

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON OCTOBER 13, 2008
(Approved December 8, 2008)

The Board of Supervisors held a regular monthly meeting on Monday, October 13, 2008. Present for the meeting were supervisors W. Atlee Rinehart, Robert F. Preston, Timothy Roland and Ray Kolb. Rosemarie C. Miller was not present. Also in attendance were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Esquire, and Brady L. Flaharty, Township Engineer.

The meeting was held at Ridge Fire Company.

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

Hearing and consideration of adoption of Ordinance No. 148 amending Chapter, 27, Zoning Ordinance including text amendments and adoption of the East Coventry Historical Resources Map

Mr. Rinehart stated the first thing on the agenda is the Public Hearing for Ordinance No. 148, amending Chapter 27, Zoning and turned the meeting over to the Township's Solicitor, Mr. Hosterman.

Mr. Hosterman stated that this will be a respective and orderly Hearing on this ordinance and noted the following list of exhibits:

- T-1 Public Notice
- T-2 Proof of Publication
- T-3 Ordinance No. 148 amending Chapter 27 which is the Zoning Ordinance of East Coventry Township including text amendments and adoption of the Historical Resources Map
- T-4 Copy of the official map that is the subject of the Public Hearing tonight – Historical Resources Map bearing the Seal of Chester County, Pennsylvania dated May 17, 2008 and depicting Class 1, 2 and 3 Historic Resources and Historic Bridges
- T-5 Representative letter from East Coventry Township to property owners forwarding a Copy of the Public Notice of the hearing
- T-6 Letter from the County of Chester Planning Commission dated September 25, 2008 addressed to Bernard A. Rodgers, East Coventry Township Manager, recommending adoption of the proposed zoning text and Historical Resources Map amendments
- T-7 List of properties to receive a designation as a Class 1, Class 2 or Class 3 Historic Resource and that were sent Notice of the Public Hearing on Ordinance No. 148
- T-8 A list of the letters sent to property owners informing them of the Public Hearing and their properties inclusion as an historical resource that were returned.
- T-9 Minutes of the East Coventry Township Planning Commission meeting of September 17, 2008 recommending adoption of proposed Ordinance No. 148

- T-10 through T-20 is a compilation of letters from residents who have written to the Township and expressed the desire to not have their property

T-21 through T-24 included on the Historic Resources Map.
letter from East Coventry Township Historical Commission recommending removal of four properties from the list of Historic Resources

T-25 Letter from another property owner asking not to be listed as a historic resource

Mr. Hosterman thanked everyone for coming and assured them the Supervisors want to hear their comments. He stated that in order to conserve time comments should not be repeated. Mr. Hosterman asked if anyone would like to speak in favor of this ordinance and map and then noted that saw none. Mr. Hosterman stated that before they get into public comment the Board of Supervisors will make comments and key Township personnel will provide a brief overview.

Mr. Rodgers, Township Manager provided an overview of Part 12-Historic Resources Protection Standards of Chapter 27, Zoning and then turned the meeting back over to Mr. Hosterman.

Property Owner/Address: John Wunderlich

Question/Comment: Where do I stand, I am LI?

Response: Gail Brown, East Coventry Historical Commission Chairperson, responded the Historic Resource map is an overlay map and the base zoning district will remain and that this property is a Class III and, therefore, permits would not be reviewed by the Historical Commission.

Property Owner/Address: Emma Turner – 391 Harley Road

Question/Comment: Can anyone ask to have their property removed? Is this legal?

Response: Mr. Hosterman stated that not that way the ordinance is currently written. There is not an opt-in, opt-out provision.

Property Owner/Address: Bonnie Herb – 351 Saylor's Mill Road

Question/Comment: Why were some of the properties removed? Can you give a reason?

Response: Mr. Hosterman stated he got the letters a minute before the meeting and hasn't reviewed them but what he has is letter from the East Coventry Historical Commission recommending removal of four different properties. Mrs. Brown, Chairperson of the Historical Commission, stated that they had Class III designation but were not over 50 years so they were removed and one was a Creamery Road property that had been renovated extensively.

Question/Comment: How will current renovations be affected? How do you match projects already in process?

Response: Mr. Hosterman stated that anything requiring a building permit will trigger a review. Mrs. Brown stated that the existing condition is how a property is accepted and if you already have a permit you are fine.

Question/Comment: If a property owner would like their property listed historical can't they go through the Chester County Historical Society?

Response: Karen Marshall, Chester County Historical Preservation officer. Ms. Marshall stated that all but 50 of the Class II properties had been designated in 1981 by the County as historical and at the time of the survey the residents were notified.

Property Owner/Address: Nicole O'Neill – 653 Saylor's Mill Road

Question/Comment: The law you are proposing has good and bad points and it needs more detail, a lot of people live in the historical homes because they love them and circumstances may change

their lives, my significant other is not able to make improvements and those with disabilities should be addressed.

Property Owner/Address: Charlie Albright – 90 Ebelhare Road

Question/Comment: If an ordinance says if you have a wood roof on your house it has to be replaced with wood, is the township going to pay the difference in the material pricing?

Property Owner/Address: John Kieffer – 29 Creamery Road

Question/Comment: A large percentage of houses are affected by this ordinance and the historical status would have to be disclosed if a sale were to occur. This would create a smaller buyer pool and reduce the value of the home but the cost of a renovation would be dramatic. It also affects the land. The question for the supervisors is can we not include in this ordinance a provision for the election by each property owner to be included in the list or excluded from the list and make it their decision.

Response: Mr. Hosterman responded that an opt-in opt-out provision is not in the current ordinance and the supervisors can only adopt or not adopt what is in front of them tonight. Mr. Kolb stated that he is going to work on this ordinance to make it opt-in or opt-out. Mr. Rinehart stated that his philosophy is that it should be voluntary because such renovations to a show place are costly and time-consuming. Mr. Roland stated that he came here tonight with an open mind and he is trying to do the right thing by preserving historical resources and feels that there should be an opt-in, opt-out provision to a certain degree but the historic resources in the township should not be lost. Mr. Preston stated that the first ordinance on historical resources was adopted in 1994 and readopted in the 2005 ordinance and also included in the 2008 changes enacted on August 11 of this year with the addition of the Class III designation. Mr. Preston also stated that this was a requirement of receiving a grant and this is typical in receiving grants. The Township has an obligation to follow the grant requirements and it was the comprehensive plan for which the grant was received that requires the Township to do this. Mr. Preston stated he is taking Mr. Roland's position. Mr. Hosterman noted recent court decisions stating the obligation to adopt advertised legislation in tact and changes to the ordinance cannot be made without proper processing.

Property Owner/Address: Alesia Bennett – 15 Creamery Road

Question/Comment: Should this proceed? If it were to go through what would the review process be for significantly renovated properties?

Response: Mr. Preston stated another ordinance would have to be adopted to remove such properties.

Property Owner/Address: Alex Davis – 128 Anderson Road

Question/Comment: I live in a block house that is over 50 years old but I do not find anything historic about it. When you have a historic home how does that affect the tax base?

Response: Ms. Marshall stated that the homeowner can ignore or take under advisement recommendations but the homeowner should understand that if they don't follow the recommendations they may be jeopardizing the integrity of their homes.

Property Owner/Address: Wendy Manley – 415 Ellis Woods Road

Question/Comment: If we were to recommend that they approve this ordinance what is the likelihood that there would be movement at a later date to create historic districts, does that open the door?

Response: Ms. Marshall stated that cannot happen without the individual input of each property

owner. A poll was taken of how many Class I, II, and III's are in the audience.

Property Owner/Address: Paul – 28 Bethel Road

Question/Comment: Does a demolition permit require review for a Class III?

Response: No. Permits for Class III are not reviewed.

Property Owner/Address: Noel Billingsley – 2414 East Cedarville Road

Question/Comment: Has an economic study been done or has anyone spoken to realtors to determine how this affects property values?

Response: Ms. Marshall stated that listing on the national register does require that you submit the information to the insurance company. Ms. Marshall stated we are talking about a local ordinance not the national registry. Ms. Marshall stated this is a local ordinance not a formal designation.

Property Owner/Address: Tina Nelson Reiter – 1161 Old Schuylkill Road

Question/Comment: I believe that the point at hand is that now you can choose whether or not to adopt these designations, we would like to object and we need to get on the record doing so. We would like to ask the Board of Supervisors if they would accept the objection of these historic designations.

Response: Mr. Hosterman stated that the Board of Supervisors is hearing the objections but if the property owner would like to circulate a petition and that is fine as long as it does not disrupt the meeting.

Property Owner/Address: Jeri Golas – 1059 Sanatoga Road

Question/Comment: Our barn is insured and we know that if that barn is destroyed the insurance company will not replace it in like value, what is our limitation as a Class II resource? Would that be a demolition? And what would we have to abide by?

Response: Ms. Marshall said the ordinance does not address the future of the property, if the barn burns down and is not rebuilt or if they choose to rebuild they would come in review the plans with the Historical Commission and attempt to have the new barn compliment the historical property.

Property Owner/Address: David Chew – 431 Harley Road

Question/Comment: I have a Class II property and it sounds as if all Class II requests are only subject to review by the Historical Commission and then it is the choice of the homeowner whether or not to follow the recommendations of the Historical Commission. The ordinance does not have any teeth yet and it does not specifically state that I am obligated to follow any recommendations of the township and Historical Commission. It concerns me that it may be interpreted differently in the future by your successors. I proposed that the language be defined to explain exactly what is required of the homeowner so there is no misinterpretation by the homeowner.

Property Owner/Address: John Depue – 281 Sawmill Road

Question/Comment: My house is renovated, where does it fit?

Response: Mr. Hosterman recommended de-listing be considered.

Property Owner/Address: Lee Fleck – 8 Keen Road

Question/Comment: How does this affect non-conforming houses?

Response: Mr. Hosterman stated there is no impact.

Property Owner/Address: Bob Meissner – representing Bethel Methodist Church

Question/Comment: We have sent a letter requesting to be removed from the list and why would the Board of Supervisors want to tie itself to this ordinance. The ordinance is written so poorly you are setting yourself up for litigation.

Response: Mr. Hosterman stated that the ordinance has not been adopted yet and does not have any impact at this time

Property Owner/Address: Judy McDonald – 570 Ridge Road

Question/Comment: It seems the ordinance we are considering has to do with a grant and what is this grant for and why do we have to do this?

Response: Mr. Preston stated that the strings attached to the grant are a requirement of the county and references in the Comprehensive Plan for the township include all the aspects of the township. Mr. Preston said the money was spent to pay consultants.

Property Owner/Address: Janice Clare – 175 Buckwalter Road

Question/Comment: Does this Historical Commission have the power regarding the possible acquisition and use of the historical structures and sites including the nomination of properties into the national register.

Response: Ms. Marshall stated that anyone can nominate their house to the national register but will only be placed on the register if the property owner signs off on it. Ms. Marshall stated that designation can be determined by the Federal government.

Property Owner/Address: Emerson Bealer – Bealer Road

Question/Comment: Where do I find out how and why I am designated a Class II?

Response: Mr. Hosterman stated he believes it is due to the 1981 survey. Mrs. Brown stated Mr. Bealer's house is in a state of ruin and the noted barn may be restored to maintain its historical value. Mr. Bealer did not feel his question was answered adequately and Mr. Hosterman stated it was a local designation and he may contact Mrs. Brown for a better answer.

Property Owner/Address: Dave Eckhart – 886 Vaughn Road

Question/Comment: Does not like the idea of people telling me what I can do to my property. The Pennsylvania Title 37 PA part of the Pennsylvania register of historical placement allows for the owner of the home to opt in or opt out. It does not seem that difficult to change the ordinance to allow opt in or opt out.

Property Owner/Address: Connie Megay – 641 Pigeon Creek Road

Question/Comment: Where is the list of what we can and can't do without a permit?

Response: Mr. Rinehart was not aware of such list but there should be one.

Property Owner/Address: Lauren Baxter – 528 Ridge Road

Question/Comment: I have been a real estate broker from over 30 years specializing in residential properties and anytime I have been involved in historic property preservation it enhances the property and increases the property values. This is a guideline to keep this area as pretty as it can without imposing on anyone that we have to do it this way or that.

Response: Mr. Preston stated that the strings attached to the grant are a requirement of the county

Property Owner/Address: Joan Steward – 1628 New Schuylkill Road

Question/Comment: What were the mandates that required this ordinance to come about?

Response: Ms. Marshall stated that the amendments to the Municipalities Planning Code (MPC) in 2002 requires that historic and natural resources be planned for by townships and the reason the county is making grants available is to help municipalities achieve this with the least burden on taxpayers.

Property Owner/Address: Mrs. Beal – Baptist Church Road

Question/Comment: There are hardly any historical sites in the township and I want to live the way I want to live.

Property Owner/Address: Joe Wilt – 330 Sanatoga Road

Question/Comment: I am a little confused because my house was built in 1991 and I am a Class I and want to know why my house is on this list.

Response: Mrs. Brown stated that a PennDot Study was done and a tow path was found on this property. Ms. Marshall stated that the national federation required the register to be created so historical resources were not negatively impact.

Property Owner/Address: Don Hanna – 85 Baptist Church Road

Question/Comment: Do any of the Board members have their property on this historic list?

Response: Mr. Rinehart stated his property is a Class III.

Property Owner/Address: Karl Glocker – 183 Bard Road

Question/Comment: What is the advantage of having this ordinance?

Response: No specific response was provided.

Mr. Hosterman closed the public hearing at 9:00 p.m.

Mr. Rinehart asked if he has a motion to accept Ordinance No. 148. No response.

Mr. Rinehart asked if he has a motion to table Ordinance No. 148.

Mr. Preston moved to table Ordinance No. 148. Mr. Roland seconded the motion.

Mr. Kolb asked how long it would be tabled and Mr. Roland noted that additional review was needed. Mr. Hosterman stated there is no time limit if the ordinance is tabled. Mr. Hosterman said that if the ordinance is denied this evening it does not mean that it cannot be revisited. Mr. Preston said that the people need to know when it will be reconsidered and if tabled the affected individuals should be notified when it is considered. Mr. Preston asked if Mr. Roland would second that and Mr. Roland noted he would. Mr. Rinehart asked if the 555 notices would go out again and Mr. Hosterman stated that the Board of Supervisors would be obligated to notify the 555 people if the ordinance is tabled and then reconsidered. If a new ordinance is prepared then only the newly affected individuals would have to be notified directly. Mr. Hosterman stated that there a number of text amendments included in this ordinance and if tabled these amendments would just sit there unless he was instructed by the Board to prepare another ordinance. Mr. Hosterman said it may be cleaner to deny this tonight and just redo it all over again then the text amendments could be adopted without the same notice to individual properties. On the recommendation of the solicitor,

Mr. Rinehart asked Mr. Preston if he would remove his motion. Mr. Preston responded 'no'. Mr. Rinehart says that means he has to call for a vote. Mr. Rinehart called for the vote.

Mr. Roland voted no. Mr. Kolb voted no. Mr. Rinehart voted no.

Mr. Roland stated that Mr. Preston is concerned that if it gets denied it would be put on the back burner but Mr. Roland said that he is not prepared to forget about it but is willing to deny the ordinance in its current form.

Mr. Roland moved to deny Ordinance No. 148 in its current form.

Mr. Hosterman asked if the Board would like to add to that motion to authorize the Township Solicitor to abstract the text amendments contained in Ordinance No. 148 and make them a stand alone ordinance. Mr. Preston noted that one text amendment dealt with section 1201 of the Historic Resources Standards. Mr. Hosterman stated that that text portion would be excluded from the stand alone ordinance. Mr. Roland accepted this amendment.

Mr. Kolb seconded the motion. Mr. Rinehart called for the vote. Mr. Preston voted no. **The motion** carried with a 3-1-0 vote.

Mr. Hosterman thanked the audience for their cooperation.

The hearing closed at 9:10 p.m. and the monthly meeting was recessed for a brief break.

The monthly meeting reconvened at 9:25 p.m.

Hearing and consideration of adoption of Ordinance No. 149 amending Part 2, entitled "Grant of Rights and Privileges to Operate CATV Facilities," of Chapter 13, entitled "License, Permits, and General Business Regulations," of the East Coventry Township Code of Ordinances

Mr. Rinehart turned the meeting over to Mr. Hosterman for the hearing and adoption of Ordinance No. 149.

Mr. Hosterman stated that the Board will entertain Ordinance No. 149, this is the Verizon Cable Franchise Agreement, his firm has looked at the agreement and recommend adoption by the Board of Supervisors.

Mr. Rinehart moved to adopt Ordinance No. 149 amending Part 2, entitled "Grant of Rights and Privileges to Operate CATV Facilities," of Chapter 13, entitled "License, Permits, and General Business Regulations,". Mr. Preston asked what the franchise fee was and the Township Manager noted it would be 5%. It was confirmed that the agreement has been reviewed by the Solicitor and the Manager and is comparable to agreements with other communities.

Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Hearing and consideration of adoption of Ordinance No. 150 amending Chapter 24 (Taxation, Special), to add new Part 5 entitled "Local Services Tax

Mr. Kolb moved to adopt Ordinance No. 150 amending Chapter 24 (Taxation, Special), to add new Part 5 entitled "Local Services Tax. Mr. Roland seconded the motion. Mr. Rinehart called for the vote. Mr. Preston said he was opposed. Mr. Rinehart stated Mr. Rinehart, Mr. Roland, and Mr. Kolb voted 'yea' and Mr. Preston 'no'. **The motion** carried with a 3-1-0 vote.

Sewer Update

Mr. Flaharty noted the project is complete.

Payment Application No. 17 for the Phase 2 Sanitary Sewer Project

There was a discussion regarding Payment Application No. 17 for the Phase 2 sanitary sewer project.

Mr. Rinehart noted that at 64 Country Lane storm water by passes the inlet and sheet flows across the roadway. Mr. Rinehart asked whose problem this would be after payment was finalized and was told it would be the responsibility of the township.

Mr. Kolb asked if it money would be held back to correct that problem even if this is a final payment application. Mr. Flaharty said no that there would be a maintenance bond. Mr. Roland stated that the repaving of Springhouse Road has resulted in water sheeting in his yard. Mr. Roland noted Mr. Flaharty looked at this item and Mr. Flaharty did not feel this is a direct result of this project. Mr. Roland stated he has a problem where he did not have a problem before and will address the issue himself.

Mr. Roland moved to approve Payment No. 17 for the Phase 2 sanitary sewer project. Mr. Kolb seconded the motion.

Mr. Preston stated the amount in the letter does not match the payment grid. Mr. Flaharty will rectify that.

Mr. Preston asked if the credit was received for Change Order No. 4 and Mr. Flaharty noted that it was received. Mr. Kolb stated that until they get all the paperwork finalized the payment will not be made. Mr. Flaharty stated if the payment is approved this evening the paperwork will be prepared by the Engineer's office for execution by the contractor.

Mr. Preston stated that if the entire payment request is approved the contractor is not obligated to do anything and asked when the Country Lane problem was noted and Mr. Rinehart stated it was months ago. Mr. Rinehart asked if the Board wanted to amend the motion for less. Mr. Hosterman stated if it is in the motion the right way it is permissible. Mr. Preston recommended the approval be less the amount of cost to correct outstanding items and asked Mr. Flaharty what that amount would be and Mr. Flaharty estimated \$5,000 or more.

Mr. Preston stated we are getting into a dollar amount that may cause litigation and Mr. Hosterman stated if it is going to be a litigation it should be discussed in executive session. Mr. Preston asked Mr. Hosterman if he has other items for executive session and he said he did so the Board agreed to have an executive session at the end of the meeting.

Mr. Roland retracted the original motion and Mr. Kolb withdrew his second.

Change Order No. 24 – Phase 2 Sewer Project

This item was tabled to executive session.

1. MINUTES

Minutes of the September 3, 2008 Special Meeting

Mr. Preston moved to approve the minutes of the September 3, 2008 special meeting as amended. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote. Amendment is to correct the page numbering:

Minutes of the September 8, 2008 Monthly Meeting

Mr. Preston noted Page 6 and stated he specifically asked Mr. Kolb if Old Castle Lawn & Garden was going to spread the wood carpet and that is why he voted for it. Mr. Kolb stated he did not recall that. Mr. Rodgers stated the item will be added to the minutes if it is found on the tape as being said.

Mr. Kolb moved to approve the minutes of the September 8, 2008 monthly meeting as presented. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Minutes of the September 10, 2008 Special Meeting

Mr. Rinehart moved to approve the minutes of the September 10, 2008 special meeting as amended. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Amendment is:

- First Paragraph – note that Rosemarie C. Miller was not present.

Minutes of the September 22, 2008 Special Meeting

Mr. Rinehart moved to approve the minutes of the September 22, 2008 special meeting as amended. Mr. Kolb seconded the motion. Mr. Roland abstained due to his absence at the September 22, 2008 special meeting. Mr. Rinehart called for the vote and **the motion** carried with a 3-0-1 vote.

Amendment is:

- Fourth paragraph – change ‘tool’ to ‘took’

2. PUBLIC COMMENT

Jane Frederick asked if a gate could be put along the sewer right away along their property because of the trespassing of dirt bikes, etc. Mr. Kolb asked if this was just at the one end or along Spiece Road. Mr. Preston stated if you are going to do it you should do it all. Mr. Kolb noted that they tried to block Towpath and the four-wheelers just found another way around and Mr. Kolb can’t see incurring the expense. Mr. Preston noted his concern of

liability if people were injured. Mr. Rinehart stated this will be taken under advisement and taken up at a later date.

Sally Kolb of 231 Baptist Church Road asked why the township decided that the Historical Commission should review every plan and inquired if it was necessary and was it in the Comprehensive Plan. Mr. Rinehart thought it was a courtesy to keep the committees abreast of what was going on. Mr. Preston noted this item is either in Article XII or the Subdivision and Land Development Ordinance.

Mike Moyer of 320 Schoolhouse Road if Ordinance No. 148 come about to satisfy the requirement of the MPC or was it because of a grant. Mr. Preston stated it was both.

Walt Woessner of 164 Schoolhouse Road noted his concern for political signs being in the right-of-ways.

Missy King of 10 Eleanor Drive asked if someone put a political sign on your property without your permission can you remove it and it was noted that you can dispose of such signs.

Roger Kolb of 768 Ebelhare Road noted nuisance calls received by the fire company regarding outside wood stoves and asked if the Township Manager could write letters to let people know that wood stoves are not to be used as incinerators. Mr. Rodgers stated that the township does not regulate burning but the State does. Mr. Hosterman stated that the Township cannot send a letter if doesn't have an ordinance. Mr. Roland stated that burning will need to be addressed.

Mr. Roland asked if there is a curfew and Chief Theobald stated that there is a curfew from a 1979 ordinance which is 10:00 p.m. to 5:30 a.m.

3. REPORTS

Township Manager's Report

Parks and Recreation

Mr. Rodgers stated that Parks and Recreation has scheduled an opening ceremony for the playground area for October 25, 2008 and invited those Supervisors who can attend.

Mr. Rodgers reviewed a request from Karen Nocella, Parks and Recreation Chairman, that the Board consider submitting a grant application to PECO for an open space grant in the amount of \$10,000. The potential project would be to build a bridge across Pigeon Creek to connect the trail in the Creekview subdivision to the township park. Mr. Rodgers stated he has spoken to Mr. Flaharty and Mr. Flaharty provided an estimate for the cost of the design and permit application at \$10,000-\$15,000. He noted that the Township would need to cover any cost exceeding the PECO grant and that could range up to \$10,000.

Mr. Preston stated the Township should be prepared to pay permit costs of up to \$30,000 - \$40,000. Mr. Rinehart stated that if this bridge was similar to the bridge proposed at Towpath Park the Township just cannot afford it. Mr. Preston stated the DEP usually comes back with all kinds of comments and questions on this type of permit application. Mr.

Flaharty stated the bridge may have to cover a 35-50 foot span. Mr. Preston stated the permits are only valid for five years and if you know you don't have the money to continue the question is what should you do? If we are going to turn around and spend \$10,000 of PECO's money or \$5,000 of township money and other costs then the funds need to be budgeted within the next five years to built the bridge otherwise we should not proceed. If we are going to turn around and build that bridge within the next five year period then OK. Mr. Preston stated that Mr. Kaufman at the DEP can either work with you or make it difficult. Mr. Rinehart noted concern of spending that much money on a bridge that will be used by such a limited number of residents. Mr. Roland stated that the Township should try to connect as many areas as possible in such as way at to keep people off the roads.

Mr. Preston made a motion to move forward with the PECO open space grant and limit the total expense to \$15,000 and then plan a 5-year plan for construction. Mr. Roland seconded the motion.

Mr. Kolb stated this township was in a bit of financial difficulty until taxes were raised and although it is going to get out of the hole this year, \$450,000 was expended on the park this year and he cannot see spending the money right now on a bridge.

Mr. Kolb voted no and Mr. Rinehart voted no. The motion did not carry.

Reports from Various Departments and Committees

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

Mr. Preston requested the status of the developer agreements on the Engineer's report be updated. Mr. Rodgers provided a brief overview on the status of the developer financial security agreements.

Mr. Rinehart moved to approve the Engineer's Report. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: 88 Wells Road Subdivision Applicant: 88 Wells Road, LLC

Mr. Rinehart moved to approve Resolution No. 2008-37 granting sketch plan approval for 88 Wells Road, LLC. Mr. Preston seconded the motion.

Walt Woessner asked if there was a decision on the Conditional Use. Mr. Hosterman stated there was a decision that he drafted for tonight but he did not see the item on the agenda but felt it would be appropriate to act on the Conditional Use. Mr. Preston felt the Conditional Use should be approved before voting on the sketch plan approval. Mr. Rinehart withdrew his original motion.

Mr. Rinehart moved to accept the Conditional Use Application approval for 88 Wells Road, LLC as prepared by the Township Solicitor. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Rinehart moved to approve Resolution No. 2008-37 granting sketch plan approval for 88 Wells Road, LLC. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Creekview Estates Applicant: Heritage Building Group
Jon Truslar of Heritage Building Group was present.

Mr. Rinehart moved to Resolution No. 2008-39 granting approval of the amended approved final subdivision and land development plan of Creekview Estates. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Heather Glen Applicant: Heritage Building Group
Mr. Flaharty noted that the developer has not signed the updated developer agreements but the developer has requested that the dedication process proceed and they are planning on top coating in a day or two. Mr. Flaharty is recommending Escrow Release No. 14 not be released.

Mr. Rinehart moved to not release Escrow Release No. 14. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Walnut Springs Farm Applicant: Telvil Corporation
Mr. Roland moved to approve Escrow Release No. 13 for Walnut Springs in the amount of \$73,092.60. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Plan Review Extensions

Mr. Kolb moved to approve the plan review extension for Wineberry Estates. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

5. OTHER BUSINESS

National Incident Management Systems

Mr. Preston moved to approve Resolution No. 2008-39 designating the National Incident Management System (NIMS). Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston moved to approve the Countywide Mutual Aid Agreement. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston moved to approve the Homeland Security Directive. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Fire Police Request

Mr. Kolb moved to approve Fire Police Request for Halloween Safehouse on October 17, 2008. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Fire Company Finance Approval and Written Agreement

Mr. Hosterman stated the Fire Company is taking out a bond to purchase equipment and it must be approved by the township. Mr. Preston asked if the township approval obligates them in any way and Mr. Hosterman stated it did not create any obligation.

Mr. Roland moved to approve the Fire Company Finance Approval and Written Agreement. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Phase 1 Sewer – Off-site Facilities

Mr. Hosterman stated that the Township has not accepted dedication of the Phase 1 – Off-Site Sanitary Sewer Facilities subject to the satisfaction of several items. He noted that the Developer was working on satisfying a number of items and He anticipates that to be accomplished shortly. The bond has not been released.

Mr. Preston moved to accept the Phase 1 Off-Site Sanitary Sewer Facilities conditioned upon the Township Solicitor's recommended approval but the Board will not release any monies until the Board's next regularly scheduled meeting. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Exonerations and Exemptions

It was requested the Tax Collector sign the Exoneration and Exemption sheets.

Mr. Rodgers read the exonerations and exemptions as presented by the Tax Collector.

Mr. Rinehart moved to approve the exonerations and exemptions as presented by, Constance Megay, Tax Collector as attached. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Police Policy

Mr. Kolb moved to approve Resolution No. 2008-40 amending the Police Policies. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Proposal from Traffic Engineer

There was a review of the proposals from the Traffic Engineer for Stop Control Warrant Analysis for three intersections (Ellis Woods Road and Buckwater Road, Ellis Woods Road and Ebelhare Road, and Ellis Woods and East Cedarville Roads).

Mr. Rinehart noted his concern for the safety of the community but the accidents seem to be caused by human error. Mr. Rinehart stated he has difficulty spending the monies on these analyses.

Mr. Kolb asked if Chief Theobald knew the number of accidents reported at these intersections. Chief Theobald said there were not any accidents at Ellis Woods Road and Buckwalter Road and fifteen accidents at Ellis Woods and Ebelhare Roads since 2004.

The Board did not feel the analyses were necessary for Ellis Woods and Buckwlater because there were not any accidents at that location. Mr. Preston felt there were problems at East Cedarville and Ellis Woods and Ellis Woods and Ebelhare Roads.

Mr. Preston moved to look at the two locations with the accidents.

Mr. Kolb reiterated that most accidents are human error and people are not checking traffic the appropriate amount of times. Mr. Rodgers stated the township should do the study for Ebelhare and Ellis Woods Roads intersections because the township has been put on notice.

Mr. Rinehart moved to approve the proposal for the stop control warrant analysis for Ellis Woods and Ebelhare Roads. Mr. Roland seconded the motion. Mr. Rinehart amended his motion to include a stop control warrant analysis at East Cedarville and Ellis Woods Roads. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

6. DISCUSSION ITEMS

Noise Complaint

There was a brief discussion about a noise complaint regarding the bells at Brownbacks Church. Mr. Kolb asked if there could be some sort of compromise between the resident and church and Mr. Rinehart stated they have been talking.

Mr. Hosterman stated the resident could take it to court as a nuisance item. Mr. Rodgers noted potentially measuring the noise with a decibel meter. It was recommended the item be reviewed by the Code Department.

7. PAYMENT OF BILLS

Mr. Rinehart moved to pay the NCD bill for \$184.78. Mr. Kolb seconded the motion. Mr. Preston voted no. Mr. Rinehart called for the vote and **the motion** carried with a 3-1-0 vote.

Mr. Roland moved to pay bills as presented except the NCD bill for \$184.78:

Capital Reserve Fund	\$16,564.00
General Fund	\$238,435.74
Highway State Aid Fund	\$4,390.54
Sewer Capital Fund	\$209,471.53
Sewer Operating Fund	\$19,015.16
<u>Water Users Fund</u>	<u>\$316.75</u>
	\$488,193.72

Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

8. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

Mr. Kolb asked if he could write a letter to PennDot to have them do a study at the Ellis Woods and Bethel Roads intersection for a four-way stop.

Mr. Rinehart moved to authorize Mr. Kolb to send such letter to PennDot. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Kolb noted an e-mail he received from Walt Woessner regarding the proposal for 28' wide streets and Mr. Woessner's comments should be taken into consideration. Mr. Woessner stated the proposed ordinance cannot be implemented the way it is. Mr. Preston felt the 28' wide street is for the safety of the residents. Mr. Preston recommended the right-

of-way be increased in the R-3 area. Mr. Flaharty noted the potential for adding a new street classification.

Mr. Preston moved to have 28' wide streets in R-3 with a 52' right-of-way with additional shoulder width and shoulder paving requirement. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

The Board recessed into executive session at 11:55 p.m.

The Board reconvened from executive session at 12:15 am. Mr. Hosterman stated that the Board had discussed sanitary sewer matters related to the construction of the Phase II sanitary sewers, specifically stormwater concerns related to 64 Country Lane and approval of Payment Application No. 17 to N. Abbonizio Contractors, Inc. and the execution of the project closeout documents. **Motion** was made and seconded to release the amount of \$120,000.00 from Payment Application No. 17 to N. Abbonizio Contractors, Inc and to withhold \$7,967.50 from Payment Application No. 17 pending the Contractor correcting the stormwater drainage issues at 68 Country Lane and executing the closeout documents to the satisfaction of the Township Engineer. Mr. Rinehart called for the vote and all members voted "aye". The motion carried with a 4-0-0 vote.

9. ADJOURNMENT

The monthly meeting adjourned at 12:20 a.m.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary