

The regular monthly meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on November 8, 1999. The meeting was called to order at 7:00 p.m. by Chairman J. Roger Moran with Howard L. Mahan and Charles D. Shelton present.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the agenda for the November 8, 1999 meeting was approved.

Aye: Moran, Shelton, Mahan  
Nay: -0-

Mr. Moran asked for public comments on agenda items and received none.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the minutes from the October 11, 1999 meeting were approved as presented.

Aye: Moran, Shelton, Mahan  
Nay: -0-

Bills totalling \$27,592.04 were presented for approval for payment. Mr. Moran raised a question about the bill from Plasterer Equipment Co. The Secretary reported this is the monthly rental fee for the wood chipper. Mr. Moran replied that he was not aware the Township was still renting the chipper. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to pay all bills presented.

Aye: Moran, Shelton, Mahan  
Nay: -0-

The following bills were approved for payment from the General Fund:

<u>Ck. No.</u>	<u>To</u>	<u>Amount</u>
6962	Peoples Bank of Oxford	3502.70
6963	Pa. Dept. of Revenue	353.51
6964	G. William. Freese	44.27
6965	William Blackburn	44.27
6966	Constance F. MacNeal	36.52
6967	Joseph R. Taylor	44.27
6968	Anita C. Graul	794.02
6969	Winifred M. Sebastian	1026.75
6970	Berkheimer Assoc.	129.47
6971	Chesapeake Publishing	18.75
6972	Ritchie's Electrical Service	205.30

Ck. No.	To	Amount
6973	Penn Container Systems	3224.00
6974	Cargill Salt	3568.28
6975	Plasterer Equipment Co.	2150.00
6976	Farm Plan (Deer Creek)	82.93
6977	Brandywine Auto Parts	51.60
6978	Cumberland Truck Equipment	136.89
6979	Lester R. Andes	55.20
6980	York Building Products	746.40
6981	Ragan Engineering	2827.05
6982	McMinn's Asphalt	6982.43
6983	Giles & Ransome	18.70
6984	D. M. Stoltzfus & Son	697.62
6985	Chester Water Authority	66.00
6986	Chester County SPCA	20.00
6987	Aramark Uniform Service	102.92
6988	SECCRA	127.00
6989	Ad Pro	83.24
6990	Doann Freese	368.37
6991	B.F.I.	83.58

The following business was conducted relative to subdivision plans and/or related matters:

The Secretary presented the Twin Ponds Sewage Planning Module for approval as a revision to the Township's 537 Plan. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to adopt Resolution No. 17-1999 approving the Twin Ponds Sewage Planning Module as a revision to the Township's Official Sewage Facilities Plan.

Aye: Moran, Shelton, Mahan

Nay: -0-

This development will tie into the Oxford Area Sewer Authority's line which runs down Baltimore Pike.

The Board asked Mr. Spencer Address, Project Consultant, if they have been in touch with Mr. Goldie concerning the possibility of purchasing the lot he owns on Fifth Street for access to the Twin Ponds Development. Mr. Address advised that Brian Campbell has attempted to contact Mr. Goldie but has not had any response. Mr. Goldie was present and reported that no one has called him nor have they left a message on his machine. Mr. Address asked if the sewage planning module could be sent to DEP to start their review and the Board did not have a problem with the Secretary doing so.

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Mr. Andress presented a letter extending the review time through December 13, 1999. On motion by J. Roger Moran, seconded by Howard L. Mahan, the review period for the Twin Ponds Subdivision plan was extended through December 13, 1999.

Aye: Moran, Mahan, Shelton

Nay: -0-

A preliminary plan for the Florence E. Fisher Estate (Crossan-Raimato Project # 92505 dated 9/15/99 - Tax Parcel # 69-7-75 and 69-7-106) subdividing 104.3191 acres into two residential lots, 5 add on lots, and a residual tract containing 60.024 acres. The Secretary reported that a waiver of the sewage facility planning module is required for this plan. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was approved to request a waiver of the Sewage Planning Module for the residual tract from DEP.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary reported that the applicant of the Estate of Florence E. Fisher is requesting waivers from the following sections of the Subdivision and Land Development Ordinance: Section 402.03A which requires existing contours at two feet intervals; Sections 402.04L, 403.04R, and 508 regarding stormwater management; Section 402.04G regarding building setback lines for the add-on lots and the residual tract; Section 402.05E which requires a statement from the Chester County Conservation District for sites of 5 acres or greater that an acceptable Erosion and Sedimentation Control Plan has been submitted to them; and Section 402.051 which requires a wetlands jurisdictional determination and verification by the U.S. Corps of Army Engineers since the only construction is on Lot A which is a considerable distance from the wetlands. Mr. Ragan recommended that the waivers be granted given the fact that only one of the lots will be developed at this time. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to grant the waivers requested. These waivers are to be noted on the plan.

Aye: Moran, Shelton, Mahan

Nay: -0-

On motion by J. Roger Moran, seconded by Howard L. Mahan, the preliminary plan for the Florence E. Fisher Estate was approved.

Aye: Moran, Mahan, Shelton

Nay: -0-

The following escrow releases were presented for approval:

Escrow Release # 10A for Wiltshire at Oxford in the amount of \$46,557.65. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was approved to release \$46,557.65 from the Wiltshire at Oxford letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 11 for Wiltshire at Oxford in the amount of \$10,743.92. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was approved to release \$10,743.92 from the Wiltshire at Oxford letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 1 for Country Dodge in the amount of \$128,800.18. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to release \$128,800.18 from the Country Dodge letter of credit.

Aye: Moran, Shelton, Mahan

Nay: -0-

Escrow Release # 6 for Tweed Crossing in the amount of \$8,073.10. On motion by Howard L. Mahan, seconded by J. Roger Moran, it was unanimously approved to release \$8,073.10 from the Tweed Crossing letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 4 for Autumn Hill II in the amount of \$245.00. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to release \$245.00 from the Autumn Hill II letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 2 for Autumn Hill III in the amount of \$288.75. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$288.75 from the Autumn Hill III letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 2 for Hunter Knoll in the amount of \$179.10. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to release \$179.10 from the Hunter Knoll letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 2 for Darlington Hunt, Phase III, in the amount of \$748.40. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$748.40 from the Darlington Hunt, Phase III, letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-



Escrow Release # 2 for Locksley Glen, Section I, Phase I, in the amount of \$346,189.50. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to release \$346,189.50 from the Locksley Glen, Section I, Phase I, escrow.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Secretary reported that we have received a request from G. William and James Freese asking for a waiver from Section 502.11A of the Subdivision and Land Development Ordinance which requires that the cartway width of existing streets (Elk Ridge, Freese and Little Elk Creek) be widened to the width required for new streets. The Planning Commission recommended that the waiver be granted with the condition that tapers (acceleration and deceleration lanes) be provided and if the 51 acre residual tract is ever subdivided that the cartway of Elk Ridge Road be widened to current regulations at the time the plan is approved. The Planning Commission would not make any recommendations to the Board regarding this plan because of the number of unresolved issues. No action was taken by the Board. A request was received from the Applicants to extend the review time to December 24, 1999. On motion by J. Roger Moran, seconded by Howard L. Mahan, the review time for the Autumn Hill IV plan was extended to December 24, 1999.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary reported that there is a problem with Developers not paying the Township for the inspection fees released on escrow releases. Therefore, as a possible remedy she would like the Board to consider adopting a policy that requires the fees to be paid within ten (10) days after the release has been approved and if not paid the Zoning Officer be instructed to not issue any permits for the development. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to adopt the policy that if inspection fees released on escrow releases are not paid within ten (10) days that the Zoning Officer be instructed to not issue any permits for the development.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary reported that Thomas Biedekapp has never paid Lester Andes for inspection fees, meetings, reports, etc. in the amount of \$545.52 which was approved to be released from the escrow fund on May 10, 1999 and other charges which have been incurred since that time, all totalling \$718.70 and suggested that the Township pay Mr. Andes as the Township is in the process of taking the remaining escrow to complete the project. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to pay Mr. Andes the \$718.70 Mr. Biedekapp owes him.

Aye: Moran, Shelton, Mahan

Nay: -0-

Mrs. Teri Rigby addressed the Board about Section 512 - Parks and Recreation - of the Subdivision and Land Development Ordinance. Mrs. Rigby wants the Board to set up a task force to look into implementing a parks and recreation plan for the Township. The Solicitor suggested that the Board not take any action at this time because under the Landscapes plan the County will be looking at open space assessments during their review. It was decided to wait until the County review of our ordinances is completed.

Mrs. Katie Bleiler, 123 Quail Drive in Darlington Hunt II, registered a complaint about Keystone Custom Homes, Jeff Rutt, relative to the poor drainage system installed in the development. Also, Keystone will not honor their written warranty. The Board suggested to Mrs. Bleiler that she contact the Chester County Soil Conservation District and also contact Wilmer Hostetter because they don't feel there is anything the Township can do.

The Secretary read the proposed budget figures for the year 2000 and asked the Board if they want to make any changes. On motion by Howard L. Mahan, seconded by Charles D. Shelton, the following tentative budget figures for the year 2000 were adopted: General Fund Estimated Receipts and Year-End Balance \$1,733,036.20 - Estimated Expenditures \$923,450.00; Liquid Fuel Fund Estimated Receipts and Year-End Balance \$139,492.34 - Estimated Expenditures \$139,492.34.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary read a letter from John Halsted giving his opinion as to whether there currently exists certain violations of the Township Zoning and Solid Waste Ordinances which could be subject to enforcement actions against Shelton Pallet Co. Mr. Halsted's conclusion, based on the information he was given, is that there are no violations of the Zoning Ordinance or Solid Waste Ordinance which would be subject to successful enforcement actions at this time. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was approved that East Nottingham Township take no action to attempt to enforce violations of the East Nottingham Township's Zoning Ordinance or Solid Waste Ordinance against the Shelton Pallet Co. based upon the independent solicitor's opinion that there are no violations of these ordinances.

Aye: Moran, Mahan

Abstained: Shelton

Nay: -0-

A letter was received from the Jefferson Bank, amending the original Letter of Credit for Hunter Knoll. The amount of the Letter of Credit was reduced to \$623,539.97.

A letter was received from Jeffrey and Kristen Piacitelli, 135 Barnsley Chrome Road, concerning the loud radio noise, constant traffic going and coming, etc. at the Calabrese property on Baltimore Pike. The Secretary is to get in touch with Pam Calabrese and ask her to call one of the Supervisors concerning this matter.

Correspondence was received from the H. A. Thomson Co. concerning a flaw in most Treasurer's bonds. The limits of the bond apply separately each year that they are renewed and not cumulative. H. A. Thomson Co. is offering an enhanced Treasurer's bond which provides stacking limits. The Secretary is to get a quote for a stacking bond.

A letter was received from PennDot concerning their June 9, 1999 letter wherein they advised the Township they received a letter from their Project Management Unit requesting a speed limit study on Hopewell Road from Lower Hopewell Road to 85 feet east of Roneys Corner Road and 85 feet east of Roneys Corner Road to 269 feet east of Union Square Road to reduce the 40 mph speed limits to 35 mph. The June 9 letter indicated that before they can proceed with the study they need a letter from the Township stating that in the event a permit is issued for a speed limit of 35 mph or below that the Township will purchase, erect and maintain the speed limit signs. No action was taken back in June because the Board did not feel the Township should accept the responsibility for signs on PennDot roads. The Secretary was instructed to call PennDot to find out where the speed limit reduction request originated.

A letter was received from Equity One concerning a letter written on July 20, 1999 which had to do with VA mortgages in the Locksley Glen Development. The original letter stated "that in the event the developer would default, the Township will accept responsibility for completing the roads in Section I, Phase I of Locksley Glen to the extent covered by the financial security." The letter from Equity One indicates the VA questioned the wording in the July 20 but will accept it if the wording is changed to read: "In the event the Developer would default, East Nottingham Township will accept responsibility for completing the roads in Section I, Phase I, of Locksley Glen to the extent covered by the financial security at no cost to the veteran purchaser." The Township Solicitor is going to look into the possibility of adding the wording "at no cost to the veteran purchaser" and let us know what we should do.

A letter was received from Marianne Russo, Acting President of the newly formed group of Concerned Citizens of East Nottingham Township, requesting that the Township move carefully and deliberately in considering Wilmer Hostetter's proposed plan to subdivide and log the 69 acres of woodland on the south side of Little Elk Creek. Mrs. Russo advised that the group will ask for answers to the Chester County Planning Commission's October 29, 1999 letter about zoning, access and circulation and above all the sensitive natural features of the site.

Correspondence was received from the Bureau of Census regarding the final review of opportunity, called the New Construction program, to update the Census 2000 address test. This program allows officials of local governments to identify housing units for which basic construction will be completed by Census Day, April 1, 2000. This program requires the same confidentiality agreement that was required with the original Census 2000 address list. The Board decided to not participant.

Mr. Moran received a survey of PA Municipal Officials to complete on the subject of Measuring the Effectiveness of Municipal Planning and Land Use Regulations in Pennsylvania. The Secretary is to make copies and distribute them to the Planning Commission to have them complete at their next meeting.

The Secretary reported that we need the list of stop signs in the draft copy of the Motor Vehicle and Traffic Ordinance checked to make sure the stop sign location with the intersecting highway and direction of travel are accurate. The Roadmaster was assigned the job of checking the list provided in the draft ordinance.

The Secretary reported that Mr. Ragan had Frank Tipton sign a statement agreeing to the terms of the proposed field change for his parking lot approved land development plan and Mr. Tipton has agreed to install the stormwater management facilities in conformance with the approved plan if the Township determines that the field change does not adequately manage the run-off from the site.

A letter was received from the Chester County Conservation District indicating that the Erosion and Sedimentation Control Plan for Chester County Bridge No. 281 is adequate. This is the bridge on Little Elk Creek Road which crosses Little Elk Creek.

The Secretary asked the Township Solicitor if she had reviewed the letter from the Peoples Bank wherein the Bank reported that under federal law they are required to obtain from its suppliers a certificate concerning various areas of equal employment opportunity and the use of minority businesses. The Solicitor did not have an answer but questions the need for the Township to do so because we are not a supplier to the Bank.

The Roadmaster gave a report on the road work performed during the month of October.

Mr. Moran reported that he understands that there are rumors around that the Township is going to purchase the James McLeod property on Baltimore Pike for Township facilities and he wants everyone to understand that no decision has been made concerning the McLeod property. Some questions were asked by those in attendance, such as: why is commercial property being considered when it provides a better tax base and is the Township aware there is a sales agreement on this property. Mr. Moran reported that we have to determine whether there is or isn't an agreement. Mrs. Graul asked what it would cost to renovate the building suitable for Township facilities and Mr. Moran advised we could move in next week. On motion by J. Roger Moran, seconded by Charles D. Shelton, it was approved that the Township notify James and Mary McLeod of East Nottingham Township's interest in possibly purchasing their 1.8 acre property located at 2259 Baltimore Pike in East Nottingham Township. The notice shall also provide that before any agreement of sale is executed, East Nottingham Township must secure an appraisal identifying the value of this property as well as an inspection to determine the condition of the property and its suitability to house township machinery and equipment and that East

Nottingham Township understands that the asking price for this property is \$500,000.00 unless the transfer can be effected without transfer taxes to the seller, in which case the asking price would be \$495,000.00

Nay: -0-

*No response from Mahan*

Mr. Alvin Miller asked about snow plowing on Wickersham Road because of the manholes. Mr. Miller reported that the manholes are two to three inches higher than the pavement and when they run the plow on Wickersham Road the plow will hit the manholes which would cause considerable damage to the plow. Mr. Moran reported they will look into the matter.

Mrs. Graul reported that Mr. Tipton is working on the parking lot and he never got any permits to dig up the road right-of-way or for a driveway permit. Mrs. Graul was instructed to contact Mr. Tipton.

Mrs. Mary Louise Bell asked about the speed limit on Greenhouse Road. The Board advised 55 mph if not otherwise posted. She also asked about signs on Route 272. Mrs. Bell reported that there are Amish using Route 272 and there should be signs warning motorists. The Board advised that this is a PennDot road and the Township is not responsible for signs on State roads.

Also discussed was the need to rent a wood chipper and how often it is used. The Board reported that all rental fees will be deducted off of the price of the chipper if it is decided to purchase it.

Mr. Jack Baughman reported that the Sewer Authority is preparing to let bids for a septic dumping facility this month and when completed, then area pumpers will be permitted to use the facility. In order to use the facility the pumper will be required to be licensed by the Chester County Health Department and produce a bill of lading giving the origin of the load.

Being no further business, on motion by Charles D. Shelton, seconded by Howard L. Mahan, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

*Constance F. MacNeal*  
Constance F. MacNeal  
Secretary

APPROVED: 12/3/99  
Date

*J. Roger Moran*  
J. Roger Moran

*Howard L. Mahan*  
Howard L. Mahan

*Charles D. Shelton*  
Charles D. Shelton

TREASURER'S REPORT - December 13, 1999

GENERAL FUND

Checking Acct.

Beg. Bal. 11/1/99

48,836.88

Deposits

Fines	668.47
Transfer Tax	18,280.64
Subdivisions	385.00
Engineering Fees	4,585.20
Interest	2,151.85
Tax Liens	475.09
Del. P. C.	33.00
Road Permits	360.00
Use & Occupancy	570.00
Bldg. Permits	1,810.65
E.I.T.	24,210.98
Misc.	<u>1.25</u>

53,532.13

November Expenses

102,369.01

Bal. as of 12/1/99

35,697.14

Money Market Acct.

66,671.87

CD's

906,705.86

300,000.00

STATE FUND

Ck. Acct. Bal.

140.74

No Activity Bal. as of 11/1/99

140.74

Money Market Acct.

23,208.52

Oxford, PA  
December 13, 1999

The regular monthly meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on December 13, 1999. The meeting was called to order at 7:00 p.m. by Chairman J. Roger Moran with Howard L. Mahan and Charles D. Shelton present.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the agenda for the December 13, 1999 meeting was approved.

Aye: Moran, Shelton, Mahan

Nay: -0-

Mr. Moran asked for public comments on agenda items and received none.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the minutes from the November 1, 1999 special meeting and the November 8, 1999 regular meeting were approved as presented.

Aye: Moran, Shelton, Mahan

Nay: -0-

Bills totalling \$25,017.25 were presented for approval for payment. The Secretary reported that we have a bill from PSATS for subscriptions to the Township News and Dues which she is holding until the regular January meeting. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to pay all bills presented except the bill from Plasterer Equipment Co. for the rental on the wood chipper for 2 months in the amount of \$4,300.00

Aye: Moran, Shelton, Mahan

Nay: -0-

The following bills were approved for payment from the General Fund:

<u>Ck. No.</u>	<u>To</u>	<u>Amount</u>
7002	PECO Energy	106.33
7003	Bell Atlantic	86.44
7004	AT & T	11.70
7007	Peoples Bank of Oxford	1202.75
7008	Pa. Dept. of Revenue	133.37
7009	Berkheimer Assoc.	638.28
7010	Winifred M. Sebastian	870.75
7011	Gawthrop, Greenwood & Halsted	1084.00
7012	Ad Pro Inc.	38.60
7013	Brutscher, Brutscher & Foley	708.90

<u>Ck. No.</u>	<u>To</u>	<u>Amount</u>
7014	Robert Manchio	201.00
7015	Aramark Uniform Service	102.38
7016	Kauffman Gas	266.62
7017	Donnelly Transmissions	40.80
7018	PSATS CDL Program	59.00
7019	Cumberland Truck Parts	4.90
7020	Ragan Engineering	3874.40
7021	Cameron's Inc.	81.26
7022	Sico	668.57
7023	Chester Water Authority	66.00
7024	Farm Plan	45.62
7025	Oxford Grain & Hay	21.77
7026	Treasurer of Chester County	342.62
7027	H. A. Thomson Co.	707.00
7028	Anita C. Graul	595.77
7029	Anita C. Graul	646.51
7030	Doann Freese	541.35
7031	Doann Freese	368.37
7032	J. Roger Moran	307.06
7033	Howard L. Mahan	332.06
7034	Charles D. Shelton	332.06
7035	Constance F. MacNeal	4348.89
7036	BFI	83.58
7037	Daily Local News	88.40
7038	England's Plumbing	1710.14

The following subdivision plans were submitted for consideration for approval.

A final plan for Scott Moran/Herr Foods (Crossan-Raimato Project # 99863 dated 8/26/99 - Tax Parcel #s 69-9-7 and 69-9-37) subdividing 67.2 acres into 2 lots. Lot # 1 contains 3.6607 acres gross - 3.0 net with an existing house, garage and barn and Lot # 2 containing 63.6 acres. No new buildings are proposed for either Lots 1 or 2. On motion by Charles D. Shelton, seconded by Howard L. Mahan, a Form B - Request for Non-Building Waiver for the Sewage Planning Module requirement was approved.

Aye: Shelton, Mahan

Nay: -0-

Abstained: Moran (Mr. Moran recused himself from action on this plan)



On motion by Charles D. Shelton, seconded by Howard L. Mahan, the Scott Moran/Herr Foods final plan was approved.

Aye: Shelton, Mahan

Nay: -0-

Abstained: Moran

A final plan for the Florence E. Fisher Estate (Crossan-Raimato Project # 92505 dated 9/15/99, last revised 11/10/99 - Tax Parcel #s 69-7-75 and 69-7-106) subdividing 104.3191 acres into 2 residential lots, 5 add-on lots and a residual tract containing 60.024 acres. The Secretary reported all the waivers granted have been shown on the plan and Mr. Ragan has reviewed the final plan and recommends it be approved. On motion by Howard L. Mahan, seconded by Charles D. Shelton, the final subdivision for the Florence E. Fisher Estate was approved.

Aye: Moran, Mahan, Shelton

Nay: -0-

A preliminary plan for Autumn Hill IV (Daniel R. Lutz & Associates Job # 181 dated 7/14/99, last revised 11/10/99). The Secretary reported that everything is in order on the Sewage Planning Module. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to adopt Resolution No. 18-1999 approving the Sewage Planning Module for Autumn Hill IV as a revision to the Township's 537 Plan and send it to DEP for their approval.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary reported that we have a letter from Mr. Lutz withdrawing their waiver request from having to widen the cartway of Freese and Little Elk Creek Roads. Mr. Lutz requested that the preliminary plan be approved with the condition that the road widening limits be included in the final plan. Freese Road is to be widened and paved 12 feet on the section abutting Autumn Hill IV as is Little Elk Creek Road from Elk Ridge to the end of the Freese property. The section of Little Elk Creek Road between Freese and Elk Ridge is to be 24 feet wide all on the Autumn Hill IV side. On motion by Howard L. Mahan, seconded by Charles D. Shelton, the preliminary plan for Autumn Hill IV was approved with the condition that the road widening shown in Ron Ragan's December 13th sketch be included in the final subdivision.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from Spencer Andress regarding the Twin Ponds subdivision. Mr. Andress advised that they have met with Mr. Goldie and he is willing to sell the lot for \$40,000. Also, they had Regester Associates prepare a sketch plan showing how the Goldie lot could be incorporated into the subdivision and provide an entrance from Fifth Street. The change would result in an additional 310 feet of new road, utilities, curb, sidewalk and stormwater management facilities at a cost of approximately \$60,000 for a total cost of approximately \$100,000. The

result is that there would be no increase in the number of lots. Thus, their opinion is that the original proposal to improve site distance at the intersection of Waterway Road and Fifth Street by re-grading the bank along the Chester Water Authority property remains viable. Therefore, in light of the additional expense of approximately \$100,000 with no additional lots to help offset the additional expense, Mr. Campbell requested that the Supervisors approve the preliminary plan as presented with the understanding that improvements will be made as discussed with the Township Engineer to improve the site distance at Waterway Road and Fifth Street. Mr. Mahan indicated that this is definitely a dangerous intersection and re-grading the bank is not going to improve the site distance. Mr. Mahan reported that safety is the key issue here. Mr. Moran indicated that he is not willing to go along with what Mr. Campbell wants to do. Mr. Moran asked Mr. Andress if Mr. Campbell would be willing to help with a signal light at Baltimore Pike and Waterway Road in the hopes that traffic would use Baltimore Pike rather than Fifth Street and got no response. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to table this issue for further discussion. The Secretary is to set up a meeting at the site with the Supervisors, Sam Goodley, Planning Commission members, Ron Ragan, Brian Campbell and Spencer Andress.

Aye: Moran, Mahan, Shelton

Nay: -0-

Mr. Spencer Andress presented a letter extending the review time for preliminary plan approval through January 4, 2000. On motion by Howard L. Mahan, seconded by Charles D. Shelton, the review time for the Twin Ponds preliminary plan was extended through January 4, 2000.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from Ruth Coldiron requesting that the time period to post the financial security for the improvements to Little Elk Creek Road for the 5 lot subdivision plan approved by Resolution No. 10-1999 be extended through March 13, 2000. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to extend the time period for Ruth Coldiron to post the financial security for her 5 lot subdivision through March 13, 2000.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Secretary reported that the Oxford Area Sewer Authority has submitted a preliminary/final land development plan for the construction of a septage pretreatment building, two (2) pretreatment tanks and associated expansion of the existing gravel drive. Mr. McClure does not feel that a land development plan is required because in interpreting the definition of land development in Section 202 of our Subdivision Ordinance, it states that the addition of an accessory building, on a lot or lots subordinate to an existing principal building shall not be

considered a land development plan. Because of his interpretation, the plan was given to Mr. Mahan, seconded by Charles D. Shelton, it was unanimously approved to concur with Mr. Ragan's opinion. The Secretary is to send a letter to Bruce McClure, Oxford Area Sewer Authority, advising him that a land development plan is needed.

Aye: Moran, Mahan, Shelton

Nay: -0-

A final investigation report was received from Mr. Ragan concerning Country Dodge. Mr. Ragan reported that the stormwater basin outlet was installed in conformance with the approved plan specifications but the design does not comply with Section 508.03.I of our Subdivision and Land Development Ordinance. That Section states that a concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or enclosed in an easement. The outlet from the basin discharges onto a paved driveway along side of a building on the ATACS property. Mr. Ragan asked Country Dodge to contact him to discuss the problem. The Zoning Officer reported that Country Dodge does not have a Use and Occupancy Permit to use the new building but they are using it. The Zoning Officer was instructed to contact Country Dodge.

The Secretary reported that Mr. Ragan looked at the possibility of relocating the driveway for Lot "A" of the Ethel J. Coates Subdivision from Bob Cat Way to Glendale at the request of the current owner, Kim Womack. Mr. Ragan indicated that moving the driveway to Glendale Road approximately 85 feet from the new cul-de-sac would have more than the required minimum sight distance and his recommendation is that the Township consider allowing the lot owner to relocate the driveway for Lot "A" onto Glendale Road. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was approved to allow Ms. Womack to relocate the driveway for Lot "A" in the Ethel J. Coates Subdivision to Glendale Road.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 3 for Hunter Knoll in the amount of \$75,064.17. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to release \$75,064.17 from the Hunter Knoll letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 3 for Darlington Hunt, Phase III, in the amount of \$922.40. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to release \$922.40 from the Darlington Hunt, Phase III, letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 2 for Country Dodge in the amount of \$48,176.56. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$48,176.56 from the Country Dodge letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 6 for Autumn Hill II in the amount of \$70.00. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$70.00 from the Autumn Hill II letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 3 for Autumn Hill III in the amount of \$70.00. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to release \$70.00 from the Autumn Hill III letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Escrow Release # 7 for Tweed Crossing in the amount of \$44,486.20. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to release \$44,486.20 from the Tweed Crossing letter of credit.

Aye: Moran, Shelton, Mahan

Nay: -0-

A public hearing was held on the three proposals received from landowners to have their land included in the East Nottingham Township Agricultural Security Area. Applications were received from Elizabeth S. Miller and J. Dean Cheek to add 6.9 acres; Rick Leibold to add 73.2 acres and David and Lydia Fisher to add 89.90 acres. The Secretary reported that the Leibold land

only includes 42.5 acres because the 30.7 acre parcel is already in the Ag Security Area under another name. Therefore, instead of considering 170 acres to be added we are only considering 139.3. Comments were received from the Chester County Planning Commission, the Township Planning Commission and the Agricultural Security Area. Chester County Planning's recommendation was that the Miller/Cheek 6.9 acres not be included because the parcel is isolated with under 50% Class 1 thru 4 soils; its size (under 10 acres) and the odd shape do not appear to be well suited for agriculture. Both the East Nottingham Township Planning Commission and the Agricultural Security Area Advisory Committee recommend that the Miller/Cheek, Leibold, and Fisher land be added. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to adopt Resolution No. 19-1999 adding the Miller/Cheek, Leibold and Fisher lands totalling 139.3 acres to the Agricultural Security Area.

Aye: Moran, Mahan, Shelton

Nay: -0-

A public hearing was held on a proposed stop sign ordinance establishing stop intersections and the placement of official stop signs within the Township. There were no comments received on this proposed ordinance. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to adopt Ordinance No. 1-1999 establishing stop sign intersections and the placement of official stop signs within the Township.

Aye: Moran, Mahan, Shelton

Nay: -0-

Mrs. Marianne Russo of the Concerned Citizens of East Nottingham Township presented a map plotting the new developments in the past several years. Also shown on the map was an area which DEP has designated as a Special Protection Area with woodlands and waterways. Included in this area is Wilmer Hostetter's proposed development entitled "Paper Mill Woods." Mrs. Russo reported that it is her hope as well as that of many others, that this natural landscape can be saved from development.

The agreement between East Nottingham Township and Union Fire Co. No. 1 of Oxford for the Fire Co. to provide fire protection, rescue service, and basic ambulance service for the period beginning January 1, 2000 through December 31, 2000 in the amount of \$33,743.10 was presented for consideration for approval. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to enter into an agreement with Union Fire Co. No. 1 of Oxford to provide fire protection, rescue and basic ambulance service for the year 2000 for \$33,743.10. Payment will be made to the Fire Co. upon receipt of the Audit for the 1999 Boro and Township Fund.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Chester County SPCA 2000 Stray Boarding and Animal Protective Services Contract was received from the SPCA. The Animal Protective Services Contract is \$749.00 for the year plus \$20.00 per unclaimed stray animal. With this contract the SPCA will pick-up and transport stray domestic animals to the Shelter. The other service available is strictly a Stray Boarding Limited Contract where the Township is billed \$35.00 per unclaimed stray animal taken to the Shelter. Both contracts have a yearly administrative fee of \$50.00. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to enter into the 2000 Animal Protective Services Contract with the Chester County SPCA at a contract price of \$749.00 plus the administrative fee of \$50.00.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from Brian and Christine McGinty, 336 Heron Drive, Darlington Hunt II, concerning soil erosion problems in the development and both Keystone Custom Homes and Wilmer Hostetter are ignoring their complaints. The Secretary is to ask Mr. Ragan to look at the problem.

A letter was received from George Brutscher, the attorney for the Zoning Hearing Board, advising that effective January 1, 2000, the hourly rate will be \$125.00.

Correspondence was received from the Department of General Services concerning our registration to participate in the Federal Surplus Property Program. Under Federal regulations, the Donee is required to update their eligibility every three years. The Secretary is to complete the application and return it to the Department of General Services in Harrisburg.

A letter was received from Chester County Planning requesting that we verify that the Comprehensive Plan, Zoning Ordinance, Subdivision and Land Development Ordinance and the Master Wastewater Management Plan (Act 537) are the current documents. The Secretary reported that the draft copy of the Zoning Ordinance should probably be given to them for review. The Board agreed that the draft Zoning Ordinance be set to them for review.

The Secretary reported the Township Solicitor has not yet resolved the issue between the School District and the Township with regards to paving Wickersham Road between the curb and existing cartway. The School District is taking the position that this was not agreed to and, therefore, they are not going to do it. Mr. Andes' position is that the land development plan and documents submitted to the Township by Shearon Environmental Design which he reviewed on July 9, 1998 included CS-1 Future Reisler Road Improvements and D-3 Typical Roadway dated January 28, 1999 which details cartway widening and the School District is responsible for widening the cartway. The Secretary was instructed to have Mr. Ragan check into the problem.

On motion by Howard L. Mahan, seconded by Charles D. Shelton, the year 2000 budget for the General Fund and the Liquid Fuel Fund was adopted as follows: General Fund Estimated Receipts and Year-End Balance \$1,733,036.20; Estimated Expenditures \$923,450.00; Liquid Fuel (State Fund) Estimated Receipts and Year-End Balance \$139,492.34 and Estimated Expenditures \$139,492.34.

Aye: Moran, Mahan, Shelton

Nay: -0-

On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to set the tax rate for 2000 as follows: 1/8 mill (.000125) on an estimated real estate and mobile home assessment of \$231,242,180; a 1/8 mill interim tax on all interim assessments; 1% earned income tax with 50% credit to the School District and a \$5.00 per capita tax on all persons 18 years of age and over.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Roadmaster gave a report on the road work performed during the month of November.

The Secretary is to advertise the organizational meeting for January 3, 2000 at 7:00 p.m. and the regular January meeting to follow the organizational meeting.

Christmas gifts of \$50.00 each are to be given to: Anita Graul, Doann Freese, Thomas Elville, Wayne Waltman and Connie MacNeal.

The Secretary reported that under the old subdivision and land development ordinance, minor subdivision plans were only given to the Township Engineer for review if the Planning Commission felt it necessary but the new Subdivision and Land Development Ordinance requires that all plans be referred to the Township Engineer for review. The Secretary wanted to know how she should handle minor plans. The Board feels the decision should still be made by the Planning Commission but the problem is that the Planning Commission cannot give a waiver. The Secretary is to contact the Township Solicitor for her advice.

The Secretary reported that the Planning Commission would like David Sweet to meet with them after their organizational meeting. The Board did not have a problem with Mr. Sweet meeting with the Planning Commission on January 5, 2000.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to replace Scott Thompson on the Planning Commission. The only meeting Mr. Thompson attended the whole year was the organizational meeting.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Secretary reported that something needs to be done concerning Auditors for the year 2000. The only auditor we have is Angela Wagner who was elected in November. According to the tally sheet there were write-in votes: one for a 4 year unexpired term and one for a 2 year unexpired term but at this time the Board of Elections has never advised the Township of who won the unexpired terms. The Secretary is to call Voter Services again to find out who won on the write-ins.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to advertise for bids for a wood chipper to be opened at the January 3, 2000 meeting. The Secretary questioned whether there is enough time to make the January 3 meeting. Mr. Shelton reported that the Township Solicitor told him that she could have the bid written and advertised for the January meeting.

Aye: Moran, Shelton, Mahan

Nay: -0-

Mrs. Teri Rigby asked about the status of the purchase of the McLeod property for Township facilities. The Board reported that they have never gotten a clear answer as to whether there is or isn't a Sales Agreement. The Township Solicitor talked with Jim McLeod's attorney, Sam McMichael, and Mr. McMichael said it is under contract. On motion by Howard L. Mahan, seconded by J. Roger Moran, it was approved to cease negotiations with McLeod on the purchase of his property.

Aye: Moran, Mahan, Shelton

Nay: -0-

Mr. Gerry Durnan questioned why East Nottingham Township needed to get a wood chipper of their own and suggested that they go in with another Township. Mr. Durnan was advised that in order to get grant money the requirement is to get three Townships to go together or the Township seeking the grant money set-up a recycling facility.

Mr. Waltman asked the Board if they ever considered recycling Christmas trees. The Board advised it was never considered. No decision was made to do so this year.

Mr. Waltman reported that mud and stone is being dragged out on the roads from the Autumn Hill II and III developments. The Zoning Officer is going to mention this to Mr. Megill when she meets with him for permits.

Mr. Charles D. Shelton thanked Mr. Moran for his service to the Township and advised him that it was a pleasure working with him.



Being no further business, on motion by Charles D. Shelton, seconded by Howard L. Mahan, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

*Constance F. MacNeal*  
Constance F. MacNeal  
Secretary

APPROVED: 2/14/2000  
Date

*Samuel A. Goodley, Jr.*  
Samuel A. Goodley, Jr.

*Howard L. Mahan*  
Howard L. Mahan

*Charles D. Shelton*  
Charles D. Shelton