

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisor's Meeting Minutes**  
**May 18, 2010**

Chairman Eric Todd called the meeting to order at 7:30 p.m. The pledge of allegiance was followed by a moment of silence.

**The following were in attendance:** Eric Todd, Patricia Vail, Gerald Cox, Candace Miller, Cynthia King, Dennis Byrne, Patrick Hughes, Stanley Zdrojewski, George Turak, Carolyn G. Sacks, David Ross, Charlie Shock, and Scott Moran.

Mr. Todd announced that the committee reports are available from the Secretary.

**APPROVAL OF MEETING MINUTES**

**Board of Supervisors Meeting Minutes of April 13, 2010** – Mr. Cox moved to approve the minutes from the Board of Supervisors meeting of April 13, 2010. Mrs. Vail seconded the motion. Motion carried unanimously.

**Board of Supervisors Special Meeting Minutes of April 30, 2010** – Mrs. Vail moved to approve the minutes from the special meeting held on April 30, 2010. Mr. Cox seconded the motion. Motion carried unanimously.

**Board of Supervisors Workshop Minutes of May 11, 2010** – Mr. Todd moved to approve the minutes from the workshop held on May 11, 2010. Mrs. Vail seconded the motion. DISCUSSION: Mr. Cox expressed his displeasure at not being listed as an attendee at the workshop. Mrs. Miller explained that Mr. Cox was not present during the business portion of the workshop and that the minutes only covered the portion of the meeting in which the Board voted. Due to a family commitment, Mr. Cox arrived to the workshop after the business portion of the meeting took place. Mr. Todd called for a vote. There were two votes in favor of approving the minutes. Mr. Cox voted against the motion. Motion carried.

**EXECUTIVE SESSIONS**

The Board and the Secretary attended the PSATS State Convention April 19 – 21, 2010 in Hershey, PA.

The Board attended a table-top drill on April 26, 2010 with representatives from Exelon and Chester County Emergency Services in preparation for the bi-annual Peach Bottom Drill.

**ANNOUNCEMENTS**

The Zoning Board met on May 5, 2010 to hear the variance application submitted by David Stoltzfoos to allow more than one use on a property currently zoned as rural residential in an R-1 district. The Zoning Board ruled in favor of the applicant.

The Board of Supervisors will hear the conditional use application of David Stoltzfoos to permit the construction of an Amish school on a property in the R-1 district on June 15, 2010 at 7:30 p.m.

Herr Foods has notified the township of several community events that will take place in the township. Information can be found on the township's website by clicking on the "Township Calendar" link.

The Township will apply for the Pennsylvania Energy Development Authority (PEDA) advanced energy projects grant for land acquisition and possible future energy projects in the amount of \$550,000.

### **AGENDA COMMENTS**

**Third Party Building Inspector/Building Codes Official (BCO)** – Mr. Shock informed the Board that he dissolved his corporation; in order to continue as the Township's BCO he either has to be an employee of the township or work for a third party inspection agency. Scott Moran was appointed as a third party building inspector in 2008. Mr. Shock will work for Mr. Moran so that he can continue as the BCO. Mr. Todd moved to confirm that Mr. Shock will continue as BCO and will be employed through Accredited Building Inspections. Mrs. Vail seconded the motion. Motion carried unanimously.

### **OLD BUSINESS**

**Sacks property clean-up** – Mrs. King announced that she inspected the Sacks' property and did not see any violations of the junkyard ordinances. She said that there were tarped trailers on the property but they were all tagged to the Sacks'. Mrs. Vail wanted to know what was on the trailers and whether or not the trailers were empty during her last inspection. Mrs. King said she would look at the pictures to see if she could tell. Mrs. Vail said that she had received a complaint and wanted to know if there were tires on the trailers. Mrs. Sacks stated that she did not know if there were tires under the tarp. Mr. Todd said that the Board would revisit the agenda item after Mrs. King had an opportunity to compare the pictures.

**Chester County 2020** – Mrs. Vail moved to make a donation to Chester County 2020 in the amount of \$250. Mr. Cox seconded the motion. Motion carried unanimously.

**Letter from Frank Lobb** – Mr. Lobb submitted a letter to the Board regarding a water runoff problem on his property. Mr. Todd announced that the Township Engineer is performing a desk top engineering study to get a sense on the volume of storm water that Mr. Lobb is referring to in his complaint to the Township. Upon completion, Mr. Johnston will call Mr. Lobb to schedule a meeting to discuss his complaint.

**Hughes Subdivision** – Mr. Hughes submitted a letter requesting that the Board grant a waiver from the proof of access requirement referenced in the engineer's review letter from January 2009. Mr. Hughes stated that the Township abandoned the road which has created the proof of access problem. He further stated that once the subdivision is approved, he plans to put his land in Act 319 land preservation. Mr. Todd said that a copy of the letter will be forwarded to the Township Solicitor and the Planning Commission for review.

**McMichael 6-lot Subdivision** – Mr. Cox moved to accept the extension letter for the McMichael 6-lot Subdivision extending the review period through July 16, 2010. Mr. Todd seconded the motion. Mrs. Vail recused her self from voting because she works for the applicant. Mr. Todd and Mr. Cox voted in favor of the motion. Motion carried.

## NEW BUSINESS

**PennDOT Permit for traffic signal at Baltimore Pike/Route 272** – Mr. Todd moved to refer the plans from Heinrich & Klein to the Township Engineer to make sure that the plans are consistent with what was agreed to in the settlement. Mrs. Vail seconded the motion. Motion carried unanimously.

**Bids for road work** – Mr. Todd moved to authorize the secretary to place an advertisement for road materials and equipment rental for the paving of Ewing Drive and the repair of the lower half of Stoney Lane. Mrs. Vail seconded the motion. Motion carried unanimously.

**Freedom Fest** – Mr. Todd moved to approve the Freedom Fest Permit submitted by Chester County with the conditions that the certificate of insurance is confirmed by the Codes Enforcement Officer, and the site inspections and any special conditions set forth by the Emergency Management Coordinator be met, and to waive the permit fee. Mrs. Vail seconded the motion. Motion carried unanimously.

**Agricultural Security Area 7-year Review** – Mr. Todd moved to begin the 7-year review process of the Township's Ag Security Area and to authorize the Secretary to make proper notification via U.S. Mail and by advertisement in a local newspaper. Mrs. Vail seconded the motion. Motion carried unanimously.

**Agricultural Security Area Application** – Mr. Todd moved to acknowledge a proposal for modification to the Township's Ag Security Area received from Herr Foods, Inc. for tax parcels 68-5-42 and 68-5-44, and authorize advertising in accordance with the Agricultural Area Security Law, and refer the applications for review to the County Planning Commission, Township Planning Commission and Township ASA Committee after the 15-day modification period. Mr. Cox seconded the motion. Motion carried unanimously.

**Family Farm Related Business or School Ordinance and Police District Ordinance** – Mr. Todd moved to forward both ordinances to the Zoning Ordinance Review Task Force and the Planning Commission for review, comment and possible consideration in the ordinance revision process. Mrs. Vail seconded the motion. DISCUSSION: Mr. Cox stated that he was not happy with the ordinances. Mr. Todd called for a vote. There were two votes in favor of forwarding the ordinances to the Planning Commission and Zoning Ordinance Review Task Force. Mr. Cox voted against the motion. Motion carried.

**Materials for Police desk** – Mr. Todd moved to authorize the Secretary/Treasurer to cut a check for \$500 to John Smith to purchase materials to build a desk for the common area in Police building. Mrs. Vail seconded the motion. DISCUSSION: Mr. Cox wanted to know if Sgt. Smith was going to do the work on Township time or for free. Mr. Todd stated that he would be working at his hourly rate. Mr. Todd called for a vote. Motion carried unanimously.

**Township seal** – This item was tabled until Mr. Cox is able to get a draft from Kenny Brown.

**Neighborhood Services Center** – Mr. Cox moved to make the donation to the neighborhood services center as part of the June bills list instead of the October bills list. Mr. Todd seconded the motion. Motion carried unanimously.

**Credit Applications** – Mr. Todd moved to authorize the Secretary/Treasurer to make credit applications to Bud’s Spring & Suspension Service, Creeger’s Home & Hardware, Inc., and Bill Me Later for Business. Mr. Cox seconded the motion. Motion carried unanimously.

**Transfer of funds** – Mrs. Vail moved to authorize the Secretary/Treasurer to transfer up to \$40,000 to cover bills and expenses that may arise before the June 15<sup>th</sup> meeting. Mr. Todd seconded the motion. Motion carried unanimously.

**Refunds** – Mrs. Vail moved to issue a refund in the amount of \$79 to John Lowe for a permit that is no longer required. Mr. Cox seconded the motion. Motion carried unanimously.

**Sacks property clean-up (revisited)** – Mrs. King said that she is satisfied with what is there and thinks they are in compliance with the ordinances. The Board discussed the details of the settlement and expressed concern about the tarped trailers. Mrs. Vail stated that she thought Mrs. King should inspect what was under the tarps on the trailers. The Board decided to authorize Mrs. King to contact John S. Carnes to see if the conditions of the settlement have been met. Mr. Todd moved to wait to hear from Mrs. King at the June meeting regarding the Sacks property. Mrs. Vail seconded the motion. Motion carried unanimously.

## **FINANCIAL REPORTS**

Mrs. Vail moved to accept the Treasurer’s Report for the period ending April 30, 2010 subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

Mr. Cox moved to accept the Bills List for the period April 14 to May 18, 2010, subject to audit. Mrs. Vail seconded the motion. Motion carried unanimously.

Mr. Todd moved to accept the Reconciliation Report for the period ending April 30, 2010, subject to audit. Mr. Cox seconded the motion. Motion carried unanimously.

## **PUBLIC COMMENT**

Mr. Byrne said that he would have drawings of the proposed signs sent to the township.

Mr. Ross asked questions about changes to the sewer needs analysis and whether or not the Board would need to approve the changes prior to the approval of the Regional Act 537 Plan. Mrs. Miller said that she would contact the Township Engineer to find out.

## **ADJOURNMENT**

Mr. Todd moved to adjourn the meeting at 8:31 p.m. Mr. Cox seconded the motion. Motion carried unanimously.

Respectfully Submitted,

Candace Miller  
Secretary/Treasurer