REGULAR MEETING
EAST NOTTINGHAM TOWNSHIP
BOARD SUPERVISORS MEETING
MAY 10, 2004

The regular meeting of the East Nottingham Township Board of Supervisors was held in the Township building on May 10,2004. Those present were: Chairman, Samuel A. Goodley, Jr., Vice-Chairman, Thomas J. Olivieri, Supervisor, Charles D. Shelton; Zoning Officer, Kathy Kovach; Treasurer, Pamela Mason, Secretary, Mary Ellen McCormack and numerous guests.

Chairman, Samuel A. Goodley, Jr., called the meeting to order at 7:05pm.

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

Agenda Adoption: On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the May 10, 2004 Agenda as presented by the Township Secretary.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Recurring Reports:
Minutes
On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the **March 29, 2004 Work Session Minutes** as presented by the Township Secretary.

Aye: Goodley, Olivieri, Shelton Nay: -0-

On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the **April 12, 2004 Regular Meeting of the Board of Supervisors Minutes** as presented by the Township Secretary.

Aye: Goodley, Olivieri, Shelton Nay: -0-

On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the **April 23, 2004 Work Session Minutes** as presented by the Township Secretary.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Treasurer's Report
Bills for Approval: Mrs. Mason presented the treasurer's report stating that East Nottingham's total cash assets amount to $2,273,918.14. Bills totaling $64,094.08 were presented for approval for payment from General Fund. Income received for Aril 2004 totaled $98,393.76 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 pay all the bills** from the General Funds for a total of $87,249.98.

Zoning Officer's Report (ZO) - Mrs. Kovach, Township ZO, reported a total of 39 building permits issued during the month of April as compared to 36 in March. This included 37 certificates of occupancy, eight (8) sheds and one (1) demolition permit for costs totaling $19,572 with construction costs amounting to $2,369,020.

FOR INFORMATION ONLY (FIO): Mrs. Kovach reported Tommy Tinkers have received their building permit and will commence construction in the near future. Also, Mr. William Headley has recently submitted a building permit application with plans and sewage design and will be providing remaining documentation shortly. Target date for grand opening of Happy Harry's is tentatively late June/early July. Domino's Pizza has also been issued their permit as they will have retail space at the Happy Harry site. Also FIO, the task of codifying the ENT ordinances continues as three (3) publishers have submitted their proposals. This project will be addressed shortly for review with concerned parties.

East Nottingham Township
Bills for Approval
5/10/04

Date	Number	Payee	Description	Amount
5/10/2004	3304	Neighborhood Services	2004 contribution	500.00
5/10/2004	3305	Oxford Senior Center	2004 contribution	2,500.00
5/10/2004	3306	Oxford Library	2004 contribution	6,500.00
5/10/2004	3307	Farm Plan	rear view mirror, wheel	280.70
5/10/2004	3308	Cameron's Inc.	mortar mix,screws, supplies	246.72
5/10/2004	3309	ARAMARK	uniforms	329.65
5/10/2004	3310	US Muncipal Supply, Inc.	bulb for barricade	37.72
5/10/2004	3311	Sylmar Products, Inc	4 tri-axle loads of stumps	1,200.00
5/10/2004	3312	Smoker Manufacturing	rebar, hooks	49.75
5/10/2004	3313	Lawson Products, Inc.	lantern battery	45.82
5/10/2004	3314	Automotive of Oxford	lubricants, fittings, hoses,gauge	27.33
5/10/2004	3315	H.A. Weigand, Inc.	traffics signs and hardware	1,884.00
5/10/2004	3316	Terre Hill Concrete Products	concrete boxes (type C)	910.00
5/10/2004	3317	Cleaning Equip. Supply Co.	R1 hose	69.95
5/10/2004	3318	Fast Supply	pipe	821.52
5/10/2004	3319	DM Stoltzfus & Son, Inc.	stone	562.28
5/10/2004	3320	Mt. Rocky Trucking	transport rental grader,swept stones	525.00
5/10/2004	3321	Leslie R. Henry	haul stumps to Sylmar Products	440.00
5/10/2004	3322	Monterey Refuse Service, Inc.	dumpsters for Spring cleanup	2,100.00
5/10/2004	3323	SECCRA	dump fee for Spring cleanup	45.00
5/10/2004	3324	Pequea Alternator & Starter	repair alternator for mowing tractor	51.00
5/10/2004	3325	Donnelly Transmissions	inspection for 2004 Sterling truck	51.50
5/10/2004	3326	Pennsylvania One Call System, Inc.	monthly notification fee	85.40
5/10/2004	3327	William C. Weaver	backhoe rental for April 2004	2,920.00
5/10/2004	3328	Lancaster Truck Bodies	replace clutch,hardware	994.98
5/10/2004	3329	Ledger Newspapers	advertising	100.00
5/10/2004	3330	Daily Local News	advertising	1,735.49
5/10/2004	3331	Buchanan's Buds and Blossoms, Inc.	flowers	40.50
5/10/2004	3332	Postal Privilege	postage meter supplies	76.15
5/10/2004	3333	MMPMET	health, life insurance	1,373.06
5/10/2004	3334	Hubley's Offset Printing	building inspection forms	92.00
5/10/2004	3335	FedEx	shipping charges	25.89
5/10/2004	3336	Armstrong	internet connection	41.95
5/10/2004	3337	Belmont and Crystal Springs	water for coolers	24.94
5/10/2004	3338	Office Basics, Inc.	transcriber, name plate	411.07
5/10/2004	3339	Office Depot	office supplies	6.66
5/10/2004	3340	Toshiba America Info Sys Inc.	copier leasing (1 month)	249.50
5/10/2004	3341	AT&T	long distance phone	249.15
5/10/2004	3342	Verizon	phone, fax lines	312.59
5/10/2004	3343	Nextel	cell phones	251.53
5/10/2004	3344	PECO	electric	572.90
5/10/2004	3345	BFI	trash removal	60.03
5/10/2004	3346	PP&L	gas heat	273.32
5/10/2004	3347	SICO	heating fuel	354.34
5/10/2004	3348	J.A. Prettyman, Jr.	pump 2 septic tanks at township	240.00
5/10/2004	3349	State Book Store	copies of 2nd Class Twnship Code	43.50
5/10/2004	3350	Chester County SPCA	animal control	120.00
5/10/2004	3351	Karasch & Associates	Zoning Hearing Board-transcription	388.25
5/10/2004	3352	Winifred Moran Sebastian	solicitor fees	3,031.25
5/10/2004	3353	Charles Shock, Inc.	plan review	4,406.46
5/10/2004	3354	John D. Coldiron	plan review and building inspections	6,572.70

East Nottingham Township
Bills for Approval
5/10/04

5/10/2004	3355	Code Administrators, Inc	building inspection for OAHS	3,500.00
5/10/2004	3356	Ragan Engineering	engineering fees	5,113.05
5/10/2004	3357	David C. Sweet	professional fees Jan-March 2004	2,659.93
5/10/2004	3358	PIRMA	PA Intergov't Risk Mmgt-2004 contri.	15,231.50
5/10/2004	3359	H.A. Thomson Co.	property & equip insurance	7,851.00
5/10/2004	3360	Berkheimer Associates	EIT commission	1,429.15
5/10/2004	3361	Peoples Bank of Oxford	941 deposit	5,197.90
5/10/2004	3362	Mary E. McCormack	mileage	19.44
5/10/2004	3363	Samuel A. Goodley	mileage	53.14
5/10/2004	3364	Kathy Kovach	mileage	28.80
5/10/2004	3365	cash	petty cash (postage, notary, misc)	95.83
5/10/2004	3366	Hamlin, James	Tax collector & suppliesfor April	1,106.24
5/10/2004	3367	Mason, Pamela A.	Treasurer for April	732.45
			TOTAL GENERAL FUND	87,249.98

Roadmaster Report: The April Roadmaster Report was submitted and accepted as presented with no outstanding issues.

Public Presentation: Mr. Bill Stullken, representative of Southeastern Chester County Refuse Authority (SECCRA), spoke to the BOS and residents of ENT concerning the proposed expansion of SECCRA while requesting endorsement from ENT in the form of a submitted resolution, **"The Need for Solid Waste Disposal Capacity"**, in support of future expansion of SECCRA. The same request of all 24 surrounding municipalities serviced by SECCRA is being made in favor of SECCRA's future growth. With additional explanation, a question/answer period and the reading of proposed resolution, a **motion was then entered** by Chairman Goodley, seconded by Vice-Chairman Olivieri, **and unanimously approved** adoption of the prepared resolution submitted in support of SECCRA's continuing growth.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Bid Openings:

A. Grader Bid - A single bid was received for the grader, however upon review invoice was not found. A motion was then entered by Chairman Goodley, seconded by Supervisor Shelton, tabling bid to May 17th Work Session allowing time to contact the bidder to complete bid package, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

B. Material/Equipment – Five companies submitted bids to ENT for materials and equipment. The bids were submitted by D. M. Stoltzfus & Son, Inc., (materials only); Compass Quarries; d/b/a Independence Construction Materials (ICM) (materials only); AI-Maryland LP (d/b/a ICM) (materials only) Long's Asphalt, Inc., (equipment only) and McMinn's Asphalt Co., Inc., (materials only). Bids were read and awarded as follows with motions entered accordingly.

On motion by Supervisor Shelton, seconded by Vice-Chairman Olivieri, it was unanimously approved to award the **bid for stone** to D. M. Stoltzfus & Son, Inc. in the amount of $59,155.00.

Aye: Goodley, Olivieri, Shelton Nay: -0-

On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to award the **bid for asphalt** to AI-Maryland LP (d/b/a ICM) for a total cost of $157,675 for the binder and $87,467.50 for wearing coat, totaling $245,142.59.

Aye: Goodley, Olivieri, Shelton Nay: -0-

On motion by Chairman Goodley, seconded by Supervisor Shelton, it was unanimously approved to award the **bid for equipment** to Long's Asphalt, Inc. in the amount of $37,710.00.

Aye: Goodley, Olivieri, Shelton Nay: -0-

C. **Road Projects** – Five bid packages were distributed for the road projects with return of only one submitted bid. However upon review and discussion by the BOS it was agreed to award the Woods Road Project (Fifth Street to Rt 472) to Melchiorre Construction Co. and suspended remaining two projects until future date yet to be determined. Motion was then entered by Chairman Goodley, seconded by Vice-Chairman Olivieri, and unanimously approved awarding the Woods Road project in the amount of $136,683 to Melchiorre Construction Co.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Motion was entered then by Chairman Goodley, seconded by Vice-Chairman Olivieri, **suspending remaining two road projects**, Waterway Road realignment and Mount Pleasant Road widening, until determination is made if ENT will accomplish these projects.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Residents/Landowners:

A. Joel Brown: Re: Open Space Referendum (OSR) – Mr. Brown discussed the possibility of holding a hearing relating to the Open Space Referendum encouraging the BOS to place this issue on the November ballot while expressing his concerns.

B. Mr. Joe Bauer, Oxford Area Recreation Authority (OARA) representative, updated the BOS and residents of the status and progress currently underway with the OARA. Mr. Bauer also reported that a survey has been developed inquiring as to what specific facilities the community is most interested in having and is available from the Township Secretary.

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; **Happy Harry's**, Release #08, for $72,268.26; **Misty Meadows,** Release #14, for $28,350.44; **Blackburn Knoll,** Release #12, for $7,317.50; **Darlington Hunt IV,** Release #28, for $186.26; **Pennwood Subdivision,** Release #05, for $105.00; and **Oxford Area High School,** Release #12, for $75.63.

Aye: Goodley, Olivieri, Shelton Nay: -0-

On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to authorize $75.63 from **Hopewell Ridge Escrow** for payment of inspection fees.

Aye: Goodley, Olivieri, Shelton Nay: -0-

B. **Subdivision/Land Development Plans**

(1) **Hickory Hill Preliminary Plan Approval** – With verification and documentation of changes required and provided prior to preliminary plan approval a **motion was entered** by Vice-Chairman Olivieri, seconded by Supervisor Shelton and was approved.

Aye: Olivieri, Shelton Nay: -0- Abstention: Goodley

Lewis Tract Sewage Operations & Maintenance (O&M) Agreement – The Zoning Officer reported that she received two original agreements. These agreements will be revised and forwarded to the Township Solicitor for her approval. Motion by Chairman Goodley, seconded by Supervisor Shelton, to authorize execution of the O&M Agreement, outside a public meeting, upon approval from the Township Solicitor.

Aye: Goodley, Olivieri, Shelton Nay: -0-

C. **Extension Letters:**

(1) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, and was approved to accept the Letter of Extension for **Sam McMichael** for Land Development Plan with the requested extension to run through and include the date of **August 10, 2004.**

Aye: Goodley, Olivieri Nay: Shelton

(2) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Hopewell Ridge** with the requested extension to run through and include the date of **August 24, 2004.**

Aye: Goodley, Olivieri, Shelton Nay: -0-

(3) On motion by Chairman Goodley, seconded by Supervisor Shelton, it was unanimously approved to accept the Letter of Extension for **Tigue Farm (Jordan Manor)** with the requested extension to run through and include the date of **June 28, 2004.**

Aye: Goodley, Shelton Nay: Olivieri

(4) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Shepherd Farm** with the requested extension to run through and include the date of **August 20, 2004.**

Aye: Goodley, Olivieri, Shelton Nay: -0-

(5) On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to accept the Letter of Extension for **Ruth Coldiron** with the requested extension to run through and include the date of **August 21, 2004.**

Aye: Goodley, Olivieri, Shelton Nay: -0-

(6) On motion by Vice-Chairman Olivieri, seconded by Chairman Goodley, it was unanimously approved to accept the Letter of Extension for **Meadowview Estates** with the requested extension to run through and include the date of **August 25, 2004.**

Aye: Goodley, Olivieri, Shelton Nay: -0-

Developers:

A. **Barness Organization** – Mr. Randy Schauer, Esq, discussed again the possible authorization by the BOS amending the zoning ordinance that would provide for active adult housing within the township. Discussion ensued with questions raised concerning lot size and other pertinent requirements. Issues in question along with Township solicitor's comments are pending, therefore, no decisions will be made until issues are resolved.

B. **Frost Development Company; Re: Pump and Haul Permit** – This issue was discussed upon receipt of a memorandum from the Township solicitor regarding reference noted. With several legal areas in question a motion was entered by Chairman Goodley, seconded by Vice-Chairman Olivieri, to table for further consideration and review by the Township solicitor, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Correspondence (Misc)

A. US Dept of Interior, Ltr April 22, 2004; Re: Water Level Management
B. Atlantic Inland Notice; Re: 3rd Part Inspection Agency
C. PA State Police Community Message

Correspondence (M/Q/A)

A. OASA Minutes, March 17, 2004
B. Acts Signed Into Law A/O April 8, 2004
C. OADS REVISED Meeting Minutes, April 27, 2004

D. Oxford Public Library Agenda, April 23, 2004
E. SECCRA Minutes, April 27, 2004
F. Chester County Library System, Spring 2004 Newsletter
G. Chester County Planning Commission Annual Report 2003

Supervisors:

A. **Paper Mill Woods, Lot #20** – Motion was entered by Chairman Goodley, seconded by Vice-Chairman Olivieri, and unanimously approved allowing the landowner of Lot #20, to convert the existing basin to a dry well at landowners expense subject to the Township engineer, Ron Ragan, providing an acceptable escrow figure for inspections fees and payment of these amounts to the township prior to commencement of work, and unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

B. **Wiltshire Inspection of Dedicated Roads** – On motion by Supervisor Shelton, seconded by Chairman Goodley, action on this item was tabled for further investigation into pending issues as indicated in a letter received from Wiltshire residents concerning road and sidewalk conditions, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

C. **Planning Commission Nominee** – Motion was entered by Chairman Goodley, seconded by Vice-Chairman Olivieri, to schedule a interview with Elizabeth Summers, an ENT resident wishing to serve her community, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

D. **Historical Commission Chairman, Ralph Denlinger** – The newly elected Chairman of the East Nottingham Township Historical Commission (ENTHC), Ralph Denlinger, updated the BOS and residents of progress made at the recent meeting of the start up of ENTHC, along a request for funding for office supplies and other necessities in efforts to begin compiling historical records of ENT. **Motion was entered** by Supervisor Shelton, seconded by Vice-Chairman Olivieri **to reimburse ENTCH expenses** occurred, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Also reported was the decision of the ENTHC to meet monthly on the fourth Tuesday at the Township building, 7:00pm, with the public welcome to attend and with notices of planned meeting to be published in the Oxford Tribune and on the ENT web-site. Mr. Denlinger then discussed the appointment of Ms. Cooky Howett, ENT resident, interested in serving on the ENTHC. Vice-Chairman Olivieri suggested Ms. Howett attend a future meeting in order to make the appointment official. A **motion was then** entered by Chairman Goodley, seconded by Vice-Chairman Olivieri **appointing Cooky Howlet to the ENTHC**, and unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-.

E. **New Building Code Ordinance (BCO)** – As the decision to accept or reject the new BCO is nearing it was agreed upon by the BOS to schedule a meeting with Code Administrators. A **motion was then** entered by Chairman Goodley, seconded by Vice-Chairman Olivieri requesting the ZO **arrange a meeting for all parties** involved and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

F. **Jake Brake Ordinance** – After discussion by BOS and residents concerning this safety issue a **motion was entered** by Chairman Goodley, seconded by Vice-Chairman Olivieri, **to table this item** until such time the Township solicitor has reviewed and clarified liability issues relative to this matter, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

A second **motion was then** entered by Vice-Chairman Olivieri, seconded by Supervisor Shelton to **contact the Pennsylvania State Police for their input** on the use of Jake Brakes, and was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

G. **Open Space Referendum on November Ballot** – This issue was discussed by BOS with **motion entered** by Chairman Goodley, seconded by Vice-Chairman Olivieri, **authorizing the Township solicitor to commence process to add the Open Space Referendum to the November ballot**, and it was unanimously approved.

Aye: Goodley, Olivieri Nay: -0- Abstention: Shelton

H. **Locksley Glen Home Owners Association Request for 35 MPH Speed Limit Sign for Wedgewood** – Since a traffic study has not yet been authorized on this road **a motion was entered** by Chairman Goodley, econded by Vice-Chairman Olivieri, authorizing the Township engineer, Ron Ragan, **to conduct a traffic study** with report back to the BOS, and it was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

I. **M/M Scott Kellogg, Wiltshire at Oxford, Letter Re: Condition of Sidewalks** – This issue was discussed and addressed under ITEM "B", above.

J. **Correspondence Concerning OASA Compliance and Expansion Plans** - Chairman Goodley reviewed a letter received from the OASA to ENT BOS indicating their intended plans and the allotted time allowed to resolve the issues involved.

K. **Coates Junkyard** – Supervisor Shelton reported meeting with property owner, Eric Coates, to discuss ways of addressing this area to the satisfaction of all parties involved. A **motion was then** entered by Vice-Chairman Olivieri, seconded by Supervisor Shelton, **authorizing the Townships solicitor and engineer to investigate the all requirements needed to exchange ownership of property** at the intersection of Rt472, Oxford Road and Fulton Road, and it was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

L. **Building Permit Application** – The ZO reported a building permit application is pending for Headley Day Care Center and requires Code Administrators (CA) review. A **motion was then** entered by Chairman Goodley, seconded by Vice-Chairman Olivieri, **to contact CA** to conduct this review of the Headley Day Care Center, and it was unanimously approved.

Aye: Goodley, Olivieri, Shelton Nay: -0-

Recognition of Visitors:

Mr. Jack Baughman, ENT resident and representative to the OASA, thanked the BOS again for their support of the OASA. Mr. Baughman then inquired into the status of when the traffic light would be in at the intersection of Baltimore Pike, Barnsley Road and Waterway Road. Recent report from the Township engineer was tentatively in the Fall.

Ms. P. J. Scheese, ENT resident, thanked the township for their hidden driveway sign.

Adjournment: On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, **it was unanimously approved to adjourn the meeting at 9:50pm.**

Aye: Goodley, Olivieri, Shelton Nay: -0-

Respectfully submitted,

Mary E. McCormack
Secretary

Approved:

June 14, 2004
Date

Samuel A. Goodley, Jr.
Chairman

Thomas J. Olivieri
Vice-Chairman

Charles D. Shelton
Supervisor