

**REGULAR MEETING  
EAST NOTTINGHAM TOWNSHIP  
BOARD OF SUPERVISORS  
AUGUST 9, 2004**

The regular meeting of the East Nottingham Board of Supervisors was held in the Township Building on August 9, 2004. Those present were Chairman Samuel A. Goodley Jr., Vice Chairman Thomas J. Olivieri, Supervisor Charles Shelton, Treasurer Pamela Mason, Roadmaster Howard Wiley, Secretary Pat Brady and numerous guests.

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

The Pledge of Allegiance was led by Chairman Goodley.

Motion by Chairman Goodley, seconded by Vice Chairman Olivieri, the agenda was unanimously approved for the August 9, 2004 meeting.

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

Chairman Goodley announced that the Board of Supervisors had Executive Sessions one on 8/2/04 to review the minutes for June, the tape had malfunctioned and the other on 8/8/04 to discuss a personnel issue with the Building Inspector.

**Public Comment**- None

**Minutes**: On motion by Chairman Goodley, seconded by Vice Chairman Olivieri, it was unanimously approved to adopt the Special Meeting Minutes of the June 8, 2004 Meeting, for the purpose of opening bids as presented by the Township Secretary

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

Motion by Chairman Goodley, seconded by Vice Chairman Olivieri, it was unanimously approved to adopt the Regular Meeting Minutes of the June 14, 2004 Meeting as presented by the Township Secretary.

Aye: Goodley, Olivieri, Shelton                      Nay -0-

Motion by Chairman Goodley, seconded by Vice Chairman Olivieri, it was unanimously approved to adopt the Work Session Minutes of the June 21, 2004 Meeting as presented by the Township Secretary.

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

Motion by Vice Chairman Olivieri, seconded by Supervisor Shelton, it was unanimously approved to adopt the Minutes of the Special Meeting on June 28, 2004 as presented by the Township Secretary.

Aye: Olivieri, Shelton                                      Nay: -0-

Motion by Chairman Goodley, seconded by Supervisor Shelton, it was unanimously approved to adopt the Minutes of the Special Meeting on 7/2/04 for the purpose of authorizing the Secretary to advertise for bids for materials, specifically stone for road construction.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Motion by Chairman Goodley, seconded by Vice Chairman Olivieri, it was unanimously approved to adopt the Minutes of the Regular Meeting on 7/12/04 as presently by the Township Secretary.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

Motion by Chairman Goodley, seconded by Supervisor Shelton, it was unanimously approved to adopt the Minutes of the Special Meeting on 7/19/04 as presented by the Township Secretary. This was a Special Advertised Meeting concerning Yerkes Associates, temporary Subdivision & Code Enforcement Representative.

Aye: Goodley, Shelton

Nay: -0-

\*Teri Rigby asked Chairman Goodley if this was an advertised meeting,, Chairman Goodley responded, yes this was advertised.

Motion by Vice Chairman Olivieri, seconded by Supervisor Shelton, it was unanimously approved to adopt the Minutes of the Special Meeting on 7/22/04 as presented by the Township Secretary. The purpose of this meeting was to open bids for stone and road materials however, there was some confusion about the advertising and therefore, this meeting was postponed from 7/22/04 to Wednesday 7/28/04 at 8:00 A.M..

Aye: Olivieri, Shelton

Nay: -0-

Motion by Vice Chairman Olivieri, seconded by Supervisor Shelton, it was unanimously approved to adopt the Minutes of the Special Meeting on 7/28/04 as presented by the Township Secretary. This Meeting was a continuance of the previous meeting on 7/28/04. Bids were shown to be sealed, advertising was shown. Bids were awarded.

Aye: Olivieri, Shelton

Nay: -0-

### Treasurers Report

Mrs. Mason presented The Treasurers Report stating that East Nottingham Township's total cash assets amounts to \$2,287, 285.66. Bills totaling \$72,145.06 were presented for payment from General Fund. Income received for July 2004 total \$88,474.83 realized from taxes, escrow, court fines, permits, inspection fees, fire hydrant reimbursements and miscellaneous fees.

E) Meadowview Extension Request until November 4, 2004. Motion by Chairman Goodley, seconded by Vice Chairman Olivieri it was unanimously approved to grant the extension to November 4, 2004.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

**Supervisors:**

A) Consideration of Amendment to Subdivision and Land Development Ordinance- Tape went blank . I noticed tape stopped and was trying to get it going, therefore no notes available.

B )Consideration of Amendment to Zoning Ordinance- Chairman Goodley suggests that we should take another look at where we draw the line on Old Baltimore Pike for the commercial zone. Chairman Goodley suggested not adopting anything at this meeting and maybe authorize our Engineer to draw some new lines to take in the first property behind Old Baltimore Pike and not extend it to Waterway Road

Motion by Chairman Goodley, seconded by Vice Chairman Olivieri to table the adoption of the Zoning Ordinance Amendments until a further meeting.

Motion by Chairman Goodley to have the Secretary advertise for a joint Planning Commission Meeting at 7:00 P.M. and a Board of Supervisors Special Meeting at 8:45 P.M. on 8/16/04 to consider possibly adopting the Zoning Ordinance Amendments. It was unanimously approved.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

C) Consideration of severance pay Mary Ellen McCormack- Several audience members questioned if she quit or was she fired? Chairman Goodley responded it was a mutual parting of the ways. Due to the fact that Mary Ellen McCormack was not at the meeting, Chairman Goodley made a Motion to table this until the next Board of Supervisors meeting on September 13, 2004, seconded by Vice Chairman Olivieri, it was unanimously approved

Aye: Goodley, Olivieri, Shelton

Nay -0-

D) Appoint Engineer to do traffic impact study- Stated by Chairman Goodley, this would allow us to impose additional fees on developments for road construction and road improvements. Vice Chairman Olivieri stated first we have to do a traffic study on a specific impact area. Bottom line is, approximately \$3,000. to \$3,500. additional impact on each house that would go into a fund for road improvements for the future. This would affect new houses only.

Motion by Vice Chairman Olivieri, seconded by Supervisor Shelton to approve McCormick Taylor, Inc. to do the Traffic Impact Study . We will request a contract stating they will bill in fifteen minute increments as well as, they do not do work for private firms or developers. Hourly rate will be \$100.00.

Aye: Olivieri, Shelton, Goodley

Nay: -0-

Teri Rigby asked: when would the minutes be ready of the meetings approved today. Pam Mason responded,, she would copy them today as soon as the Board of Supervisors had signed them.

### **Roadmasters Report**

Chairman Goodley advised the Roadmasters Report is available if anyone would like a copy

### **Building Department Report**

Instead of a Zoning Officers Report- this is available for anyone interested. There were 38 Certificate of Occupancies issued in July 2004, 21 new building permits. Total construction value for July 2004 \$960,278.00.

### **Escrow Releases**

- A) Release #3- Tommy Tinkers in the amount of \$47,980.71
- B) Release #15- Blackburn Knoll in the amount of \$12,825.63
- C) Release #6- Brightwell Reserves in the amount of \$436.89
- D) Release #8- Pennwood Subdivision in the amount of \$261.89
- E) Hopewell Ridge Inspection Fees- \$151.26
- F) Release #2- Headley Child Day Care Center in the amount of \$81.26
- G) Release #17- Misty Meadows in the amount of \$75.63
- H) Release #31- Darlington Hunt IV in the amount of \$75.63
- I) Release #15- Oxford Area High School in the amount of \$70.00

Motion by Chairman Goodley and unanimously approved to authorize the above escrow releases as presented by the Treasurer .

Aye: Goodley, Olivieri, Shelton

Nay: -0-

### **Subdivision/Land Development Plans**

A) Frank Lobb: Cameron's Hardware-Stormwater Calculations for Accessory Building . Stated by Chairman Goodley, this is just to be considered.

B) Glenn Freese Subdivision- Final Plan Approval: all issued have been resolved. Chairman Goodley noted at the 7/26/04 Planning Commission Meeting it was recommended that the Board of Supervisors approve the Final Plan . Recommendation conditioned on a note that Lot #1 is restricted from further subdivision and #20 has been added to the Plan meeting that condition. Motion by Chairman Goodley, seconded by Vice Chairman Olivieri to grant approval for the Final Plan for Glenn Freese .

Aye: Goodley, Olivieri, Shelton

Nay: -0-

C) Hostetter- Shepherd Subdivision Extension Request until November 18, 2004. Motion by Chairman Goodley, seconded by Vice Chairman Olivieri to approve the extension request to November 18, 2004., it was unanimously approved.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

D) Ruth Coldiron Subdivision Extension Request until November 4, 2004. Motion by Chairman Goodley, seconded by Vice Chairman Olivieri it was unanimously approved to grant the extension to November 4, 2004.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

E) **Appoint UCC Appeals Board**- Stated by Chairman Goodley this concerns the new building code that we recently adopted. A proposal has been made to form a single Appeals Board that would be used by all surrounding municipalities Lower Oxford, Upper Oxford, East Nottingham, West Nottingham, Elk Township and the Borough of Oxford have all had discussions about this. The Appeals Board would be made up of 5 members and 2 alternates to be appointed jointly by all the area municipalities The proposed members are: John Vanderhoef/Local Builder for a term of 1 year, Ed Holbrook/Fire for a term of 2 years, Scott Moran/Builder for a term of 3 years ,Bob Ritchie/Electric for a term of 4 years , William Sumner/Plumber for a term of 5 years. And the alternates are: Dan Dolinger/Electric and Lee Towner/Fire .

Solicitor Winifred M. Sebastian has agreed that an inter-municipal agreement is not necessary if all the townships agree to appoint the same people to the board and charge the same fees.

\*Fee from applicant- \$1,000.

\*Pay each board member & the secretary- \$50.00 for first 2 hrs/\$20.00 an hr. after that

\*Township gets building fee- \$100.00

\*Administrative fee- \$100.00. Advertising fees- as charged

Each Municipalities Secretary would be responsible for handling the administrative work for an appeal from her own township. She would collect the application with fee, contact and arrange a date (must be in ten (10 days) and advertise for the hearing, pay all bills and refund excess fees.

Motion by Chairman Goodley , seconded by Vice Chairman Olivieri to appoint the following members to the UCC Appeals Board: John Vanderhoef, Ed Holbrook, Scott Moran, Bob Ritchie, William Sumner with alternates Dan Dolinger and Lee Towner.

Aye: Goodley, Olivieri, Shelton

Nay -0-

F) **Fee Schedule Resolution for UCC Appeals Board**- Motion by Chairman Goodley, seconded by Vice Chairman Olivieri to add the Fees Resolution to the advertised purpose for the Work Session on 8/16/04.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

G) **Appoint Planning Commission Secretary**- Motion by Chairman Goodley , seconded by Vice Chairman Olivieri to appoint Pat Brady.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

H) **Consider Bond for Satellite Sewer Systems**- Vice Chairman Olivieri stated that the Sewer Authority requests a Bond. Should the Township also request a Bond if the Satellite Sewer System fails? It was stated that we should check with our Solicitor by Vice Chairman Olivieri. .

Mr. Duffy from the audience asks: isn't the question, is the Sewer Authority accepting the responsibility of inspection, approval, bonding, maintenance and consequent damages for Satellite Sewer Systems. If they're not, they shouldn't be accepting money for Bonds. If they are, it should be so stated, and the Township should be resolved from any responsibility or any additional bonding.

Motion by Chairman Goodley, seconded by Vice Chairman Olivieri to have our Solicitor contact the Sewer Authority Solicitor asking what protection the Township would get.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

**I) Open Space Referendum Committee-** Stated by Chairman Goodley, their objective would be to educate the residents of the Township, so that when they come to vote in November, they at least have an idea in their minds about what's being proposed, other than just, they're wanting to raise my taxes. The Open Space Referendum is a proposal that is to be on the ballot in November that would allow the voters of the Township to determine whether they wanted us to increase the Earned Income Tax by a half of a percent, to create a fund to preserve Open Space and Agriculture in the Township. The theory being, it's much less expensive to preserve Open Space and farms, than it is to develop them and then have the additional tax burden of building the infrastructure of schools, roads, sewer, water and anything else that comes along with the development. Anyone interested, contact the Township Secretary, Pat Brady.

**Correspondence:**

- \*Letter from Concord Land Planners Re: Jahan Sheikholeslami/Open Space
- \*Public Notice from Lake Roeder Hillard & Associated of Hopewell Ridge Subdivision as revision to Township's Official Sewage Plan. 30 day comment & review period proposing a small flow treatment system for 20 lots and individual on-lot sewage disposal systems for 9 lots.
- \*Email from Stephanie Yarris concerning water problems
- \*Inspection Report from DEP on Reginald Nash
- \*Letter from Teri Rigby regarding accusations and questions regarding the BOS attending unadvertised meetings that are not open to the public.
- \*Letter from Rick Simpson regarding Proposed Zoning Changes
- \*Letter from Angela & John Buonpastore regarding deteriorating condition of the sidewalks at Wiltshire
- \*Letter from Lynley & Brian Thinnes regarding deteriorating sidewalks at Wiltshire
- \*Letter from Anita & Kevin Sumner regarding deteriorating sidewalks at Wiltshire
- \*Letter from Senator Dominic Pileggi informing us that East Nottingham ranks #5 in the top 100 Fastest Growing Municipalities
- \*Minutes from Oxford Area School District Meeting
- \*Minutes from the Oxford Library Meeting
- \*Letter from Urban Land Institute/Philadelphia regarding new outreach service
- \*Letter from Senator Dominic Pileggi regarding Acts signed into Law by the Governor

- \*Union Fire Company Minutes
- \*Report from Chester County Recycling
- \*Letter from Southern Chester County Emergency Medical Services inviting a representative to an advanced life support services meeting.

**Residents:**

Teri Rigby: read her letter to the audience concerning accusations and questions regarding the BOS attending unadvertised meetings that are not open to the public. Also questioned the hiring of Yerkes Engineering and feels that these unadvertised meetings are in direct violation of the Sunshine Act

Mr. & Mrs. Nash: came to discuss his water problem and asking Township to assist. Mr. Nash asking Supervisor Shelton if he still had the \$10,000 he spoke of before. Supervisor Shelton responded he never had, nor did he say he had the \$10,000, he said that Wayne Megill would put up \$10,000. to start helping. Mr. Nash became insulting to the Board of Supervisors and was asked by Chairman Goodley to leave the meeting twice, due to the fact that he was out of order.

Mildred Delp/Pat Curran: Not present

Barnes Organization: Not present

Lake Roeder- Lawrlane Subdivision- Not present

Bill Rominelli (Wilkinson Builders) - looking for the Bond to be released for Wiltshire at Oxford. Also at the last meeting the BOS asked to have Mr. Wilkinson reconsider his position concerning the sidewalks. Mr. Wilkinson feels that he agrees with the Township Engineer and would ask that the Bond be released. Vice Chairman Olivieri asked if they would make a gesture of good faith and fix the sidewalks of the people that have just purchased homes from them. Mr. Rominelli responded that is not the position that will take. Chairman Goodley stated that these problems were brought to the attention of the Builder prior to the Bond expiring. Motion by Supervisor Shelton , seconded by Vice Chairman Olivieri to deny the release of the Bond at this time.

Aye: Shelton, Olivieri, Goodley

Nay: -0-

**Recognition of Visitors:**

Linda Giordano- asked for a clarification concerning the zoning proposal. What portion of Baltimore Pike would be affected? Chairman Goodley responded he suggested that we have the Township Engineer redraw the line closer to Baltimore Pike. Linda Giordano asked to go on record that she requests her property not be changed and keep her residential.

Dave Bolesta: he has two other neighbors that are also pumping water out from their homes. Health Dept. can not resolve my situation and they are monitoring me very closely. They have put florescent green dye in my tank and if the green dye comes up on to the surface you can tell. Mr. Bolesta states that he has been in compliance with them. As far as mice, we all have mice, this is the country.

Ed Lowrey: concerning the Cooper Farm, he noticed that several young children were on the dirt between the two bodies of water. Motion by Chairman Goodley , seconded by Supervisor Shelton to contact Brian Campbell to put up a fence.

Aye: Goodley, Olivieri, Shelton

Nay: -0-

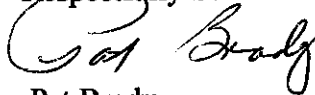
Teri Rigby: asked if the BOS will be prepared at the School Board Meeting, to answer the questions concerning who will pay for the gas line n Waterway road & also is Yerkes Engineering being paid \$61.00 or \$90.00 an hour. Chairman Goodley responded we will be prepared for the School Board and Yerkes is being paid \$61.00 an hour, the Township has not contracted for \$90.00. They have not signed the contract at this time.

Joe Scheese thanked East Nottingham Township for the clean up on Little Elk Creek Road with the drainage.

Motion by Supervisor Shelton, seconded by Vice Chairman Olivieri to appoint George Guss for 45 days to do Code Enforcement & Zoning temporarily.

Motion by Chairman Goodley , seconded by Vice Chairman Olivieri to adjourn the Meeting at 10:00 P.M.

Respectfully Submitted,



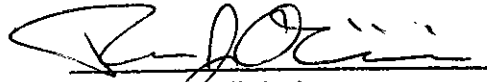
Pat Brady  
Secretary

APPROVED: 9/13/04

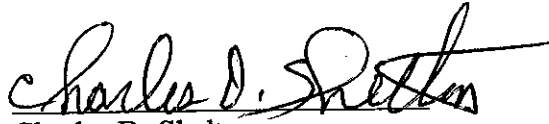


Samuel A. Goodley, Jr.





Thomas J. Olivieri



Charles D. Shelton