

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON AUGUST 11, 2008
(Approved September 8, 2008)

The Board of Supervisors held a regular monthly meeting on Monday, August 11, 2008. Present for the meeting were supervisors W. Atlee Rinehart, Rosemarie C. Miller, Robert F. Preston, Timothy Roland and Ray Kolb. Also in attendance were Bernard A. Rodgers, Township Manager, Marjorie Brown, Esquire (filling in for Mark A. Hosterman, Solicitor), and Brady Flaharty, Township Engineer.

Mr. Rinehart called the meeting to order at 7:10 p.m. and the pledge was recited.

Attorney Brown stated that an executive session was held to discuss potential litigation and also discussed was negotiations concerning pending development projects. These included Ivywood, Painter's, and Heritage Builder's, Inc.

Mr. Rinehart closed the regular scheduled meeting at 7:15 p.m. and went into the public hearing for the proposed comprehensive zoning ordinance.

Public hearing to adopt an Ordinance amending the Code of Ordinance of the Township of East Coventry, Chester County, Pennsylvania, Chapter 27 (Zoning), by deleting the existing Chapter 27 in its entirety and replacing it with a new Chapter 27

Attorney Brown opened the public hearing at 7:15 p.m. to consider the comprehensive zoning ordinance text and map amendment by reading the public notice and presenting the following Exhibits:

- Exhibit T-1 – Public Notice
- Exhibit T-2 – Proof of Publication
- Exhibit T-3 – Comprehensive Zoning Ordinance Amendment No. 147 together with the Exhibit A- Zoning Ordinance Final Draft dated December 21, 2007, last revised May 20, 2008, Exhibit B - the Zoning Map Areas of Proposed Zoning Changes Reflected on the Map with a Legend and Exhibit C- a List of Property Owners, Parcel Affected, the Current Zoning and the Proposed Zoning
- Exhibit T-4 – Representative Letter from East Coventry Township to Property Owners re: Notice of Hearing
- Exhibit T-5 – List of Property Owners
- Exhibit T-6 – List of Returned Letters
- Exhibit T-7 – Chester County Planning Commission Letters re: review of Comprehensive Zoning Ordinance Amendment

Attorney Brown introduced Wayne Grafton, Planner for East Coventry Township and noted he will give a presentation on the proposed zoning ordinance amendment and will answer questions regarding same.

Mr. Grafton stated that he would first review the proposed zoning text and then the zoning map changes. Mr. Grafton referenced the Landscapes review from Chester County dated July 1, 2008 and noted this review addresses continuity between planning agencies (county and local) and then reviewed the County's 247 review dated July 31, 2008 that provided the County an opportunity to raise technical questions prior to adoption.

Mr. Grafton noted that the Township Board of Supervisors and Planning Commission spent many hours reviewing the zoning ordinance that was adopted in 2005 noting that many public comments made at that time were incorporated into this document along with other comments discussed during the review period.

Mr. Grafton stated there are nineteen (19) articles in the document, two appendices and the zoning map. Mr. Grafton provided a brief overview of the various districts noting FR is 2 acre single family detached; R-1 is single family detached $\frac{3}{4}$ with public sewer and water and 1½ acres without public sewer and water; R-2 is single family detached $\frac{3}{4}$ with public sewer and water and 1½ acres without public sewer and water and also contains clustering conditions; R-3 is one family attached, two family semi attached, etc. with varying lot sizes and regulations NC- commercial district is establishes the area relative to neighborhood commercial/commercial – business campus district is generally 3 acres – a host of other procedural requirements are found in other articles of the ordinance. Mr. Grafton noted the zoning map and that it depicted the proposed map changes. He placed the map in view of those in attendance and reviewed the proposed map changes.

Mr. Grafton opened the floor for questions. Attorney Brown recommended that the Board be given an opportunity to comment before receiving comments from the public.

Mr. Rinehart noted that the Board of Supervisors and Planning Commission had spent many hours at public meetings on Monday evenings at the Township Building. These meetings were open to the public and the proposed changes have not been considered lightly. This has taken a great deal of time and consideration and to arrive at this point and the Board still has ears.

Attorney Brown recommended the public stand and state their name and address and requested that duplicate comments not be made but agreement with others' comments should be noted.

Gail Brown of 500 Sanatoga Road inquired why 45 days were required for reviewing revisions to the Historic Resources Map but only 30 days for necessary for zoning map changes. Mr. Grafton stated that the review of revisions to the Zoning Map is regulated by the Municipalities Planning Code. Mr. Rodgers noted that the MPC requires a 30 day review of any zoning map changes and the 45 day review period for revisions to the Historical Resources Map was a legislative decision by the Board. Mrs. Brown asked that it be noted that the Historical Commission did participate in the zoning ordinance amendment discussions with the Board and Planning Commission. Mrs. Brown also noted that the Historical Resources Map was inadvertently not sent to the County for review and the Township Manager will address later in the meeting.

Mary Lib Brower of Parkerford noted her property will be changing to R-3 and Mr. Grafton provided a summary of R-3: two-family detached at 20,000 sq. ft.; two-family semi-detached at 20,000 sq. ft.; single-family semi-detached at 10,000 sq.ft.; single-family attached at 3,500 sq. ft.; two-family attached at 4,100 sq. ft.; and garden apartments at 5,000 sq.ft.; and single family detached at ½ acre lot with public water and sewer and 1¼ acre lot without public water and sewer.

Article XIII consists of a total of 17 pages with other provisions covering off-street parking, uses, special exceptions, signs, accessory uses, corner lots, lot coverage and site requirements and net lot areas, widths and yard requirements. Including open space requirements, covenants and various other items. Mr. Grafton noted it is a complex Article. Attorney Brown noted that existing conditions are grandfathered.

Rick Shaffer of 1663 Old Schuylkill Road stated his property is changing from NC to C. Mr. Grafton responded noting that District C takes you to a 3-acre lot size and that all uses that are permitted in NC are also found in C along with some added uses like businesses, professional offices, banks, wholesale warehouse, passenger stations, service stations, shopping centers and also permits a variety of other uses with a special exception. The Article also includes requirements for single family detached dwellings, lot and setback requirements and Mr. Grafton noted the chart on Page X-4 and various other requirements were noted. Mr. Grafton noted the article is seven (7) pages long and Mr. Shaffer inquired if this information was available and Mr. Grafton noted it can be obtained at the township offices.

Bruce Marvel of New Schuylkill Road asked if this information is provided on the website and it was confirmed that it is.

Missy King of 10 Eleanor Drive asked if the proposed zoning map is available on the website and it was confirmed that it is.

Steve Evans of 559 Ridge Road inquired if previously approved special exceptions remain in force and Attorney Brown noted that they will.

Barb Schaeffer of Old Schuylkill asked if the zoning changes will affect her taxes and Mr. Grafton noted that the taxes would not be affected.

Lauren Baxter of 528 Ridge Road asked if any surveys were completed on how this zoning would impact the areas aesthetically Mr. Grafton stated that concepts that the map amendments find themselves in the context of a broader area addressed by the Pottstown Metropolitan Regional Planning Committee and the township is aware of certain land use obligations and participated in that comprehensive plan and the map amendments are consistent with that concept and parameters may be put on development but cannot stop ugly things from occurring. Ms Baxter noted she moved here because of the natural beauty and farmlands and there is a lot here to protect. Mr. Grafton noted that Article IV which addresses natural resources was reviewed by the township. Mr. Grafton provided a brief overview of Article IV including Floodplain Regulations and Districts, Steep Slopes, Water Tables and Wetlands, Landscaping and Buffers.

Attorney Brown noted that there is one letter that did come in from a member of the public, Robert Bealer, and offered it for the Board's consideration.

Attorney Brown turned the hearing back over to the Board and Mr. Rinehart asked if there were any additional comments. Supervisor Roland stated that we are sitting here almost three years from the night when the Board passed the zoning ordinance in September 2005 and it took that long to do the work for this amendment which was in response to concerns raised by the public at that time when the 2005 zoning amendment was adopted. He felt that was being responsive as a government. Mr. Roland noted that he believes that this proposed amendment moves from more intensive uses to less

intensive uses making most of the Township FR to maintain the Township's existing rural character while at the same time allowing development.

Mr. Preston stated that with the proposed map changes the Board has taken the time to provide the consideration necessary to keep the character of the Township as it was planned back in 1985.

The hearing concluded at 7:55 p.m.

Mr. Rinehart re-opened the regularly scheduled meeting and noted that the first item to be considered by the Board was the adoption of proposed Ordinance No. 147 for which the public hearing had just been held.

Mr. Roland moved to adopt Ordinance No. 147 amending the Code of Ordinance of the Township of East Coventry, Chester County, Pennsylvania, Chapter 27 (Zoning), by deleting the existing Chapter 27 in its entirety and replacing it with a new Chapter 27. Mr. Rinehart called for the vote and the motion carried with a 5-0-0 vote.

Mr. Preston stated that he reviewed the draft minutes of the August 7, 2008 minutes of the Planning Commission and noted that the Planning Commission had recommended several clarifying amendments to the just adopted zoning ordinance and proposed a motion be made to authorize the Township's professional personnel to prepare an ordinance to adopt the changes.

Mr. Preston moved to authorize the Township's professional personnel to prepare an ordinance to amend the newly adopted zoning ordinance to include the comments found in the August 7, 2008 Planning Commission draft minutes and the Historical Resources Map. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Sewer Update

Mr. Flaharty handed out an updated change order list. He noted that some of the punch list items have been addressed and Pump Station #5 is substantially complete and ready for operation.

Mr. Preston inquired about Change Order No. 4 and had questions regarding how the total change orders amount was calculated and noted the item will be discussed with the Township Manager.

Mr. Kolb inquired about the blacktop surcharge and Mr. Flaharty will look into the item further and determine the type of blacktop.

Mr. Preston asked if there will be letters mailed to the residents on Harley Road informing them that they can connect to the sewer system now that the Sawmill road pump station is substantially complete. Mr. Rodgers noted that letters will be going out probably by week's end.

Mr. Rinehart moved to have the letter from the individual on Harley Road be attached to the minutes. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston noted that some people have not paid the tapping fee and inquired what will be done. Mr. Rodgers stated that he would advise the Board as to which properties have not responded within

the ninety (90) day time period originally provided. Mr. Preston asked the Solicitor if a certified letter should be issued to those properties that did not hook up within ninety (90) days. Attorney Brown noted that may be appropriate and Mr. Hosterman should advise on what specific actions the township should take for those properties that have not hooked up within the ninety days.

Mr. Preston moved to prepare and mail certified letters to those properties that did not connect to the sewer system hooked in within the ninety (90) days to connect as provided for in the first mailing and giving them sixty (60) days to connect as provided for in the Township's Sewer Ordinance. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote. The Solicitor is to review and approve such letters before they are sent. No public comments were presented regarding the sewer project.

Mr. Rinehart asked if there were any objections from the Board to drop down to the review of the Painter Tract and the Board was agreeable to that change.

Project: Painter Tract "B" Applicant: Bentley Communities
Residential Subdivision and Land Development on Ellis Woods and East Cedarville Roads
➔ Consideration of approving Resolution No. 2008-33 granting sketch plan approval for Painter Tract "B"

Mr. Preston moved to table the resolution until the Board's meeting in September. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Ross Unruh, counsel for the applicant, was present and asked if he could address the Board. Mr. Unruh noted that he is disappointed the Board is tabling this item and it was his understanding that the applicant would get sketch plan approval with conditions but the nature of the conditions is not acceptable to the applicant, however, they feel they are generally in compliance with the ordinances. Attorney Brown stated a legal memorandum was submitted recently by Mr. Unruh and the Solicitor's have not had ample time to review the points in such letter and asked that proper time be given to evaluate the concerns raised by Mr. Unruh.

Mr. Preston noted the reason for the tabling of the item is for the solicitors to have time to work out the issues and get it before the Board so they may have a positive vote. A resolution is to be before the Board at the September meeting. The item will be addressed at the September meeting.

Sewer

Payment Application No. 15 for the Phase 2 Sanitary Sewer Project

Mr. Preston moved to approve Payment No. 15 for the amount of \$26,965.80 with the condition that the issue of Change Order No. 4 is addressed and is shown as a negative amount. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Payment Application No. 14 for the Phase 2 Sanitary Sewer Project

This item was authorized at the last meeting. No further action necessary.

Change Order No. 22 for the Phase 2 Sanitary Sewer Project

Mr. Kolb moved to approve Change Order No. 22 with net increase of \$18,669.13 with the condition that the \$8880.38 surcharge is addressed and the lesser amount paid if found to be appropriate. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

1. MINUTES

Minutes of the July 14, 2008 Monthly Meeting

Mr. Kolb moved to approve the minutes of the July 14, 2008 monthly meeting as amended. Mr. Preston seconded the motion. Mr. Roland abstained due to his absence at the July 14, 2008 monthly meeting. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-1 vote.

Amendments are:

- Minutes – second paragraph after the bullet points cite the exact amount of the transfer
- Public Comment – in the fifth paragraph add ‘2008’ to the end of the date
- Parks and Recreation – in the third paragraph change ‘ad’ to ‘and’
- Payment of Bills – change the payment of bills to reflect Mr. Preston’s non approval of payment of the NCD bill

2. PUBLIC COMMENT

Missy King of 10 Eleanor Drive noted the Board approved the use of the building for interviews of potential township officials for political party positions and asked if the positions may be posted for a specific party on the bulletin board in the township building. Mr. Rinehart responded by stating that it would not be appropriate because it is political.

Joy Schollenberger of 1111 Old Schuylkill Road stated that babysitting signs are on telephone poles in the township and Mr. Preston stated that it should be addressed by Code Enforcement.

3. REPORTS

Reports from Various Departments and Committees

Mr. Kolb moved to approve the reports from the various departments and committees. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston inquired about the status of the development agreements and the Township Manager said he would provide a status report.

Township Manager’s Report

Proposed Zoning Ordinance Amendment – Historic Resources Map

Mr. Rodgers noted a draft ordinance proposing to adopt the historic resources map and noted the historical resources map was inadvertently omitted from the submittal of the comprehensive zoning amendment sent to Chester County for review. He suggested that the amendments recommended by the Planning Commission be incorporated into this draft ordinance. Mr. Rodgers noted the hard work that the East Coventry Historical Commission had done on preparing the Historical Resources Map and that he was very sorry that it could not be adopted tonight and extended his apologies to the Committee.

Mr. Preston moved to authorize the Township Manager to start the paperwork for the adoption and necessary advertising of the ordinance for the historic resources map and zoning text amendments. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Gail Brown, Chair of the East Coventry Township Historical Commission, stated the Historical Commission was not made aware of any issues with the historic resources map until she saw them on the agenda for this evening. Mrs. Brown noted that the Township Manager apologized profusely for the map not being included in the review. She noted that the Historical Commission was given a deadline to have the map done and felt that it was incomprehensible that the map was left out. Mrs. Brown stated that Chester County had recommended the map be adopted as a reference document this evening by the Board. Attorney Brown stated that item would have to be taken back to the solicitor for review. Gail Brown stated the adoption is now postponed for two months. Attorney Brown stated that the map will be part of the ordinance and a public hearing will be held on it.

NV Homes – Building Sewer Corrections and Refund of Monies

The Township Manager provided an overview of the refund calculations recommending that NV Homes, Inc be refunded \$6,000.00 from the Traffic Impact Fund, \$17,300.00 from the General Fund for building permit fees and transportation impact fees, and \$22,000.00 from the General Fund for return of escrow deposits paid to the Township.

Mr. Rinehart moved to refund the monies owed to NV Homes as proposed by the Township Manager. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

There was a discussion regarding paying Code Inspections, Inc. for the sewer lateral inspections. Mr. Rodgers stated that it was the recommendation of the Solicitor that Code Inspection, Inc. be paid at the rate of \$120.00 per connection as proposed by Code Inspections, Inc. Mr. Preston noted concern of paying for the inspections of the laterals that were installed improperly. There was a discussion concerning the fact that several building laterals, including some that had been installed in driveways, were not inspected properly although they were ultimately repaired.

Mr. Rinehart moved to pay Code Inspections, Inc. \$120 per inspection for the sewer lateral inspection invoices. Mr. Roland seconded the motion. Mr. Kolb voted yes. Mr. Preston voted no. Mrs. Miller voted no. Mr. Preston clarified that he was only voting no on the 22 inspections that he felt were not properly done. Mr. Rinehart called for the vote and **the motion** carried with a 3-2-0 vote.

Fricks Lock Village

The Township Manager provided a memo from Chief Theobald regarding the number of and disposition of citations issued at Fricks Lock Village for trespassing violations.

The Township Manager noted a report of the fire at Fricks Lock Village was requested and received from the Fire Marshal and Mr. Preston requested a copy of such report be provided to the Board.

Mr. Preston inquired about the status of the police services agreement with Exelon and Chief Theobald stated he believes the solicitor is in the process of setting a meeting.

The Township Manager noted that by letter dated August 21, 2008 Exelon consented to an extension of time for the East Coventry Historical Commission to take action on the demolition permits until November 30, 2008.

Winter Traffic Services Agreement

Mr. Rinehart moved to approve the Winter Traffic Services Agreement. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Satiro Zoning Ordinance Violation

The Township Manager noted the notice of violation and the citation and pending trial date.

Resolution No. 2008-31 – Transfer of Funds from General Fund to Capital Reserve Fund

Mr. Preston moved to approve Resolution No. 2008-31 transferring \$36,620.19 from the General Fund to the Capital Reserve Fund. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Line Systems – Telephone Services

The Township Manager noted information from Line System concerning using that service in place of Verizon. Mr. Preston asked if this was for all the phones and the Township Manager replied it would be for all the phones subject to Verizon. Mr. Preston stated he would like to see the proposed savings and inquired if this was another NCD.

Ellis Woods Park Project

Mr. Preston moved to approve Change Orders No. 4 and 5 dated July 14, 2008 and July 28, 2008 respectively for the Ellis Woods Park project. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to approve no cost Change Order No. 6 dated August 8, 2008. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

The Township Manager noted that playground equipment has arrived and was originally scheduled to be installed on Tuesday, August 12 but has been postponed to next Tuesday.

Code Inspection Proposals and Services

Mr. Rinehart and Mr. Roland stated they were not ready to provide a short list for interviews for code inspection services.

Reports from Various Departments and Committees

Mr. Rinehart moved to approve the reports from the various departments and committees except the Township Engineer's report. Mr. Preston seconded the motion. Mr. Rinehart momentarily left the room. **The motion** carried with a 4-0-0 vote.

Engineer's Report

There was a review of the Engineer's Report. Mr. Preston noted the inactivity on several project and requested a spreadsheet of financial and developer agreements be done.

Mr. Rinehart moved to accept the Engineer's Report. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Telvil Hall

Applicant: Telvil Corporation

Mr. Preston asked Mr. Flaharty if the Rambo's drainage issue been resolved and Mr. Flaharty stated that has been resolved.

Walter Woessner, Vice Chair of the East Coventry Planning Commission, noted that the recommended approval of the preliminary plan was to be contingent on approval of the Landscapes plan that was to be presented to the Board this evening.

John Kennedy of Kennedy Associates was presented and provided an overview and aerial photos of the site.

Mr. Kennedy noted that, per Township ordinances, Board approval is needed to utilize existing vegetation to meet the buffering requirements. Mr. Rinehart inquired about the potential for a fee in lieu of. Mr. Kennedy noted the applicant is hoping the Board would consider the existing trees as meeting the buffering requirements. Mr. Roland suggested that a determination of the savings be calculated for not planting new trees that could be placed in the capital reserve.

Mr. Preston moved to allow the existing residuum trees to be utilized as part of the buffer and trees and shrubs be added along the line to get a uniform buffer.

Mr. Kennedy noted it was the intent of the applicant to distribute the plant material among the lots in the project.

Mr. Preston withdrew his original motion.

Mr. Preston moved to allow the existing residuum trees to be utilized as part of the planting standards and trees and shrubs be added to the requirements along the line to get a uniform buffer and to distribute the 146 trees around the homes. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to approve Resolution 2008-32 granting approval of the Telvil Hall preliminary plan. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Bryan Hunsberger of Telvil Corporation inquired about the sewage facilities planning module for this project and it was noted the Board has to sign off on that document.

Project: Painter Tract "B"

Applicant: Bentley Communities

This item was discussed earlier in the evening.

Project: Walnut Springs Farm

Applicant: Telvil Corporation

Mr. Preston moved to approve Escrow Release No. 12 for Walnut Springs Farm for the amount of \$40,559.85. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Project: Neuman Subdivision (a.k.a. Ridgefield Estates) Applicant: West Gate Land Development
Stephen Kalis, counsel for the applicant, was present.

There was a discussion regarding Section 428.6.B of the Subdivision and Land Development Ordinance and the Grafton Association letter dated July 3, 2008 which references this item was reviewed.

Mr. Kalis explained that the applicant proposes to include using existing vegetation and shrubbery around the project to meet the landscape and buffer requirements. He noted that the vegetation is very dense with the thinnest portion of the buffer at 80 feet in depth. Mr. Kalis noted they believe the existing foliage meets the requirements of the Subdivision and Land Development Ordinance. Mr. Rinehart requested a common name of the property. Mr. Kalis noted it will be referred to Ridgefield going forward.

Mr. Preston asked if a landscape plan was submitted and Mr. Woessner noted it was and the Planning Commission was satisfied with such plan.

Mr. Preston moved to accept the existing trees and landscape plan that was submitted to the Planning Commission. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Project: Blossom Meadows II

Applicant: All County Partnership

There was a discussion regarding the dedication punchlist dated July 30, 2008.

Mr. Preston asked if the issue on the Diener property has been addressed and Mr. Flaharty noted that the issue was mentioned as Item 3a of his letter. The Township Manager noted it may be appropriate for the solicitor to render an opinion of the stormwater easement issues.

Mr. Preston also inquired about Mr. Cahill's emergency overflow issue and the item is to be added to the punchlist.

Project: Schollenberger Subdivision

Applicant: Jeff and Joy Schollenberger

Mr. Rinehart moved to grant the extension for the plan recording of the Schollenberger Subdivision. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Joy Schollenberger was present and noted the plans have been signed, sealed and recorded.

Project: Plan Review Extension

Mr. Rinehart moved to approve plan review extension for the Berkey-High Subdivision. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

5. OTHER BUSINESS

Ellis Woods Park Project

Mr. Preston moved to approve Payment No. 2 for \$98,680.52 and Payment No. 3 for \$75,948.93 for the Ellis Woods Park Project. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

2008 Road Maintenance

Mr. Kolb moved to approve Payment No. 1 in the amount of \$87,656.35 with the condition that the payment state 'final'. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

6. DISCUSSION ITEMS

10-Year Capital Projects Program

The item will need further review by the Board for later discussion.

88 Wells Road, LLC

There was a discussion regarding the 88 Wells Road, LLC conditional use application.

The conditional use will be discussed at the August 20, 2008 Planning Commission meeting and Mr. Woessner noted the Planning Commission has 45 days to provide comment.

Mr. Preston inquired how the special exception and conditional use could be addressed concurrently and suggested the solicitor address this issue. The Township Manager stated he has been corresponding with the solicitor regarding this hearing and he noted that after determining the application is complete it may be processed. Mr. Preston recommended that the Solicitor address the application. Mr. Preston stated the Board has to coordinate with the Planning Commission to get their comments.

7. PAYMENT OF BILLS

Mr. Preston moved to authorize the solicitor to prepare a resolution to transfer \$326,000 from the General Fund to the Capital Reserve Fund to pay bills for the Ellis Woods Park Project. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

The Township Manager noted that he will clarify whether the bills were paid directly out of the Capital Reserve fund or from the General Fund.

Mr. Rinehart moved to pay the NCD bill for \$179.38. Mr. Roland seconded the motion. Mr. Preston voted no. Mr. Rinehart called for the vote and **the motion** carried with a 4-1-0 vote.

Mr. Preston moved to pay bills as presented except the NCD bill for \$179.38:

Capital Reserve Fund	\$307,042.55
Commerce Escrow Fund	\$7,000.00
General Fund	\$213,116.62
Highway State Aid Fund	\$8,799.85
Sewer Capital Fund	\$25,807.91
Sewer Operating Fund	\$13,019.77
Traffic Impact Fee Fund	\$6,000.00
<u>Water Users Fund</u>	<u>\$352.08</u>
	\$581,138.80

Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

8. **ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD**

Mr. Rodgers recommended that the Board consider authorizing the Solicitor to attend the Planning Commission meetings. He felt that this would be very beneficial to the Planning Commission as well as the Solicitor. A discussion ensued regarding the merits of having the Solicitor attend the Planning Commission. Mrs. Miller moved to authorize a Township Solicitor to attend all Planning Commission meetings. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to authorize a Township Solicitor to attend all hearings. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Code Inspection Services

There was a discussion regarding the proposals received for code inspection services.

Mr. Preston stated that LTL is the cheapest, Gilmore is the most expensive and BIU is in the middle. Mr. Preston felt that all except for two that were submitted could do a good job. Mr. Preston requested a uniform billing system be provided.

A discussion ensued during which Mr. Rodgers noted that the Board needed to determine which firms it wanted to interview and establish a special meeting date to conduct the interviews. He also noted that he had advertised for resumes for the position of code enforcement and inspections as directed by the Board. The last day for submission of resumes is August 29, 2008. He recommended that the Board interview Barry Isett & Associates, Inc; Building Inspection Underwriters, Inc; Gilmore & Associates, Inc; and Code Inspections, Inc.

After further discussion the Board agreed to interview Barry Issett, Gilmore Associates, BIU and Code Inspections, Inc. and to advertise and hold the meeting for interviews on September 3, 2008 starting at 6:00 p.m. The Township Manager will contact the companies and schedule the interviews.

9. ADJOURNMENT

The monthly meeting adjourned at 11:40 p.m.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary