

TREASURER'S REPORT - 6/14/99

GENERAL FUND

Ck. Acct. Beg. Bal.	35,046.62
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Deposits

Transfer Tax	14,960.09	
Del. P. C.	232.50	
Fines	290.98	
Interest	2,223.18	
Review Fees	2,026.75	
E.I.T.	54,518.72	
Miscellaneous	792.27	
Subdivisions/Land Dev.	125.00	
Bldg. Permits	2,739.06	
Use & Occupancy	600.00	
Road Permits	850.00	
Mobile HOME	87.12	
		<u>79,445.67</u>

	114,492.29
Less Expenses for May	<u>29,976.82</u>

Bal. as of 6/1/99	84,515.47
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Money Market Acct.	693,969.57
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CD's	300,000.00
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STATE FUND

Ck. Acct. Beg. Bal.	98.88
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No Activity Bal. as of 6/1/99	98.88
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Money Market Acct.	126,881.66
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The regular monthly meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on June 14, 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 June 14, 1999 meeting was approved.

Aye: Moran, Shelton, Mahan

Nay: -0-

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

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the minutes from the May 10, 1999 meeting were approved as presented.

Aye: Moran, Shelton, Mahan

Nay: -0-

Bills totalling \$18,471.18 were presented for approval for payment. The Secretary reported that the bills include a refund to Keystone Wood Treating in the amount of \$235.32 but Keystone owes the Township \$64.30 for review of a subdivision plan and the question is should the \$64.30 be deducted from the refund. The Secretary was instructed to deduct the \$64.30 from the refund. Mrs. Graul advised the Board that Keystone Wood Treating has not gotten use and occupancy permits for the new buildings. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to pay all bills presented minus the \$64.30 from the Keystone Refund.

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>
6746	AT & T	8.36
6747	Bell Atlantic	80.82
6748	PECO Energy	100.72
6751	Peoples Bank	1139.24
6752	Pa. Dept. of Revenue	129.98
6753	Daily Local News	898.13
6754	Lester R. Andes	903.00
6755	The Occupational Health Center	68.00
6756	H. A. Berkheimer	1433.51

<u>Ck. No.</u>	<u>To</u>	<u>Amount</u>
6757	Winifred M. Sebastian	672.25
6758	Oxford Public Library	3841.00
6759	Oxford Senior Center	1900.00
6760	W. J. Castle P.E.	502.50
6761	Aramark Uniform Service	90.85
6762	B. F. I.	78.11
6763	Cameron's	3.31
6764	Doann E. Freese	799.04
6765	SECCRA	123.00
6766	H. A. Thomson	3625.00
6767	J & L Tire Service	33.80
6768	Ehrlich	54.00
6769	Ad Pro Inc.	218.20
6770	Chester Water Authority	66.00
6771	Brutscher, Brutscher	687.49
6772	Keystone Wood Treating	171.02
6773	Connie MacNeal	33.25
6774	Anita C. Graul	746.30

The following proposals were received for 1999 road work and materials:

Stone - One proposal received - D.M. Stoltzfus & Son, Talmage, PA. Per ton prices quoted were:

<u>Approx. Quantity</u>	<u>Description</u>	<u>FOB Plant</u>	<u>Delivered</u>
200 tons	ARAP	5.00	7.25
250 tons	RipRap	5.50	7.50
100 tons	AASHTO #57	4.85	7.10
200 tons	AASHTO # 1	4.85	7.10
100 tons	AASHTO # 8	6.00	8.25
1000 tons	2A	3.90	6.15
250 tons	3A Modified	3.90	6.15

On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to award the 1999 stone bid to D. M. Stoltzfus & Son, Inc.

Aye: Moran, Mahan, Shelton

Nay: -0-

ID-2 Wearing and Cold Patch - One bid received - McMinn's Asphalt Co., Lancaster, PA.
Per ton prices quoted were:

<u>Approx. Quantity</u>	<u>Description</u>	<u>FOB Plant</u>	<u>Delivered</u>
100 tons	ID-2 Wearing	22.00	-----
50 tons	Cold Patch	29.00	-----

On motion by Howard L. Mahan, seconded by Charles D. Shelton, the bid for ID-2 Wearing and Cold Patch was awarded to McMinn's Asphalt Co., Inc., Lancaster, PA.

Equipment Rental - One bid received - McMinn's Asphalt Co., Inc., Lancaster, PA. Per hourly rates quoted were:

<u>Description of Equipment</u>	<u>Hourly Rate</u>
1. Milling Machine - 2' Drum - Capable of 12" Depth, Self Loading Conveyor with Operator and 2 Groundmen - Approx. 16 hours	300.00
2. Milling Machine - 7' Drum - Capable of 12" Depth, Self Loading Conveyor with Operator and 2 Groundmen - Approx. 8 hours	325.00
3. Road Widener with Operator and Screedman Approx. 16 hours	75.00
4. Tri Axle Dump Truck with Driver Approx. 32 hours	48.00

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the bid for equipment rental was awarded to McMinn's Asphalt Co., Inc., Lancaster, PA.

Aye: Moran, Shelton, Mahan

Nay: -0-

In-Place Mix - Two bids received - Long's Asphalt, Inc. and McMinn's Asphalt Co., Inc.
Per ton In-Place Quotes were as follows:

<u>Approx. Quantity</u>	<u>Long's Asphalt</u>	<u>McMinn's</u>
800 tons ID-2 Wearing	29.02	29.30
3400 tons ID-2 Binder	26.87	25.30

On motion by Howard L. Mahan, seconded by Charles D. Shelton, the bid for In-Place Mix was awarded to McMinn's Asphalt Co., Inc., Lancaster, PA.

Aye: Moran, Mahan, Shelton

Nay: -0-

The following business was presented relative to subdivision plans or related matters.

A final plan for Ruth Coldiron, Phase I, (Concord Land Planners Project # 9703-1, dated 5/29/97, last revised 5/11/99 - Tax Parcel # 69-7-32) subdividing 18.874 acres into 5 lots on Little Elk Creek Road. Lot # 1 contains 11.754 acres gross - 11.718 net with existing improvements; Lot # 2 - 2.447 acres gross - 2.439 net; Lot # 3 - 2.508 acres gross - 2.505 net; Lot # 4 - 1.085 acres gross - 1.045 net; Lot # 5 - 1.080 acres gross - 1.043 net. The Secretary reported that the only item remaining to be finalized on this plan is the posting of financial security for the shoulder work on Little Elk Creek Road and the applicant would like the plan to be approved subject to the financial security being posted. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to adopt Resolution No. 10-1999 approving the Ruth Coldiron 5 lot subdivision subject to the financial security being posted and the improvement agreement executed.

Aye: Moran, Shelton, Mahan

Nay: -0-

A final plan for Carol Muzzi (Concord Land Planners & Surveyors Project # 9841A dated 4/1/99, last revised 5/20/99 - Tax Parcel # 69-5-21.14) subdividing 6.1014 acres into two lots on Lees Bridge Road. Lot # 1 contains 1.8409 acres gross - 1.7415 net with improvements and Parcel A contains 4.3599 acres to be added to Tax Parcel No. 69-5-12.17 belonging to Jeffrey L. Kindig situated on the North side of Lees Bridge Road. The Chester County Health Department required a Form B - Non Building Waiver - in lieu of a Sewage Planning Module for this plan as no new development is proposed. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to sign the Form B Waiver for the Muzzi plan. Mr. Moran signed the waiver form.

Aye: Moran, Mahan, Shelton

Nay: -0-

On motion by Howard L. Mahan, seconded by Charles D. Shelton, the Carol Muzzi subdivision plan was approved as presented by a unanimous vote.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary reported that the 16 lot plan for James Mark/Eleanor Steele on Freese Road is being purchased by Megill Development Co. and is being renamed Autumn Hill III.

A letter was received from Fronefield Crawford extending the review time for the preliminary plan for Locksley Glen Section I, Phases 2 and 3 through July 31, 1999. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to extend the review period for the preliminary plan for Locksley Glen, Section I, Phases 2 and 3 through July 31, 1999.

Aye: Moran, Shelton, Mahan

Nay: -0-

The letter also extended the review period for the preliminary plan for Section II of Locksley Glen indefinitely. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to extend the review period for Locksley Glen, Section II, indefinitely.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary reported that both Mr. Andes and the Planning Commission recommends that the preliminary plan for Section III, (Reagis file # 89 dated 10/7/96, last revised 3/19/99) be approved. On motion by Howard L. Mahan, seconded by Charles D. Shelton, the preliminary plan for Locksley Glen, Section III was approved.

Five fire hydrant application contracts were received for Locksley Glen from the Chester Water Authority for Township approval. One hydrant is on Sheffield Lane, one on Devonshire Drive, two on Winston Way and one on Wedgewood. The Secretary reported that Mr. Andes recommended that they be signed and returned to Chester Water Authority. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was approved to sign the five applications for public fire protection service and return them to Chester Water Authority. Mr. Moran signed the applications.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from Frank Tipton requesting an extension of the review period for the Tipton Trucking Co. land development plan through August 8, 1999. On motion by Charles D. Shelton, seconded by Howard L. Mahan, the review period for the Tipton Trucking Co. land development plan was extended through August 9, 1999.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Secretary reported that Mr. Andes wrote a letter to JMCW, Inc. advising them that the escrow for Wiltshire at Oxford expires on July 1, 1999 and we have heard nothing. The Secretary is to contact the Solicitor on this matter.

The following escrow releases were presented for consideration for approval:

Release # 7 for Wiltshire at Oxford in the amount of \$74,397.46. On motion by Howard L. Mahan, seconded by J. Roger Moran, it was approved to release \$74,397.46 from the Wiltshire at Oxford letter of credit.

Aye: Moran, Mahan
Abstained: Shelton

Nay: -0-

Release # 3 in the amount of \$96,788.90 for Autumn Hill, Phase II. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$96,788.90 from the Autumn Hill, Phase II, letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Release # 6 in the amount of \$34,321.80 for Autumn Hill, Phase I. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to release \$34,321.80 from the Autumn Hill, Phase I, letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Release No. 7 for Country Meadows in the amount of \$7,432.60. On motion by Howard L. Mahan, seconded by J. Roger Moran, it was unanimously approved to release \$7,432.60 from the Country Meadows letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Release No. 4 for Tweed Crossing in the amount of \$61,803.60. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$61,803.60 from the Tweed Crossing letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from the Township Engineer, Lester Andes, advising that he met with Melanie Hesse of Lake, Roeder, Hillard and Beers to discuss the curb and sidewalk installation along Wickersham Road by the Oxford School District in conjunction with their approved Athletic Field Development Plan. At this meeting, he was informed by Ms. Hesse that she was advised by the School District that they have not agreed to perform the cartway widening from the existing edge of cartway to curb. Mr. Andes is of the opinion that the School District is responsible because this was included in documents submitted with the land development plan (CS-1 Future Reisler Road Improvements and D3 - Typical Roadway dated January 28, 1999). The Secretary is to contact Mr. Andes about this matter.

A letter was received from Wayne C. Megill asking that the escrow for Wyndham Hill be released. The Secretary is to contact the Solicitor and ask her to return the Letter of Credit for Wyndham Hill.

The Secretary reported that the Peoples Bank extended the Thomas H. Biedekapp letter of credit (Letter of Credit #333) for 6 months (until November 15, 1999 at 3:00 p.m.).

A letter was received from Mr. Andes advising that Technivate has scheduled the pavement restoration on the Locksley Glen Development for the week of June 14.

A letter was received from Mr. Andes advising that he recommends that the request on mailbox placement submitted by Wendel Douthat for Wiltshire at Oxford be approved.

The Secretary reported that we have not heard anything more from Douglas White concerning his May 5, 1999 letter requesting that we accept dedication of the public improvements in the Mill Pond Development and Mr. Andes' May 11, 1999 response to Mr. White.

Requests were received from Loy and Edith Parsons and Maude Baker to be exonerated from paying the 1999 East Nottingham Township per capita tax. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to exonerate Doann Freese, Tax Collector, from collecting the 1999 per capita tax from Loy and Edith Parsons and Maude Baker.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Secretary reported that we received two Zoning Hearing Board applications from Timothy Jones/Joseph Riper on behalf of JMCW, Inc. One application was an appeal from the decision of the Zoning Officer for refusing to issue an amended building permit to permit a kitchen to be put in the basement of a house being constructed on Lot 117 in the Wiltshire at Oxford development and the other was an appeal from the Zoning Officer for refusing to issue a driveway permit for Lot 74. The Zoning Officer reported that she never refused a driveway permit for Lot 74 because JMCW, Inc. never made an application for a permit. Mrs. Graul reported that JMCW, Inc. inquired about the permit and when she met with them to measure for 3 parking spaces there was a problem and she advised them to do additional measuring and get back to her and she never heard anything. Just this past Saturday they came in with new measurements and a permit was issued. The Secretary reported that we got a fax from Tim Jones from Joseph Riper's office at 4:30 today withdrawing the application and requesting that their deposit be returned.

In conjunction with the two Zoning Hearing Board applications from JMCW, Inc., a letter was received from George Brutscher, the attorney for the Zoning Hearing Board. Mr. Brutscher advised that he received copies of these two notices of appeal and noted from the transmittal letter that a copy was sent to Charles Wilkinson and he is assuming that Charles Wilkinson is a principal of JMCW, Inc. Thus the Code of Ethics requires him to disclose to all parties that he has, on an infrequent basis, represented one or more other entities in which Charles Wilkinson is a principal, although he never represented JMCW, Inc. Notwithstanding the fact that he has represented other entities in which Wilkinson has been a principal, he believes that he can, without prejudice or benefit to either party, represent the Zoning Hearing Board in this matter. However, if any party is not comfortable with him representing the Zoning Hearing Board in this matter, he would certainly be happy to recuse himself in which event the Zoning Hearing Board would have to retain separate counsel to be represented in this case. If, however, after everyone having been fully informed as to the above situation, they are agreeable to his serving as counsel, we will need a waiver/consent letter from all parties involved acknowledging the information contained in this letter and their concurrence that he may serve as Solicitor to the Zoning Hearing Board. Mr. Moran suggested that this matter be tabled until the July meeting. The Secretary reminded the Board that this matter must be scheduled within sixty days of June 8. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was approved to table this matter until the July Township meeting.

Aye: Moran, Mahan
Abstained: Shelton

Nay: -0-

A letter of resignation was received from the Township Engineer, Lester R. Andes, effective July 31, 1999 or upon appointment of a Township Engineer, whichever occurs first. Mr. Andes indicated that he can no longer give a sincere effort to the position of Township Engineer

for East Nottingham. He did indicate that he will be available for consultation at \$55.00 per hour plus expenses. On motion by Charles D. Shelton, seconded by J. Roger Moran, it was approved to accept Mr. Andes' resignation as Township Engineer.

Aye: Moran, Shelton, Mahan

Nay: -0-

As-built drawings were received from W. J. Castle, PE & Associates for the repair work done on the Woods Road bridge.

Information was received from the Chester County Health Department listing the dates and locations for Household Hazardous Waste Collections. The nearest collection site to East Nottingham is New Garden Township on September 18, 1999.

Mr. Melvin Miller, Mt. Pleasant Road, requested a waiver from having to prepare a land development plan for a barn he is proposing to build. The Zoning Officer reported that the site is currently pasture and is level land. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to grant Mr. Miller a waiver from having to do a land development plan for the new barn.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from Douglas W. May, PennDot, advising that 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 Roney's Corner Road to 269 feet east of Union Square Road to reduce the 40 mph and 45 mph speed limits to 35 mph. Before PennDot will 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 lower, the Township will purchase, erect and maintain the signs. Nothing is to be done with this request from a Township standpoint.

A letter was received from several residents in the Lincoln University address area of Little Elk Creek Road concerning Wilmer Hostetter developing the woods on the south side of Little Elk Creek Road across from My Way. This is the same group that approached the Board in May and asked that a moratorium be put on development for a year so a controlled development plan could be implemented. Mrs. Susan Rhodewalt acted as the spokeswoman for the group, and again asked that a moratorium be put on development. Mrs. Rhodewalt reported that she understands only 3 lots in the woods passed percs. Mr. Howard Mahan reported that Wilmer Hostetter stopped in to find out if the Township received a letter from area residents and told him that he got approved percs for 24 lots. At this point Frank Sipala, 9 My Way, accused Mr. Mahan of taking bribes from Mr. Hostetter. Mr. Mahan tried to explain to Mr. Sipala that Mr. Hostetter was inquiring about the letter the Township received from the citizens of the area and not a letter for him. Mr. Moran advised the group that he will not vote for a moratorium and the other two Supervisors concurred with Mr. Moran's statement.

The Secretary reported that she contacted the Francis Hall Agency to get information on the Workers Compensation Insurance and they came back with a quote of \$2,435. The Board decided to leave the Workers Compensation Insurance with the Francis Hall Agency.

A letter was received from the Chester County Water Resources Authority advising they are developing a Water Resources Management Plan to provide scientifically sound guidance and information for preserving the integrity of the County's natural water resources and watershed system while balancing the needs of all water users in support of planned growth. Copies were distributed to the Board.

The Secretary reported that she is getting requests from Real Estate Agents asking that the address for properties be verified in writing. Thus, she talked with Mr. Shelton about this and his recommendation was that a fee be established because this could turn out to be costly to the Township. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to set a fee of \$5.00 for a written address verification.

Aye: Moran, Mahan, Shelton

Nay: -0-

A letter was received from Lester Andes requesting the Board to approve Parts I, II, III and IV of the study of the East Nottingham Township Act 537 Sewage Facilities Plan as a part of the Oxford Area Sewer Authority's Act 537 Regional Sewage Facilities Plan. Approval of this phase would allow them to proceed with the remainder of the study. A question was raised as to what this document is. The Secretary reported this document is a part of the Act 537 Regional Sewage Facilities Plan being updated by the Oxford Area Sewer Authority of which East Nottingham Township is a member. Each member Township has to update their 537 as a part of the regional plan and this update identifies existing wastewater planning as well as planning for future expansion. On motion by J. Roger Moran, seconded by Howard L. Mahan, Parts I, II, III and IV study of the East Nottingham Township's Act 537 Sewage Facilities Plan was approved by a unanimous vote.

Aye: Moran, Mahan, Shelton

Nay: -0-

A public hearing was held on the proposal from Frank and Nancy McBerty and Samuel and MaryAnn Null to add 40.4 acres of their land to the East Nottingham Township Agricultural Area. The Secretary reported that this proposal has been reviewed by the Chester County Planning Commission, Township Planning Commission and Agricultural Security Area Advisory Committee and all three Boards recommend that the 40.4 acres be added to the East Nottingham Township Agricultural Security Area. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to adopt Resolution No. 11-1999 adding 40.4 (Tax parcel # 69-8-06) acres of the McBerty/Null land to the East Nottingham Township Agricultural Security Area.

Aye: Moran, Shelton, Mahan

Nay: -0-

Mr. Moran gave the Roadmaster's Report for the month of May 1999.

Mr. Alvin Miller questioned the Board about paying the Secretary for doing the 911 numbering. The Secretary read from the October 10, 1994 minutes, where the Board, by motion, set the Secretary's pay at \$8.00 per hour for doing the 911 addressing. Mr. Miller then argued that the fee was set back when the Secretary was paid on a commission but now she is paid for 40 hours a week and if she works more than 40 hours per week the law requires that she be paid overtime. Mr. Moran reported that the Board paid her for 575 hours for 911 addressing and he feels the Township came out ahead. Finally, Mr. Moran told Mr. Miller that "you could do a lot for the Township but you always want to be on the negative side."

Mr. Tom Morgan asked if there is anything the Township can do about somebody who decides they are going to mow their grass at 5:30 in the morning and the Board advised him there isn't anything they can do.

Mr. Kris Ritter reported that at the intersection of Little Elk Creed Road and Fifth Street, weeds are extremely high on Fifth Street. Mr. Ritter was advised that Fifth Street is a State road and we are not responsible for mowing State roads.

Mr. Sipala asked about the concrete drive off of My Way and who is responsible because it is deteriorating. Mr. Sipala was informed that responsibility is with the lot owners and not the Township.

A question was raised about the former Krueter property on Old Creek Road being in the floodplain. The Zoning Officer reported that the current owner, John Vanderhoef, did everything required and more, and the lot is not in a floodplain nor in the wetlands and the Township had to issue a building permit.

Mrs. Susan Rhodewalt read a letter from Ike Stoltzfus asking that the Board consider the safety and welfare of the citizens and require the developers to fence the land they are developing when it adjoins farm land. He also expressed concern about the impact the developments have on the safety of the roads. Mr. Stoltzfus feels everybody needs to join together to plan for the future.

Mr. Shelton reported that Winnie Sebastian has informed him that DEP is going to meet with the Supervisors and Doolittle at the Doolittle property some time between now and the middle of July. Mr. Shelton asked Mrs. Teri Rigby if she would like to be there and she indicated that she would. Mr. Shelton is to let her know when this will take place.

Mr. Shelton reported that Trish Fagan (Elk Township) called him about the County Comprehensive Plan being changed which will change the Landscapes plan and asked if the Township would be interested in talking about the Landscapes Plan again. Also, she discussed

the area wide emergency management plan they are working on with all the Townships in the Oxford Area School District. Mr. Shelton also indicated that he feels the Township needs to replace Bill Harlan as the Emergency Management Coordinator because of health problems.

Being no further business, on motion by Howard L. Mahan, seconded by J. Roger Moran, the meeting was adjourned at 9:43 p.m.

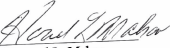
Respectfully submitted,


Constance F. MacNeal
Secretary

APPROVED:

7/12/99
Date


J. Roger Moran


Howard L. Mahan


Charles D. Shelton

TREASURER'S REPORT 7/12/99

GENERAL FUND

Ck. Acct. Beg. Bal. 84,515.47

Deposit

E.I.T.	43,960.91
Tax Liens	334.00
Interest	1,840.79
Fines	321.41
Transfer Tax	15,915.93
Del. P. C.	280.00
Taxes	10,705.19
Engineering Fees	927.90
Misc.	324.00
Books	50.00
Bldg. Permits	3,698.85
Road Permits	820.00
Use and Occupancy	635.00
Subdivisions	110.00

79,923.98

Direct Deposit - State Police Fines

2,792.42

167,241.87

Transfer to M.M.
Less June Expenses

130,000.00

22,843.00

Ck. Acct. Bal. 7/1/99

14,388.87

CD's

300,000.00

Money Market Acct.

826,615.10

STATE FUND

Ck. Acct. Beg. Bal.

98.88

No Activity - Bal. as of 7/1/99

98.88

Money Market Account

127,339.37

The regular monthly meeting of the East Nottingham Township Board of Supervisors was held in the Township Building on July 12, 1999. The meeting was called to order at 7:05 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 July 12, 1999 meeting was approved.

Aye: Moran, Shelton, Mahan

Nay: -0-

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

On motion by Charles D. Shelton, seconded by Howard L. Mahan, the minutes from the June 14, 1999 meeting were approved as presented.

Aye: Moran, Shelton, Mahan

Nay: -0-

Bills totalling \$16, 769.63 were presented for approval for payment. 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>
6782	Francis A. Hall Agency	2435.00
6783	Bell Atlantic	112.84
6784	PECO Energy	121.50
6785	AT & T	8.37
6788	Peoples Bank of Oxford	996.26
6789	Pa. Dept. of Revenue	114.60
6790	HAB-EIT	214.49
6791	PSATS UC Group Trust	346.05
6792	England's Appliances	689.00
6793	Cameron's Inc.	19.79
6794	Winifred M. Sebastian	823.75
6795	Chesapeake Publishing	968.25
6796	Ad Pro Inc.	121.50
6797	Berkheimer Assoc.	1030.74

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<u>Ck. No.</u>	<u>To</u>	<u>Amount</u>
6798	Lester R. Andes	1223.30
6799	Browning Ferris Ind.	78.11
6800	Theresa McCormick	389.60
6801	Farm Plan	376.45
6802	Oxford Grain & Hay	32.31
6803	England's Hardware	11.76
6804	Chester Water Authority	66.00
6805	Anita C. Graul	797.73
6806	Constance F. MacNeal	4324.61
6807	J. Roger Moran	307.06
6808	Howard L. Mahan	332.06
6809	Charles D. Shelton	332.06
6810	Doann Freese	368.37
6811	Aramark Uniform Service	128.07

The following business was presented regarding subdivision and/or land development plans or related business.

A request from Edgar H. Jefferis, Concord Land Planners, on behalf of his client Tipton Trucking for a waiver from the part of Section 502.11A of the Subdivision and Land Development Ordinance that requires that the cartway width of existing roads be widened to the widths required for new roads. The Secretary reported that Mr. Andes recommends that a waiver for having to widen the cartway of Mt. Pleasant Road be approved but not for Waterway. On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to grant a waiver to Tipton Trucking from having to widen the cartway width of Mt. Pleasant Road to new road widths but not for Waterway Road; Waterway Road will have to be widened to meet new road specifications.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary presented the preliminary land development plan for the new parking facilities for Tipton Trucking for consideration for approval. Mr. Andes recommended that the preliminary plan be approved subject to the waiver request being resolved upon submittal of the final plan. On motion by J. Roger Moran, seconded by Howard L. Mahan, the preliminary land development plan for the new Tipton Trucking parking facilities was approved.

Aye: Moran, Mahan, Shelton

Nay: -0-

A final plan for Darlington Hunt, III (Concord Land Planners Project # 485002 dated 4/16/99, last revised 6/15/99 - Tax Parcel # 69-3-59) subdividing 86.956 acres into 63 lots on the south side of Oxford Road. The Secretary reported that Mr. Hostetter has provided the Township with a Letter of Credit and a Road and Improvement Construction Agreement which has been reviewed by the Township Solicitor and approved. On motion by Charles D. Shelton, seconded by Howard L. Mahan, the final plan for Darlington Hunt III was approved.

Aye: Moran, Shelton, Mahan

Nay: -0-

Mr. Moran signed the road and construction agreement for the public improvements in Darlington Hunt III.

The Secretary reported that on July 9, 1999 we received the revised First Amendment to the Amended and Restated Declaration for Wiltshire at Oxford for approval. The Army Corps of Engineers required changes to be made to the original agreement before they would issue Wiltshire a permit to discharge fill material in unnamed tributaries to the Little Elk Creek and adjacent wetlands. The Secretary advised the Board that the Township Solicitor has not reviewed this document but Mr. Taylor, Wiltshire's attorney, would like approval tonight. On motion by Howard L. Mahan, seconded by J. Roger Moran, the First Amendment to the Amended and Restated Declaration for Wiltshire at Oxford was approved subject to approval of the wording by the Township Solicitor. The document will be signed outside a public meeting upon approval of the Township Solicitor.

Aye: Moran, Mahan

Nay: -0-

Abstained: Shelton

The Secretary read a letter from Fronefield Crawford regarding the revised preliminary plan for Section I, Phases 2 and 3 for Locksley Glen. The Secretary reported that Reagis Engineering revised the preliminary plan for Section I, Phases 2 and 3 but never sent the plan to the Township and we still do not have a copy of the revised preliminary plan. In the meantime, Reagis submitted the final plan for Section I, Phases 2 and 3, before receiving preliminary plan approval. Now, Mr. Crawford is asking that the final plan be considered concurrently with the revised preliminary plan which we do not have on record. In the July 12, 1999 letter, Mr. Crawford did extend the Township's review time for the preliminary plan through August 31, 1999. Mr. Mike Spillane, the applicant for Locksley Glen, asked the Board to consider the preliminary and final plan concurrently and the Board would not commit themselves to handling it in this manner. Mr. Spillane is going to make sure the Township does get copies of the revised preliminary plan. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was approved to extend the review time for the preliminary plan for Locksley Glen, Section I, Phases 2 and 3, through August 31, 1999.

Aye: Moran, Mahan, Shelton

Nay: -0-

The following escrow releases were presented for consideration for approval:

Release # 7 for Darlington Hunt, Phase II, in the amount of \$31,815.30. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was approved to release \$31,815.30 from the Darlington Hunt, Phase II, letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Release # 8 for Country Meadows in the amount of \$29,261.23. On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to release \$29,261.23 from the Country Meadows letter of credit.

Aye: Moran, Mahan, Shelton

Nay: -0-

Release # 8 for Wiltshire at Oxford in the amount of \$160,489.50. On motion by Howard L. Mahan, seconded by J. Roger Moran, it was approved to release \$160,489.50 from the Wiltshire at Oxford letter of credit.

Aye: Moran, Mahan

Abstained: Shelton

Nay: -0-

The Secretary reported that we received requests from several Developers to accept the deeds of dedication for the following roads but in most cases the roads have not been completed:

Mill Pond Lane - DCW, Inc. as built drawings and a corrected legal descriptions are needed.

Megill Development Co. - Autumn Hill Drive and Roylene Drive in Autumn Hill Development - we have nothing on this except the letter from Megill requesting that we accept dedication. Also for Megill the roads in Elk Valley and Heatherfields which were carried over from last year because Megill did not have everything in order. The Secretary reported that she understands that the issue with Ronald Shepherd and Highland View Drive in the Heatherfields Development has not been resolved.

B. K. Campbell - Robin Hill Drive in the Robin Hill Development and Ironstone Road and New Furnace Road in Forge Crossing. The only documents we have for these roads are the maintenance escrow and agreement.

Wilmer Hostetter requested that we accept dedication of the roads in Darlington Hunt, II.

The Secretary reported that we have new Letters of Credit for the roads in Elk Valley and Heatherfields which are good until July 24, 2000 and also the Wiltshire Letter of Credit has been extended until July 1, 2000 in the amount of \$1,465,845.20.

A letter was received from Mr. Andes regarding the Letter of Credit for Wilson Mill Estates. Mr. Andes advised that he made an error in the balance of the escrow after Release #5. The amount remaining is \$49,507.63 and this is the amount that should be used for the letter of credit extension requested in his June 17, 1999 letter to the Nickey Family Partnership.

The following old business was discussed:

The Secretary reported that she talked with Mr. Andes regarding his June 10, 1999 letter pertaining to the Oxford Area School District not wanting to widen the Wickersham Road cartway as they agreed to do when their land development plan was approved and Mr. Andes feels they are obligated to widen the road. The Secretary was instructed to give Mr. Andes' June 10, 1999 letter to the Township Solicitor and ask her to resolve this matter with the Oxford Area School District.

The June 9, 1999 letter from George Brutscher advising that the Code of Ethics requires him to disclose to all parties that he has on an infrequent basis represented one or more other entities in which Charles Wilkinson is a principal although he never represented JMCW, Inc. Mr. Brutscher feels that he can represent the Zoning Hearing Board without prejudice or benefit to either party. None of the Supervisors nor any member of the Zoning Hearing Board have a problem with Mr. Brutscher serving as Solicitor to the Zoning Hearing Board. Mrs. Teri Rigby objected indicating she feels there could be a conflict if Mr. Brutscher has represented Wilkinson in the past. It was pointed out to Mrs. Rigby that Mr. Brutscher does not make the decision. The decision is made by the Zoning Hearing Board and no one on that Board had a problem with Brutscher representing the Zoning Hearing Board. Mrs. Rigby advised that the decision that a second kitchen in a dwelling constitutes separate living facilities was made by the Township Solicitor previously and she read from some document that she had obtained to verify that this was the opinion of the Township Solicitor in another case.

On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was approved to have Mr. Brutscher represent the Zoning Hearing Board in this matter.

Aye: Moran, Shelton, Mahan

Nay: -0-

The Zoning Officer asked the Board if the Township Solicitor will be at the hearing on August 3 to represent the Township. The Board informed the Zoning Officer that the Supervisors are not opposing the appeal. The Zoning Officer's response was "so much for standing behind the Zoning Officer fellows." The discussion on this issue continued and finally Mr. Shelton announced that he feels this discussion should cease because there is a public hearing scheduled and there should not be any public discussion preceding the hearing.

The Secretary reported that we have received two proposals to add 114.40 acres to the Agricultural Security Area. The Secretary is to start the process to consider these proposals.

Correspondence was received from Art Hershey concerning a grant for a salt shed. The Board is going to get an estimate so the application can be returned no later than August 20, 1999.

A questionnaire was received from the Chester County Water Resources Authority seeking scientifically sound guidance and information for preserving the integrity of the County's water resources while balancing the needs of water users. The Secretary is to give this to Mr. Andes to fill out on behalf of the Township.

The Secretary reported that John Pinno has not paid the Township for Mr. Andes' services relative to the land development plan for the addition to his garage. The Secretary was instructed to call Mr. Pinno.

A letter was received from Mr. Andes outlining the time frame for submitting plans to the Township. Mr. Andes cited Sections 303.02 and 303.04 of the Subdivision and Land Development Ordinance which clearly states that all plans must be received seven (7) working days prior to the Planning Commission meeting to be considered. Thus, all plans must be in to the Township by 5:00 p.m. two Thursdays prior to the Monday Planning Commission meeting.

A note was received from Mr. Andes advising there is a meeting of municipal engineers with DEP on July 20, 1999 at the Oxford Borough Building to discuss the Act 537 update. Mr. Andes feels that the newly appointed engineer should be asked to attend. The new engineer will be asked to attend.

Letters were received from both the Oxford Area Senior Center and the Oxford Public Library thanking the Board for the 1999 donation.

A copy of a letter the Township Insurance Co. PIRMA (IRM) sent to Deborah Freeman regarding her claim was received. Mrs. Freeman was advised that based on information obtained through their investigation, they believe the Township is immune from any liability and therefore the claim is being denied.

Correspondence was received from DEP advising all municipalities in Chester County of requirements contained in their open burning regulations.

Requests were received from the following residents asking to be exonerated from paying the 1999 per capita tax: Wilbur Grasty, Age 80; Nellie Grasty, Age 76; Grace Hays, Age 77; and Clifford H. Brottlund, Age 74. On motion by Charles D. Shelton, seconded by Howard L. Mahan, it was unanimously approved to exonerate the Tax Collector from collecting the 1999 East Nottingham Township Per Capita Tax from the above named residents.

Aye: Moran, Shelton, Mahan

Nay: -0-

On motion by J. Roger Moran, seconded by Charles D. Shelton, it was unanimously approved to appoint Ronald Ragan as Township Engineer effective August 1, 1999 at \$70.00 per hour. Mr. Ragan will be working with Mr. Andes until July 31.

Aye: Moran, Shelton, Mahan

Nay: -0-

On motion by J. Roger Moran, seconded by Howard L. Mahan, it was unanimously approved to appoint Hillcrest Associates as consulting engineers on an as needed basis at \$115.00 per hour for the principal engineer and \$70.00 per hour for other engineers.

Aye: Moran, Mahan, Shelton

Nay: -0-

A question was raised as to the need for a consulting engineer. Mr. Moran reported that if the Planning Commission feels there is a need to try to make a better looking plan layout they could seek the advise of Hillcrest Associates. Mr. Shelton indicated the cost would be billed to the Developer.

On motion by Howard L. Mahan, seconded by Charles D. Shelton, it was unanimously approved to hire Wayne Waltman as Roadmaster effective July 13, 1999 at \$12.00 per hour.

Aye: Moran, Mahan, Shelton

Nay: -0-

The Secretary asked the Board for a meeting to resolve the problem of plan submittal deadlines because she does not want to ever again be exposed to the same situation that she went through with the Wilmer Hostetter final plan for Darlington Hunt, III. The Board agreed to a meeting and suggested that Mr. Ragan also be invited.


Mr. Moran gave the Roadmaster's Report for work performed during the month of June.

Mr. Moran opened the meeting for visitor recognition.

Mrs. Teri Rigby asked with whom the Township Solicitor talked with at DEP concerning Doolittle because she has called DEP and they know nothing. Mr. Shelton advised Mrs. Rigby that he did not know but would try to find out. Mrs. Rigby then accused Mr. Shelton of running an illegal business in a residential zoning district. Mr. Shelton claims that he had a pallet and mushroom business on his property prior to 1971 when zoning was enacted and he is grandfathered. Mrs. Rigby questioned Mr. Shelton as to what year he got his DBA. Mr. Shelton did not recall when he got his DBA. Mr. G. Durnan stated that Mr. Shelton did not have a pallet company in 1972. Mr. Durnan also complained about the tractor trailer traffic on Oaks Road all hours of the night and they are not only noisy, they shake the house.

Being no further business, on motion by Howard L. Mahan, seconded by Charles D. Shelton, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,


Constance F. MacNeal
Secretary

APPROVED:

8/5/99
Date

J. Roger Moran
J. Roger Moran

Howard L. Mahan
Howard L. Mahan

Charles D. Shelton
Charles D. Shelton

MOTION WAS MADE AND SECONDED
AND TWIN HOUSE FROM BALTIMORE PIKE TO SHADYSIDE
AND UNION SQUARE ROAD FROM FORGE TO DEAD-END.
GRAVES ROAD 1/2" ID - 2 Wearing