.

Goodley, Olivieri, Shelton Aye Nay: -0-

B. Barness Organization – Randy Schauer, Esq. representing the Barness Organization stated a petition is forthcoming requesting a zoning amendment “be considered” for area in question. A motion was then entered by Chairman Goodley, seconded by Supervisor Shelton, and unanimously approved that upon receipt petition will be referred to the township solicitor for review with report back to the BOS.

Goodley, Olivieri, Shelton Aye Nay: -0-

C. Keystone Custom Homes – Becky Swanson, Sales Manager for Wyndham Creek, presented Concerns while requesting a waiver to the limiting of number of building permits at any one time, ENT Ordinance #1-2000. Motion was entered by Chairman Goodley, seconded by Supervisor Shelton, and unanimously approved to refer this waiver request to the township solicitor with status update at the April 22, 2004, BOS Work Session Meeting.

Correspondence:

- A. Oxford Area Sewer Authority Minutes, 02/18/04
- B. Southeastern Chester County Refuse Authority Minutes, 02/11/04
- C. Oxford Area School District Minutes, 03/23/04
- D. Oxford Public Library Minutes, 02/26/04
- E. Oxford Area Sewer Authority, Chapter 94 Report
- F. Acts Signed Into Law A/O 03/26/04
- G. Chester County Library Business New, March/April 2004
- H. Chester Water Authority Year 2003 Water Quality Report

Supervisors:

A. On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to appoint Roger Moran to the Vacancy Board.

Goodley, Olivieri, Shelton Aye Nay: -0-

B. On motion by Chairman Goodley, seconded by Vice Chairman Olivieri, it was unanimously approved to appoint Clifford Lee to the Planning Commission.

Goodley, Olivieri, Shelton Aye Nay: -0-

C. On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to appoint Lee Brown as Zoning Hearing Board Alternate.

Goodley, Olivieri, Shelton Aye Nay: -0-

D. Supervisors discussed and confirmed the upcoming Work Session scheduled for April 22, 2004 at 7:00pm in the township building while authorizing the Secretary to advertise accordingly.

Recognition of Visitors:

Joseph Scheese, ENT resident, had various inquiries regarding recent trimming of trees on Little Elk Creek Road that involved his property. The BOS replied to all inquiries and stated that procedures are being implemented to avoid any such reoccurrence.

Marianne Russo announced the next meeting of the ENT Historical Commission will be held Tuesday, April 27, 2004 at the township building. It was also reported that vacancies still exist on this commission if anyone is interested in participating.

Teri Rigby inquired again into the policy concerning availability of the minutes of the BOS Meetings

Regarding Chairman Goodley's earlier abstentions from voting to avoid any appearance of impropriety or avoid potential conflict of interest, Mrs. Rigby stated to Chairman Goodley; "you're a crook" and repeated her statement at Chairman Goodley's request.

Howard Wiley had inquiry concerning purchase of used grader. BOS approved this issue be added to the May agenda.

Jack Baughman inquiry as to receipt of OASA letter concerning Compliance and Expansion Plans. Copy was provided to BOS and this issue will be added to the May Agenda.

Bud LeSage had inquiries to regarding trees trimmed on LECR involving his property.

Adjournment: On motion by Chairman Goodley, seconded by Supervisor Shelton, it was unanimously approved to adjourn the meeting at 9:10pm.

Goodley, Olivieri, Shelton

Aye

Nay: -0-

Respectfully submitted,

Mary E. McCormack
Mary E. McCormack
Secretary

May 10, 2004
Date

Samuel A. Goodley, Jr.
Samuel A. Goodley, Jr.
Chairman

Thomas J. Olivieri
Thomas J. Olivieri
Vice-Chairman

Charles D. Shelton
Charles D. Shelton
Supervisor