

**MINUTES
SPECIAL MEETING
EAST NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS
JANUARY 10, 2005
Feb 10, 2005**

MEETING DATE
SHOULD READ
FEB. 10, 2005.
WILL BE
ANNOUNCED AT
BOS MTG 4/11/05

A Special Meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on January 10, 2005. Those present were: Chairman Thomas J. Olivieri, Supervisor Charles D. Shelton, Zoning Officer P.J. Scheese, Secretary Pat Brady and numerous guests.

The meeting was called to order at 4:00 P.M..

The Pledge of Allegiance was led by Chairman Olivieri.

Chairman Olivieri stated the purpose of this meeting is to discuss the relocation of the telephone poles on Waterway Road.

Greg Cary (Peco) - for Peco, the facility relocation was at a cost of \$170,000. of which the School District absorbed \$42,000. of that cost due to Peco considering this a new business project relocating the poles directly in front of the school by the driveway entrances. This is just for the wires and our facilities and not Verizons', they own the poles.

Ron Ragan- At a meeting in the field with Paul Stull(Verizon), John Shaffor(Peco), Ron Ragan(Township Engineer), Dave Shelton(Supervisor) and Howard Wiley(Roadmaster) it was discussed what needed to be done now to facilitate the relocation of Waterway Road and the abandonment of the old Waterway Road right of way. It was determined at that meeting that it would be a sizable effort and a substantial cost with Verizon giving an estimate of \$65,000. and Peco giving an estimate of \$35,000.. At that time, it was mentioned that there is one free move.

Greg Cary(Peco)- there are no free moves. Under our tariff guidelines that we work from, we assume the cost when a public relocation occurs, which is a local government or Penn Dot comes to us and you're going to do a road widening and it has nothing to do with anything else you're just going to spend money to improve that road, if we are in the public right of way with our existing poles, then we assume the cost. The same scenario, if we are in private right of way, then the government assumes the cost. Then there's the issue of new business, new construction or new developments poles have to be relocated the cost is put on the developer. This being a new development project, all costs associated with that are put on the developer. In this particular case, because of the requirement of higher voltage than we had available, under that scenario we took responsibility for the difference between \$42,000. and \$170,000. because that tariff indicates that we are responsible.

4-11-05
Paul Stull *Pat Brady* *Charles D. Shelton*

Brian Coniers(Verizon) - Verizon operates under the same guidelines as Peco, The cost causer pays for the move. We can't legally pass that cost on to the rate payers.

Ron Ragan(Engineer)- if we are realigning Waterway Road for safety purposes and not associated with the new development project, then you would relocate the poles at no charge to the Township?

Greg Cary(Peco)- if you can demonstrate that the move is not associated with the Planning Commission Approval and Township Approval. If that is in the Planning Commission Minutes, then we would have to debate that.

Ron Ragan(Engineer)- we have no authority to require off site improvements. We did negotiate with the School to assist in paying for off site improvements. The relocation of Waterway Road is beyond the boundaries of the schools property and is considered to be an off site improvement . We negotiated with the School District to give the Township an agreed amount to pay toward that project or any projects on Waterway Road. It's not directly related, it's indirectly related to that development.

Greg Cary(Peco)- did the Township have any long term plan to change that intersection prior to the school going in?

Thom Olivieri(Chairman)- discussion started 20 to 25 years ago to make it safer when John Coldiron Sr. offered the Township the opportunity to straighten that road, which is basically what we're doing now. Now we've added a few subdivisions to that road and the new school which has pressed for this to happen sooner for safety reasons.

Greg Cary(Peco)- would that school have been approved if the intersection stayed the way it is today?

Ron Ragan(Engineer)- we could not have denied the Plans due to off site improvements

Chauncey Boyd(School Board)- that portion of Waterway Road at the intersection has nothing to do with any of the Plans for the new high school or off site improvements related to the school that we intended to make, according to our Architectural Plans We had an Independent Safety Study done and it stated that it was not necessary to straighten the road. The Township also had a Study done, and it stated that the road should be straightened. Even though there was this discrepancy, the School Board still paid. If we didn't have electricity to the site by the end of the year 2003, we would have incurred a substantial increase cost for construction . We would have been half of where we are at this point, which is 95% complete. It would have delayed us considerably and cost into the hundreds of thousands of dollars.

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Greg Cary(Peco)- prior to the poles being installed, did the School Board, the Construction Company or the Township know the poles would have to be relocated? It would have been prudent to let us know.

Thom Olivieri(Chairman)- I don't see how they could not have known. It had to come up in every field meeting . There would have been no other reason to meet in the field.

Chauncey Boyd(School Board)- the Construction Management Team relayed it to the representatives of Peco & Verizon that the intent of the Township was to relocate the roadway.

John Shaffor(Peco) conference call- Glen Wilson was involved in the project at that time and he made no indication that there was any dialogue about the poles being moved again. Customarily, if we knew about the new section of roadway, we would have moved the poles where the new roadway was going to be installed.

Ron Ragan(Engineer)- When the poles were reset, the Township was in the process of negotiating the purchase of the land. When the lines were moved, we had acquired the land.

Thom Olivieri(Chairman)- We had hoped to have the property purchased and under construction long before the school would need it however, we were dealing with private citizens, which held us up.

Thom Olivieri(Chairman)- question to Ron Ragan(Engineer)- in your field meetings with the utility companies, did it come up that the road was going to be moved?

Ron Ragan(Engineer)- I believe it was Glen Wilson(Peco Designer) that spoke with myself and Kathy Kovach, the Zoning Officer at that time and made inquiries as to when the road would be relocated. We informed him that it was sometime this summer, which would be the earliest to relocate the road, because we hadn't purchased the land yet, we purchased the land in July. That was later than when they needed to move everything. We spoke to him in late winter early spring and told him we were in the process of negotiating the land, we felt sure it was going to happen and the road would be started summer or early fall.

Thom Olivieri(Chairman)- therefore, if we had been asked, we could have staked it out.

Thom Olivieri(Chairman)-then you are saying there was knowledge by the utilities of our intent.

Ron Ragan(Engineer)- I believe so.

Ed Lobley(Resident)- In the past, townships had permit requirements from the power companies and the utility companies. Also, townships were poled to see if there was any up-coming developments. Do either of your companies have any responsibility to find out whether there are plans for developments

Greg Cary(Peco)- No. We take a long range look at capacity needs . Once a development is approved, that's when we find out about it.

John Shaffor(Peco)- we get involved with developers before the breaking of ground starts, but not before going before the Planning Commission.

Kurt Haegele(School Board) - I'm trying to establish a time line. Question addressed to Ron Ragan(Engineer) You said late winter early spring, what year are you talking about?

Ron Ragan(Engineer)- December of 2003

Grey Cary(Peco)- based on inter-company communication dated 9/03 from Peco to Verizon, it states the proposed start date for the work to begin will be October 27, 2003. Due to the fact that they need an increased load on the poles, and Verizon owns the poles, Peco is requesting from Verizon to replace the poles on the existing Waterway Road.

Ron Ragan(Engineer)- the poles sat there for quite awhile, at least two to three months.

Chauncey Boyd(School Board)- it was only a couple of weeks

Grey Cary(Peco)—it was more than a couple of weeks. Our work was complete on March 2004. I get through here occasionally and those poles did sit there for awhile.

Chauncey Boyd(School Board)- no more than two months. This is a Public School facility governed by the Pennsylvania Department of Education and there are certain exemptions that are granted to a School District under Pennsylvania Law and different codes that apply to them. I don't know if we're bound by the same development requirements that you say the developer was responsible .

Greg Cary(Peco)- that's a good question and I'll do research on this.

Chauncey Boyd(School Board)- When our need was critical and along with the Plans, which were available for anyone to review, it was at that time a couple years old . Anyone who didn't know that the existing country rural poles of Waterway Road were certainly not going to accommodate the needs of a 300,000 square foot high school facility. I'd say someone was lacking somewhere. We were notified by our architect

that the poles in place at that time were not adequate, they needed to be a thicker heavier pole to accommodate the additional load of the heavy wires and a higher height. Which in turn, was a portion of the cost we paid to Verizon for the increase size in poles plus installation. We were at the critical time of need, we needed the electricity, you would naturally install the poles on the existing right of way and that's exactly what was done. Were we aware of the Townships intent to change the road? We had a pretty good idea that's what they were going to do. Could we ask to have poles placed on property that the Township didn't own? Chauncey Boyd was then interrupted.

Dave Shelton(Supervisor)- But you should have told the Township that you were having the poles replaced. We never knew anything about it.

Thom Olivieri(Chairman)- with the existing road the way it is now and a new school going in, what if we come along and widen that road, which we would have to do to accommodate buses, then what happens? Would that create the need to move your poles again? Greg Cary(Peco)- responded yes. And who would pay for that?

John Shaffor(Peco)- if there was dialogue with the Engineer that the poles in the near future needed to be moved again, we would have put it in writing that Peco would not pay for the second move.

Thom Olivieri(Chairman)- the Township Engineer made it perfectly clear back in December of 2003 to Peco that this project was going to occur. Which is basically what John Shaffor said was required. We did everything that we were supposed to do. Do you recall anything in writing on this?

Greg Cary(Peco)- that would have been done through a permit.

Ron Ragan(Engineer)- I don't believe you acquired a permit for this.

Greg Cary(Peco)- I don't have that information at this time. I'll have to go back and check.

Paul Stull(Verizon)- I can't see us putting in the poles without a permit. We would have told Peco without a permit we can't do the work.

Ron Ragan(Engineer)- I don't believe that townships require right of way for road widening permits for utilities.

Ed Loble(Resident)- you did before

Thom Olivieri(Chairman)- that would have been done through our Zoning Officer, who is no longer with us. We will locate that file and research this to see if a permit was applied for.

Greg Cary(Peco)- anytime you are placing a pole, you must apply for a permit. Since the road was being widened, whoever was the cost causer for the widening of the road would have to bear the cost.

Thom Olivieri(Chairman)- our Zoning Officer would have communicated to the Supervisors that you had applied for that permit. She was well aware of the projects we had planned. A red flag would have gone up to her immediately.

Joe Scheese(Resident) --I'm concerned about the original point that the road being straightened having absolutely nothing to do with that school. Those are two totally separate projects. Is that correct?

Chauncey Boyd(School Board) - the school project and the road straightening have nothing to do with each other.

Joe Scheese(Resident)- and I believe that the Peco gentleman said if a municipality wants to widen a road or move the road and the poles are in the right of way, then wouldn't the utility be burdened with the road?

Grey Cary(Peco)- Yes

Joe Scheese(Resident)- OK, then the time when the poles were replaced in April of 2004 and the wires were run, that was the legal Township road with the legal Township right of way, at that point in time. The job was complete in April 2004, at that time, did the Township own the land where the new road was going to go?

Ron Ragan(Engineer)- No

Joe Scheese(Resident)- then by the letter of the law everything was done by the book. Now a new project comes along for the best interest of public safety, we are going to relocate the road, acquire the land, move the road and straighten it out. Shouldn't then the utility company bear the cost of the move?

Greg Cary(Peco)- only if it can be clearly demonstrated that the straightening of the road has nothing to do with the school project.

Thom Olivieri(Chairman)- the School District made a blanket payment for off site road improvements. You did not specify what it could or could not be used for.

Chauncey Boyd(School Board)- we made a one time contribution to the Township of \$250,000. for off site road improvements related to the actual plan of the building of the new high school. The intersection was not named.

Ron Ragan(Engineer)-Originally the Township put together a list of:

- a light at Baltimore Pike & Waterway Road
- realigning Waterway & 5th Street
- realigning vertically Waterway & 472
- improvements at the S curve by the Coldiron Farm

The estimated costs for this work is over \$500,000. for off site road improvement work that we wanted the School to pay for . The School came back and as part of the process, agreed to make the off site improvements beyond their property line on the road right in front of their property and agreed to make a \$250,000. contribution to the Township to make other improvements on Waterway Road. We are proceeding with the other improvements such as the light at Waterway & Baltimore Pike, we have a permit and are proceeding with the vertical realignment at Waterway & 472. However, we are spending well in excess of the \$250,000. that the School gave us on multiple projects. One of those projects is, the realigning of Waterway Road that affects the poles.

Chauncey Boyd(School Board)- The School District was not aware that any portion of the \$250,000. would have anything to do with the realignment of the intersection of Waterway Road & 5th Street. We knew of the intent but how can you do something when you don't own the property? We gave our contribution for the immediate road improvements in front of the school, as they existed and at a later date, the Township acquired the property and decided to proceed with their tentative plans. Which was a totally independent plan of the high school project. They responded based on the recommendation of the Safety Study they had and their needs or desire for a safer intersection. It is not a project related to the high school as it was initially planned. Our Safety Study stated that it was not necessary. When the studies came in differently, we all sat down and tried to come up with something acceptable to everyone, which was the School District contributing \$250,000.. It was not \$250,000. for the purpose to do anything at the intersection of Waterway Road, it was specifically for off site road improvements in front of the school or down the road by the S curve.

Greg Cary(Peco)- Peco wants to do the right thing. If someone would allow me to go through your Planning Commission Meeting Minutes from the first day they came before the Planning Commission to the end, then I can accumulate some information that I can bring back to Peco and justify one way or the other. It's all on record. I've done this at other municipalities and it always gets resolved.

Charles Shelton(Supervisor) & Thom Olivieri(Chairman)- both stated that this will be arranged and possibly Ron Ragan(Engineer) should be present.

Chauncey Boyd(School Board)- We don't want this to hinder or hold up the opening of the new school? We need to move on. What is the time line we're looking at? Our tentative plan was to have the 2005 graduation in the new High School gymnasium, which is in the first week of June.

John Shaffor(Peco)- roughly 16 weeks.

Chauncey Boyd(School Board)- so we're looking at 4 months before the poles would be moved?

John Shaffor(Peco)- that is correct. Verizon first needs to set the poles.

Thom Olivieri(Chairman)- How long will there be a disruption or will there be a disruption in service?

John Shaffor(Peco)- I'll figure out a way to make sure there will not be an interruption in service.

Paul Stull(Verizon)- I need to stake this out, but I don't know where I'm going.

Thom Olivieri(Chairman)- our Engineer can have this resurveyed next week

Paul Stull(Verizon)- as soon as we can get this done, I can set the poles

Greg Cary(Peco) We still have to clear up the public verses private right of way, I'm still a little unclear on this point.

Thom Olivieri(Chairman)- Put yourself in my chair for a minute. As a taxpayer in this community, this school which I am a taxpayer to, paid a lot of money to have those poles moved. Now I have to stand there and tell my residents, not the School District that you have to pay to move them again.

Greg Cary(Peco)- why can't the poles just stay there?

Thom Olivieri(Chairman)- it tooks years to get this done and my inclination would be no.

Thom Olivieri(Chairman)- so do I understand that you are going to investigate this and then make a determination?

Greg Cary(Peco)- Greg will call P.J. Scheese(Zoning Officer) Monday morning to set up a time to go over the Planning Commission Meeting Minutes. Ron Ragan also agreed to be available.

Greg Cary(Peco)- how many years did this process take?

Thom Olivieri (Chairman)- just over a year as far as going through the Township planning process. From beginning to the very end I would say 18 months

Chauncey Boyd(School Board)- For the record, Chauncey Boyd wanted to state that the School Board was unaware that this was a public meeting.


Dave Shelton(Supervisor)- asked Pat Brady(Secretary) who she told at the School that this was a public meeting. Pat Brady responded, Barb Burrell


Dave Shelton(Supervisor)- asked Chauncey Boyd(School Board) who told him it was not a public meeting. Chauncey Boyd responded, the Superintendents Secretary, Barb Burrell.

Meeting adjourned at 4:50 P.M..

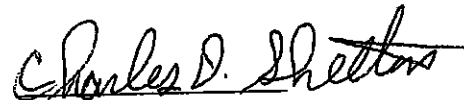
APPROVED: 3/14/05

Respectfully Submitted,


Pat Brady, Secretary


Thomas J. Olivieri
Chairman

Samuel A. Goodley Jr.
Vice-Chairman


Charles D. Shelton
Supervisor