

July 12, 2004

The regular monthly meeting of the East Nottingham Township Board of Supervisors was held in the Township building on July 12, 2004. Those present were: Supervisors, Samuel A. Goodley, Jr., Chairman, Thomas J. Oliveri, Vice Chairman, and Charles D. Shelton, Member; Treasurer, Pamela Mason, Zoning Officer, Kathryn Kovach and numerous guests.

The meeting was called to order at 7:00pm by the Chairman.

The Pledge of Allegiance was led by the Vice Chairman.

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to accept the agenda for the July 12, 2004 meeting, with the following change:

Move item #2 under Supervisors to directly under Agenda Approval.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by Dave Shelton, seconded by the Vice Chairman, it was unanimously approved to appoint Pamela Mason, Temporary Township Secretary.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

It was announced that the minutes of the June 14, 2004 regular Board of Supervisors meeting and the July 2, 2004 Special Meeting of the Board of Supervisors would be considered at the August meeting of the Board of Supervisors.

#### **Treasurer's Report/Bills for Approval**

Mrs. Mason, Treasurer, presented the treasurer's report and reported that East Nottingham's total cash assets amount to \$2,334,436.71. Bills totaling \$72,145.06 were approved from the General Fund, with supplemental checks totaling \$89,079.87 approved. One check to D.M. Stoltzfus in the amount of \$762.57, was approved from State Fund. On motion by the Chairman, seconded by the Vice Chairman, the Treasurer's Report was approved and payment of bills was authorized.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to close the Insured Money Market account, #650-280 at Peoples Bank of Oxford, and open a Governmental Flex Now Account, offered by Peoples Bank of Oxford and their parent bank, National Penn Bank.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to sign the signature cards for the new Flex Now Account outside of a meeting.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

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

Correspondence was received from Brutscher, Foley, Milliner & Land, LLP regarding the Zoning Hearing Board held on Wednesday, June 30, 2004. This correspondence was sent to the applicants, Mr. Wilmer Hostetter and Ms. Becky Swanson, with a copy to East Nottingham Township. The request was denied by the Zoning Hearing Board.

A letter was received from Mrs. Mildred Delp concerning zoning of her property.

A resume from John P. Coldiron was received.

An announcement of the fall opening of the Tommy Tinkers Day Care & Pre-School was received.

**Recognition of Visitors:**

Joseph Scheese – suggested that residents be placed in front of developers on the agenda.

Marianna Russo – in reference to the Open Space Referendum – according to the Brandywine Conservancy the referendum can come up at any point and can be re-introduced. What happened last time was that there was no education done. It is planned this time to have a community based committee to look into the pros and cons and to do a real education program.

Dennis Lynch – would like to talk with anyone else who has noise issues with Camp Saginaw.

Margaret Ronallo – invited residents on a walking tour of Waterway Road on Thurs, July 15<sup>th</sup>, at 7:30 pm.

Terri Rigby – with all the ordinances, changes, etc. when will impact fees be established? Chairman responded that last month the Township Engineer was authorized to do a traffic impact study. Next month she will have a list of projects that have been started and not completed. She asked if the Board of Supervisors would like a copy of the list prior to the meeting. She questioned the certification of John Coldiron. It was left up to Mrs. Rigby when she would like to provide the list. Mrs. Rigby asked when budget and audit would be published. It was stated that the budget has already been published, and that the auditors sent the audit for publishing this week. Mrs. Rigby expressed concern that East Nottingham Township is over budget already. She also expressed how important she feels it is that residents attend the school board meeting that the Board of Supervisors were invited to.

Doug Ronallo – does East Nottingham Township have a noise ordinance? It was stated that currently there is not one, there has been a proposed one, but the difficulty is in the enforcement. The comments from Chester County Planning Commission have just been received. It will be put on the Planning Commission agenda.

issues (breeding grounds for mosquitoes, mice infestations) that she has reported to various agencies. Mrs. Nash stated that the Township Solicitor, Winnie Sebastian, stated that East Nottingham Township cannot pay for spraying. Mrs. Nash read code 1521 that referenced the appropriation of funds for insect, pest and vector programs. Mrs. Nash reiterated that she would like to know why the house at 238 Freese Road has not been condemned. She restated that articles 1517 and 1521 of the 2<sup>nd</sup> Class Township Code gives the Board of Supervisors that authority to condemn property.

On motion by the Vice Chairman, seconded by Dave Shelton, it was unanimously approved to contact the Township Solicitor regarding the authority and responsibility of the Board of Supervisors in the condemnation of property.

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

Mr. Nash stated that he would like to thank the Supervisors for at least calling Megill to get the funds. He expressed displeasure at the way the Supervisors are handling the issue. It was stated again that Township has no responsibility for private property, but they are trying to facilitate the correction of his problem.

Mr. Dennis Lynch spoke regard the loud noise coming from Camp Saginaw. He listed various dates and loud disturbances. The remedy he is seeking is for East Nottingham Township to enact a noise ordinance and impose fines. Mrs. Rigby, a member of the audience, referred Mr. Lynch to New London Township, due to the fact that Camp Saginaw is located in New London Township. Kathy Kovach, Zoning Officer for East Nottingham Township, has contacted the camp director in an attempt to help facilitate resolution of the problem.

Mr. Joseph Scheese presented the tree estimates for repair to the damage at his property caused by the trimming of trees. The total damage is \$10, 456.50. Mr. Scheese read Article 23, Section 2325 of the 2<sup>nd</sup> Class Township Code, and recommended that the Board of Supervisors stop the practice of trimming trees, as per this section. He also feels that a fin fine should be levied against the person(s) responsible for this problem. A complaint letter against the Roadmaster was presented to the Board of Supervisors from Mr. Sheese and Mr. Register.

Mr. Randy Schauer from the Barness Organization asked the Board of Supervisors to authorize further consideration of the amendments proposed for the development of an over 55 residential community. The Vice Chairman motioned for the Planning Commission to look at the proposed changes, there was no second, and motion did not carry.

#### **Correspondence:**

A letter was received from Rep. Art Hershey regarding a request for installation of traffic signs at Woods Road. On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to authorize the Roadmaster to install "Slow - Children at Play" signs.

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

**Developers/Residents:**

Mr. Bill Rominelli of Wilkinson Builders, requested that the Maintenance Guarantee for the east side of Wiltshire be released. Discussion followed, as there are issues with the sidewalks in that area. Mr. Rominelli stated that the sidewalk issues are a result of deicing salt placed on them for an extended period of time, not a structural issue. Mr. Rominelli provided a copy of a letter from Ragan Engineering Associates. Mr. Rominelli also stated that the bond had expired. He also stated the sidewalks are the homeowners responsibility. Continued discussion was held concerning this issue. Dave Shelton stated that he was not satisfied with the answers and was against releasing the money.

On motion by the Chairman, seconded by Dave Shelton, it was unanimously approved to ask Mr. Rominelli to talk to the developer, asking if he would be willing to fix the sidewalk.

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

Mr. Rominelli stated that Mr. Wilkerson's position is that it is not a structural issue, and the developer is not responsible.

On motion by Dave Shelton, seconded by the Vice Chairman, it was unanimously approved to not grant the release of the bond.

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

A short recess was called.

The meeting was reconvened at 8:24 pm.

Mrs. Nash had a question about the plan to correct the problem at her property in Autumn Hill. Dave Shelton discussed that Soil Conservation will do what they can to speed things up and that there would be no fee on their part. Ragan Engineering Associates is meeting between now and Saturday with an excavator to discuss putting in tile fill. Mr. and Mrs. Nash expressed their concern and dismay over the amount of time that it is taking to get resolution of this problem. Dave Shelton announced that Megill Construction has agreed to put \$10,000 up to start to correct the problem. Mr. Shelton outlined the steps that have been done and to be done: 1. Get money from Megill (done), 2. get Soil Conservation and DEP not to hold things up (done), 3. Have the township engineer to meet with excavator (will be done between now and Saturday). Mrs. Nash asked specifically what was going to be fixed. Mr. Shelton replied that the water is going to try to be controlled from point A to Route 472. Mrs. Nash wanted to know if her driveway would be fixed. Mr. Shelton replied that it is undetermined at this point. Mrs. Nash read sections 501 and 607 of the 2<sup>nd</sup> Class Township Code and also # 7 under section 607. She expressed the opinion that the Supervisors should have condemned 238 Freese Road as unfit for human habitation after visiting the property. She also referenced codes 1517 and 1518 as duties of the Board of Supervisors. Mrs. Nash outlined various

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to exonerate the following residents from payment of the Township per capita tax for 2004 due to age and income: Esther McNiss, Beulah Long, E Eller.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

### **Zoning Officer's Report**

Mrs. Kovach, Zoning Officer reported that 35 building permits and 7 shed permits were issued during the month of June. The total construction cost amount is \$1,514,671.00 and the permit costs amounted to \$12,821.00. Forty-four certificates of occupancy were issued during the month of June.

Mrs. Kovach is leaving the township to pursue another employment opportunity. Chairman Goodley expressed his thanks to her and commented on the commendable job that she has done for the past three years.

### **Road Master's Report**

Copies of the Road Master's Report for the month of June were available to all those interested.

### **The following Escrow Releases were approved:**

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #10, Happy Harry's in the amount of \$23,942.32.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by the Chairman, seconded by Dave Shelton, it was unanimously approved to release the following escrow: Release #14, Oxford High School in the amount of \$491,125.76.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #2, Tommy Tinkers in the amount of \$52,501.86.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrows: Release #6, Pennwood Subdivision in the amount of \$30,296.89, this release had been tabled from the June 14, 2004 meeting, pending completion of work, and Release #7 in the amount of 226.89.

Aye: Goodley, Oliveri, Shelton

Nay: -0-

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #14, Blackburn Knoll in the amount of \$75.63.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #30, Darlington Hunt IV in the amount of \$687.52.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #16, Misty Meadows in the amount of \$221.26.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #18, Twin Ponds in the amount of \$256.26.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #5, Brightwell Reserves in the amount of \$186.26.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #1, Headley Day Care Center in the amount of \$40.63.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to release the following escrow: Release #3, Jim Mark Mini Storage in the amount of \$70.00.

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

**The following business was considered relative to subdivision/land development plans:**

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to grant the following waivers in regards to the Hearn/Hutchinson Property:

Sections: 302.01 A, 403.03 A, 506.01 B, 502.11 A, 403.04 I, 403.04 G, 403.03 C, 403.03 D, 403.03 E.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to grant final plan approval for the Hearn/Hutchinson Property.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to grant the following waivers in regards to Glenn Freese Property:

Section 302.01.5, 402.04.I, 402.05.I and 502.11

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to accept the 30 day letter of extension for the Tigie Farm. This extension will run through October 1, 2004.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to accept the 30 day letter of extension for Elkdale Green. This extension will run through October 26, 2004.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to accept the 30 day letter of extension for Hopewell Ride. This extension will run through October 22, 2004.

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

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to accept the 30 day letter of extension for the Liz Miller Farm. This extension will run through October 28, 2004.

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

### Supervisors

The Chairman announced the vacancy of the Township Secretary Position.

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to make a written offer for the Township Secretary Position to Mrs. Pat Brady with the following terms: \$14.00 per hour, with a review in 90 days, 2 weeks vacation, 5 personal/sick days and reimbursement of any incremental health care costs incurred.

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

On motion by the Chairman, seconded by Dave Shelton, it was unanimously approved to appoint George Guss as Temporary Code Enforcement Officer.

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

As advertised for the June 14<sup>th</sup> meeting and was tabled for consideration at this meeting, Chairman Goodley read aloud the Open Space Referendum ordinance in it's entirety. After discussion about why this referendum is being put on the ballot again, the Chairman responded that many people have expressed their lack of understanding of the referendum. It is hoped that a more thorough job of educating the community of the referendum's content and meaning will be done.

On motion by the Chairman, seconded by the Vice Chairman, it was approved to adopt the ordinance as read.

Aye: Goodley, Oliveri

Nay: Shelton

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to table the Ragan Engineering Associates proposal concerning the 2<sup>nd</sup> Act 537 scope of work until the August Board of Supervisors meeting.

Aye: Goodley, Oliveri, Shelton

Nay:-0-

The Chairman read the text of the section proposed to be added to the Subdivision and Land Development Ordinance, Article VI, Section 605.03.

On motion by the Vice Chairman, seconded by Dave Shelton, it was unanimously approved to add this section to the Subdivision and Land Development Ordinance.

Aye; Goodley, Oliveri, Shelton

Nay:-0-

The Chairman read the proposed new Section 1708 of the Zoning Ordinance in it's entirety. On motion by the Vice Chairman, seconded by Dave Shelton, it was unanimously approved to advertise for public hearing.

Aye: Goodley, Oliveri, Shelton

Nay:-0-

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to authorize the township engineer, Ragan Engineering Associates, and the consultant, David Sweet, to proceed with setting up a meeting to resolve zoning question issues.

Aye: Goodley, Oliveri, Shelton

Nay:-0-

East Nottingham Township Supervisors have been invited to the Oxford Area School District Board of Directors work session on Tues, August 24, 2004 at 6 pm to discuss road improvements relating to the new high school.

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to advertise this as a special meeting of East Nottingham Township's Board of Supervisors.

Aye: Goodley, Oliveri, Shelton

Nay:-0-

On motion by Dave Shelton, seconded by the Vice Chairman, it was unanimously approved to have Ragan Engineering Associates attend the meeting and bring along estimated costs.



Mrs. Nash – asked if there are any other books governing the Township besides the 2<sup>nd</sup> Class Township Code. It was stated that this was the primary source, although there is a municipalities planning code, which can be downloaded from the states web site. When can she call to find out what the Solicitor said about the condemnation? The township will call the Solicitor tomorrow. The Chairman stated that Mrs. Nash can call him at work or home to discuss the result.

Mr. Nash – are you starting with his property first? Dave Shelton replied that he was not going to answer because Mr. Nash wouldn't believe him anyway. The Supervisors responded that they would follow the plan of the engineer.

Patrick Curran – he is working with Mrs. Delp and her concerns, he was unclear what the Board of Supervisors is going to do. It was suggested that her relief would be the Zoning Hearing Board.

On motion by the Chairman, seconded by the Vice Chairman, it was unanimously approved to adjourn the meeting at 9:45 pm.

Respectfully submitted,



Pamela Mason  
Acting Secretary

APPROVED:

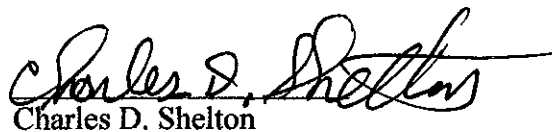
8/9/04



Samuel A. Goodley, Jr.



Thomas J. Oliveri



Charles D. Shelton