

**REGULAR MEETING
EAST NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS
JUNE 14, 2004**

The regular meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on June 14, 2004. Those present were Chairman Goodley; Vice-Chairman Olivieri; Supervisor 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 7:00pm

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 adopt the agenda as modified with the following additions; (1) Item V, add "d", Diana Stuckey and Janet Prewitt; Request for Speed Limit Signs on Woods Rd; and Item XI, add "N", the scheduling a Work Session Meeting for June 21, 2004.

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

Minutes: On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to adopt the Regular Meeting Minutes of May 10, 2004 as presented by the Township Secretary.

Aye:	Goodley, Olivieri, Shelton	Nay:	-0-
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On motion by Chairman Goodley, seconded by Vice-Chairman Olivieri, it was unanimously approved to adopt the Work Session Meeting Minutes of May 17, 2004 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 adopt the Special Meeting Minutes of June 14, 2004 as presented by the Township Secretary.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Treasurer's Report: Mrs. Mason presented the Treasurer's Report stating that East Nottingham Township's total cash assets amount to \$2,280,776.50. Bills totaling \$96,590.14 were presented for approval for payment from the General Fund.

Income received for May 2004 totaled \$107,158.47 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 Fund for a total of \$96,590.14 and adopt the Treasurer's Report as presented.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Zoning Officer's Report: Mrs. Kovach reported a total of 39 building permits issued during the month of May as compared to 29 in April. This included 22 certificates of occupancy, five (5) sheds and one (1) demolition permit for costs totaling \$14,918.00 with construction costs amounting to \$1,696,466.00.

Roadmaster Report: The May Roadmaster Report was submitted and adopted as presented with no outstanding issues.

Historic Commission Minutes: Board of Supervisors feel that the Minutes didn't need to come to them for approval.

Residents Requesting to be on Agenda:

A) Mrs. Teri Rigby, township resident, discussed procedures for preparing minutes of meetings. Ms. Rigby presented a handout to the Supervisors and Secretary addressing minute preparation in accordance with Pennsylvania State Association of Township Supervisors (PSAT's) and Governor's Center for Local Government Services

B) Mr/Mrs Reginald Nash, 234 Freese Rd.- Mrs. Shirley Nash discussed a problem involving continuous water and other matters from the run-off. Mrs. Nash reported contacting other elected officials in attempts to resolve this matter. Mrs. Nash also reported on a meeting with Chester County Health Officials to discuss this issue. Mr. Nash then reiterated the above concerns . The main inquiry, however, was " what is the Township going to do to fix this on-going problem". All Supervisors replied to this issue with Chairman Goodley stating the Township will do what the Township is responsible for in efforts to alleviate this problem.

C) Mr. David Bolesta, 238 Freese Rd., was offered time to speak on his behalf as it is his property causing the run-off across the Nash's driveway. Mr. Bolesta then reviewed a history of the water and sewage issues relating to his property and the structural damaged to his home. He reported that he is in compliance with the County and continues to do everything possible to stop the run-off.

D) Mr/Mrs Doug Ronallo, 268 Waterway Road, had inquiries concerning notice received on proposed zoning changes and if it affects their property. Chairman Goodley responded that what was forwarded is strictly a proposal and it would be best to attend the zoning hearing as all questions will be addressed and answered at that time as nothing has been decided. Also a copy of the proposal, once a new date has been set for the hearing, will be available upon request.

E) Mrs. Diana Stuckey and Mrs. Janet Prewett, township residents, discussed their concerns regarding the lack of speed limit signs on Woods Road and the possible removal of trees where widening work will occur. It was reported that a traffic study may have been completed, however this will be confirmed with the township engineer and an ordinance may be developed to implement speed restriction once all legal requirements have been complied with.

New Items of Business:

A) Escrow Releases

Happy Harry's, release #09 for \$110,734.60. Motion to approve Chairman, Samuel A. Goodley Jr., seconded by Vice Chairman, Thomas J. Olivieri, was unanimously approved.

Jim Mark Storage, release #02 for \$59,670. Motion to approve Chairman Samuel A. Goodley Jr., seconded by Supervisor, Charles D. Shelton, was unanimously approved.

Blackburn Knoll, release #13 for \$4,832.00. Motion to approve Chairman Samuel A. Goodley Jr., seconded by Vice- Chairman, Thomas J. Olivieri, was unanimously approved

Darlington Hunt IV, release #29 for \$215.63 . Motion to approve Chairman Samuel A. Goodley Jr., seconded by Vice- Chairman Thomas J. Olivieri, was unanimously approved.

Oxford Area High School, release #13 for \$70.00 . Motion to approve, Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, was unanimously approved.
Misty Meadows, release #15 for \$70.00. Motion to approve, chairman Samuel A. Goodley Jr., seconded by Vice- Chairman Thomas J. Olivieri, was unanimously approved

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

Upon discussion and review a motion was entered by Chairman Goodley, seconded by Supervisor Olivieri, and was unanimously approved to authorize \$221.26 from Hopewell Ridge Escrow for payment of inspection fees.

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

Pennwood Subdivision, release #06 for \$30,296.89 - This request was reviewed and discussed by the Supervisors with the decision to table this request to next months meeting as there are unresolved issues. Therefore, a first motion entered by Supervisor Goodley was withdrawn with a motion then entered by Supervisor Goodley, seconded by Supervisor Shelton and unanimously approved to table to Regular Meeting of July 12, 2004.

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

The final item under escrow releases, Wiltshire, release #47 for \$110.63 was discussed and reviewed and on motion by Chairman Samuel A. Goodley Jr., seconded by Supervisor Charles D. Shelton, this request was unanimously approved.

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

The second issue, Release of Maintenance Guarantee Request of Wiltshire, was then discussed and due to additional information/clarification needed regarding sidewalk conditions. Motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice- Chairman Thomas J. Olivieri authorizing Township Engineer, Ron Ragan, to contact Wiltshire for this additional information. This issue was then tabled to the Regular Meeting of July 12, 2002 with all actions unanimously approved.

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

B. Subdivision/Land Development Plan

Brown Partnership Final Plan Approval - With receipt of approval from the Department of Environmental Protection (DEP) motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri and unanimously adopted granting final plan approval to the Brown Partnership Plan.

Correspondence (M/Q/A)

- A. Chester County Library Business News, May/June 2004
- B. Oxford Area Sewer Authority Minutes, 04/21/04
- C. Acts Signed Into Law, 05/24/04
- D. Oxford Public Library Agenda, 05/27/04
- E. Union Fire Company #1 Report (05/01/04-05/31/04)

Supervisors:

A. Adoption of Ordinance Placing Open Space Referendum on November Ballot - BOS discussed this issue with audience input and a first motion entered by Chairman Goodley authorizing adoption of an ordinance, placing the Open Space Referendum on the November Ballot. However, discussion ensued with BOS and residents concerned about the lack of information available to the public. Therefore, earlier motion was rescinded with amended motion entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and unanimously approved authorizing Township Solicitor to revise the Ordinance, providing a "Plain English" version of the Ordinance for consideration at the July meeting.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

B. Adoption of Uniform Construction Code (UCC) Ordinance- Motion was entered by Chairman, Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri adopting the ordinance establishing the Uniform Construction Code as East Nottingham's Building Code and to provide enforcement of the Code by the Township. BOS also authorized publication in the Daily Local News of the Ordinance by the Township Solicitor.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

C. Fee Resolution of UCC Charges - In conjunction with the above UCC Ordinance a resolution was presented for review by the BOS setting a fee schedule, when third party review of Commercial Plan is performed. Upon discussion a motion was entered by Chairman Samuel A. Goodley, seconded by Vice-Chairman Thomas J. Olivieri, adopting a fee schedule for third party contracts for review under the Uniform Construction Code.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Lawrlane Farms Preliminary Plan Approval - Motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and unanimously approved granting preliminary plan approval upon confirmation of Planning Commission recommendations indicated in the Zoning Officer's Memo of June 16, 2004.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Todd Jorgensen Waiver Requests Approval - Upon Supervisors review applicants request for waiver from filing a land development plan was denied .Motion entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and approved denying waiver requests submitted. Supervisor Charles D..Shelton abstained from voting .

Aye: Goodley, Olivieri

Nay: -0-

Abstention: Shelton

Hutchison Property Final Plan Approval - Upon discussion and review of the Township Engineering letter dated 06/11/04 with the Planning Commission's recommendations a motion entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and unanimously adopted to table to the July 14, 2004 meeting while we await the Act 247 letter from the Chester County Planning Commission.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Clyde Cameron Waiver Request Approval -

On motion by the Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, it was unanimously approved to grant waivers for the Clyde Cameron two lot subdivisions

C. Extension Letters:

1) Upon review and discussion of letter submitted by Crossan-Raimato, Inc for Clyde Cameron who is awaiting DEP approval, a motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and unanimously approved to accept the Letter of Extension for the Cameron Subdivision with the requested extension to run through and include the date of August 26, 2004.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

2) Cooper Farms - By submission of a letter from Government Specialist, Inc., dated 6/14/4, regarding this request and with review and discussion by the Supervisors a motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman, Thomas J. Olivieri unanimously approving acceptance of the Letter of Extension for Cooper Farms with the requested extension to run through July 11, 2005. This date is due to unresolved July 11, 2005.

Correspondence

A. Oxford Public Library Ltr 05/11/04; Thank You

B. Oxford Area Senior Center ltr 05/17/04; Re: Thank You

C. Neighborhood Services Thank You, 05/21/04

D. Wilmer Hostetter letter 06/02/04; Re: Road Dedication for Brightwell Reserves - This issue was reviewed/discussed however, there are some unanswered questions that need to be addressed. Motion entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and unanimously approved to forward this request to the Township solicitor and engineer for their review with reply back to BOS before request for approval is granted.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

E. Township Engineer/Ron Ragan Report Regarding 148 Freese Rd - Submitted report was reviewed with decision of BOS to table to July meeting as more information is needed to finalize this action. Motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri, and unanimously approved to table action.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

F. Chester County Health Dept (CCHD) ltr 06/06/04; Re: 238 Freese Rd - Since this issue relates to matters within the Autumn Hill Development, Chairman Goodley reviewed CCHD submitted letter reading for the record a sentence within the letter, by Ms. Debra A. Town, Environmental Health Assistant Supervisor, CCHD. Quote; "Mr. DeFazio (Environmental Health Supervisor, CCDH), responded that at the present time there was no sewage overflowing to the ground surface.

G. Darlington Hunt Resident/Stephanie Yaisse ltr 05/24/04, Re: Drainage Problems- Review by the BOS of residents' submitted letter requires further investigation. Motion was entered by Chairman Samuel A. Goodley Jr., seconded by Supervisor Charles Shelton and unanimously approved authorizing the Roadmaster, Howard Wiley, to check conditions and report back to BOS on findings.

Aye: Goodley, Olivieri, Shelton

Nay -0-

latest submission of the pending update, motion was entered by Chairman Samuel A. Goodley Jr., seconded by Vice-Chairman Thomas J. Olivieri and unanimously approved authorizing the Township Secretary to advertise a Special Work Session Meeting for July 21, 2004 at 7:00pm with Special Supervisors Meeting following at 8:45pm to address this matter.

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

H. Traffic Impact Fee & Committee - Supervisors reviewed this issue upon receipt of letter from Ron Ragan, Township Engineer, recommending scheduling of interviews with traffic engineering firms to facilitate ACT 209 and issues relating to subject. Motion was then entered by Chairman Goodley, seconded by Vice-Chairman Olivier, and unanimously approved, authorizing the Township Engineer to schedule meetings with suggested firms.

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

I. Codification of Zoning Ordinance - The Zoning Officer, Kathy Kovach, reported meeting with three firms with General Code Publishers proposal, cost and product the best submission. Motion was entered by Supervisor Charles Shelton, seconded by Vice-Chairman Thomas Olivieri, and unanimously approved appointing General Code Publishers to prepare the townships ordinances for codification, and unanimously approved. However, discussion ensued with Vice-Chairman Thomas J. Olivieri recommending delaying process until such time the BOS and Planning Commission Members meet to clarify issues relative to codification matters. Motion entered was then modified to reflect this recommendation.

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

J. Stop Sign Request for Mt Pleasant/Waterway Rd and all Crossroads in ENT - Request was made for a stop sign at this intersection as residents have had some bad experiences of near collisions. BOS discussed with motion entered by Chairman Samuel J. Goodley, seconded by Supervisor Charles Shelton, and unanimously approved authorizing the Township Engineer to initiate a traffic study and the solicitor to prepare an ordinance as required. Vice-Chairman Olivier then requested the Roadmaster to check all four way stops in the township with report back to the BOS.

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

K. Reschedule July 7, 2004 Zoning Hearing -Due to delay in processing of required submission of Zoning and S/LD Ordinance Amendment Proposals to CCPC for their review and the required timeframe mandated, the scheduled hearing of July 7, 2004 was cancelled. Motion was entered by Chairman Samuel A. Goodley, seconded by Vice-Chairman Thomas J.Olivieri, and unanimously approved to table the rescheduling of the Zoning Hearing date to the Work Session Meeting to be advertised for June 21, 2004, when the issue will be discussed further and a new date established.

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

L. Authorize Extension of Hearn Hutchison purchase- See above item New Items of Business, "B", S/LD Plans, (4) Hutchison Property.

M. Vacating of Old Waterway Road - Motion by Chairman, Samuel A. Goodley, seconded by Supervisor Charles Shelton authorizing Solicitor to begin vacating process for portion of Waterway Road to be vacated, and was unanimously adopted.

N. Scheduling of Work Session for June 21, 2004 - Due to the number of issues addressed this evening and required meetings needed to be scheduled and re-schedule a motion was entered by Chairman Samuel A. Goodley, seconded by Vice-Chairman Thomas J. Olivieri, and unanimously approved to authorize advertisement for a Work Session Meeting for Monday, June 21, 2004 at 7:00pm.

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

O. Motion for Consultant and Township Solicitor to Coordinate with Planning Commission on Codification of Zoning and S/LDO - This discussion was initiated by Vice-Chairman Olivieri with motion presented, however Consensus was for BOS and Planning Commission Members meet to discuss preparing ordinance manual for codification. Motion entered failed for lack of second.

Recognition of Visitors:

Mr. Bud Lesage, resident, thanked the Supervisors for their efforts in correcting a dangerous situation at the corner of My Way and Little Elk Creek Road as this has been a serious visibility problem for school bus drivers.

Mr. Joe Bauer, resident and Oxford Area Recreation Authority (OARA) representative for ENT, reported the next meeting scheduled for the OARA will be here at ENT Township, Thursday, July 8, 7:00pm. He also reported no information has been received to date on the grant application submitted by OARA.

Mrs. Teri Rigby, resident, discussed e-mail communication amongst supervisors.

Mr. Jack Baughman, resident, inquired at to status of red light and when it would be in at the intersection of Baltimore Pike and Waterway Road. Mr. Shelton replied Ron Ragan, Township engineer would be contacted for an update.

Mr. Ed Loble, resident, inquired as to when the Zoning and S/LD Ordinance Amendment Proposal would be available.

Ms. Sebastian, Township Solicitor, stated after a meeting date has been authorized the proposal will be available to all.

Mr. Rick Orner, resident, inquired into status of records requests presented earlier regarding Armstrong Cable and finding of their records. Also requested were records relative to any variances issues on behalf of Armstrong Cable. Chairman Samuel A. Goodley responded that the Township is attempting to locate all requested records and they will be provided, if located.

Adjournment: On motion by Chairman Samuel A. Goodley, seconded by Vice-Chairman Thomas J. Olivieri, it was unanimously approved to adjourn the meeting at 11:35pm.

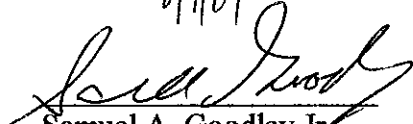
Aye: Goodley, Olivier, Shelton

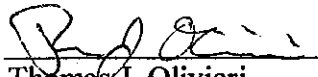
Nay: -0-

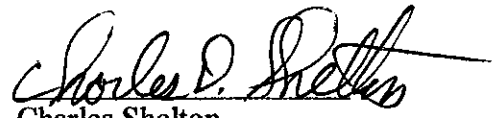
Respectfully submitted,
Approved:

Mary E. McCormack

Date 8/9/04


Samuel A. Goodley Jr.
Chairman


Thomas J. Olivieri
Vice- Chairman


Charles Shelton
Supervisor