

WEST NOTTINGHAM TOWNSHIP
Board of Supervisor's Meeting Minutes
July 19, 2011

Chairman Eric Todd called the meeting to order at 7:31 p.m. The pledge of allegiance was followed by a moment of silence.

The following were in attendance: Eric Todd, Gerald Cox, Tiffany Bell, Candace Miller, Chief McIvor, Cynthia King, Eugene Twardowski, David Ross, Ed Jefferis, Deborah Kinney, Spence Address, John Vail, and Carolyn Sacks.

COMMITTEE REPORTS

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

APPROVAL OF MEETING MINUTES

Board of Supervisors Meeting Minutes of June 21, 2011 – Mrs. Bell moved to approve the minutes from the Board of Supervisors meeting of June 21, 2011. Mr. Cox seconded the motion. Motion carried unanimously.

EXECUTIVE SESSIONS/INFORMATIONAL MEETINGS – There were no executive sessions held.

AGENDA COMMENTS

Mr. Ross requested to comment on Ordinance 3-2011.

OLD BUSINESS

Comments to the Act 537 Plan – Mrs. Bell moved to ratify the Board's decision to authorize the Township Engineer to provide comments to the Act 537 Plan on behalf of the township. Mr. Todd seconded the motion. Motion carried unanimously.

Ordinance 3-2011 – Mrs. Bell moved to adopt Ordinance 3-2011 authorizing West Nottingham Township to enter into an agreement regarding the USDA letter of conditions to Oxford Area Sewer Authority (OASA) and Fulton Bank Bridge Loan commitment, which establishes a guarantee by West Nottingham Township of 12% of the permanent financing for funding improvements for the OASA and other provisions. Mr. Todd seconded the motion.
DISCUSSION: Mr. Ross said he was concerned that the procedure is inconsistent with the Local Unit Government Debt Act (LUGDA). Mr. Twardowski, Township Solicitor, stated that the ordinance being considered states that the OASA and the municipality will comply with the LUGDA. Mr. Ross alleged that there was insufficient data that the OASA will not have the money to make the loan payments and he questioned why the OASA couldn't produce the information since they did it for the USDA loan. He went onto to say that the numbers in the Act 537 Plan don't match the numbers on the spreadsheet distributed by the OASA to the municipalities. Mr. Twardowski said that he asked the OASA Solicitor questions regarding these issues in January; she replied and gave a breakdown on how the reserve will be funded. Mr. Todd added that if the township doesn't get service, then we don't have to pay. Mr. Cox

wanted to know if a feasibility study had been conducted. Mr. Todd said it had. Mr. Todd called for a vote. Mr. Todd and Mrs. Bell voted in favor of the motion, Mr. Cox voted against it. Motion carried with one dissenting vote.

Resolution 6-2011 – Mr. Todd moved to adopt Resolution 6-2011 entering into an Agreement concerning a guarantee of the USDA permanent loan or, in the event that the USDA permanent loan would not close, the \$17,200,000.00 Fulton Bank permanent loan, for 12% of the total debt service of the permanent loan, subject to the terms and conditions of the Agreement Regarding USDA Letter of Conditions to Oxford Area Sewer Authority and Fulton Bank Bridge Loan Commitment. Mrs. Bell seconded the motion. Mr. Todd and Mrs. Bell voted in favor of the motion, Mr. Cox voted against it. Motion carried with one dissenting vote.

Agreement – Mr. Todd moved to enter into an agreement with the OASA regarding the USDA Letter of Conditions and the Fulton Bank Bridge Loan Commitment. Mrs. Bell seconded the motion. Mr. Todd and Mrs. Bell seconded the motion, Mr. Cox voted against it. Motion carried with one dissenting vote.

Walter Ronald Reid Add-on Plan – Mr. Todd moved to approve the Walter Ronald Reid Add-on Plan with the following conditions: 1) Approval of the DEP permit; 2) Township Solicitor's approval of the Financial Security Agreement for the screening improvements; 3) Executed Financial Security Agreement and \$5,000.00 to be put into escrow for the improvements; and 4) satisfaction of all engineering and legal fees for the review of the plan. Mrs. Bell seconded the motion. Motion carried unanimously. It was noted that DEP is requiring the screening.

Beltran Land Development Plan – Mrs. Bell moved to accept the letter of extension for the Beltran Land Development Plan, extending the review period to September 23, 2011. Mr. Todd seconded the motion. Motion carried unanimously.

Hughes Subdivision Letter of Extension – Mr. Cox moved to accept the letter of extension for the Hughes Subdivision Plan, extending the review period to July 31, 2012. Mrs. Bell seconded the motion. Motion carried unanimously.

Oxford Area Recreation Authority (OARA) Appointment – Mr. Cox moved to appoint Dan Siegfried to the OARA Board beginning immediately with the term expiring December 31, 2013. Mrs. Bell seconded the motion. Motion carried unanimously.

OARA Payment – Mr. Todd moved to authorize payment of the 2010 per capita fee (\$2634), 2011 per capita fee (\$2722), and the 2011 seed money payment (\$5000). Mr. Cox seconded the motion. Motion carried unanimously.

ARLE Grant Submission – Mr. Todd moved to submit a grant application for the installation of a new traffic signal at the intersection of Route 272 and Old Baltimore Pike. Mr. Cox seconded the motion. Motion carried unanimously. This application is in addition to the submission to upgrade the current signal.

Resolution 7-2011 – Mr. Todd moved to adopt Resolution 7-2011 agreeing to fund the improvement to the traffic -signal located at the intersection of Route 272, Herr Drive, and Ponds Edge Drive if awarded an ARLE grant. Mr. Cox seconded the motion. Motion carried unanimously.

Resolution 8-2011 – Mr. Cox moved to adopt Resolution 8-2011 agreeing to fund the installation of a new traffic signal at the intersection of Route 272 and Old Baltimore Pike if awarded an ARLE grant. Mr. Todd seconded the motion. Motion carried unanimously.

PSATS 457 Retirement Plan – Mrs. Miller reported that the webinar time was changed and she was unable to participate in the meeting. She will register for the second session to be held on July 26 and report to the Board at the next meeting.

Sweetman Grading Permit Review – Mrs. Bell moved to refund the applicant the amount of \$2.56 for the unused portion of the escrow established for Sweetman Grading Permit Review. Mr. Todd seconded the motion. Motion carried unanimously.

NEW BUSINESS

Realty Transfer Tax Refund to Bonasa Covert, LLC – The Township received a court order to refund Bonasa Covert, LLC for a realty transfer tax that was paid to the county without the transfer of a deed. Mr. Twardowski confirmed that the court order was legitimate and that payment should be made once the Secretary could confirm that the transfer tax was received. Mr. Todd moved to refund \$475.94 to Bonasa Covert, LLC pending verification of receipt of the transfer tax payment. Mrs. Bell seconded the motion. Motion carried unanimously.

August Workshop – Mrs. Bell moved to cancel the August 8, 2011 workshop. Mr. Cox seconded the motion. Motion carried unanimously.

Facebook Page for Township – Mr. Todd moved to authorize the Secretary to establish a Facebook page for the township as a means of communication with the residents. Mrs. Bell seconded the motion. Motion carried unanimously. Mrs. Miller noted that you do not need a Facebook account to access pages set up by businesses. Once the page is posted, a link will be added to the website.

Transfer Funds – Mr. Todd moved to authorize the Secretary/Treasurer to transfer up to \$70,000 from the General Fund Checking at Meridian Bank to the Money Market Account at Meridian Bank, and to close the Township Savings Account at INBank and deposit the balance to the General Fund Checking Account at Meridian Bank. Mrs. Bell seconded the motion. Motion carried unanimously.

Street Light – It was reported that the street light at Cemetery Road and Route 272 had been shot out. The Board asked the Secretary to see how much it would cost to replace the light. It will be discussed again at the August meeting.

FINANCIAL REPORTS

Mrs. Bell moved to accept the Treasurer's Report for the period ending June 30, 2011 subject to audit. Mr. Cox seconded the motion. Motion carried unanimously.

Mr. Todd moved to approve the Bills List for the period June 22 to July 19, 2011, subject to audit. Mrs. Bell seconded the motion. Motion carried unanimously.

Mr. Todd moved to accept the Reconciliation Report for the general fund at 1NBank for the period ending June 30, 2011, subject to audit. Mr. Cox seconded the motion. Motion carried unanimously.

Mr. Todd moved to accept the Reconciliation Report for the general fund at Meridian Bank for the period ending June 30, 2011, subject to audit. Mrs. Bell seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

Mrs. Deborah Kinney commented on a letter from the Chairman of the Board of Supervisors sent in May in response to a complaint he received via email. She did not read the response letter or her original email but stated that she was taken back by the response. She told the Board that they are responsible for the health, safety, and welfare of the township and she had received threats from a neighbor. Mr. Todd asked if she called the Police about the threats but she did not answer his question. Mrs. Kinney then threatened to sue the township if something happened to her or a member of her family.

Mr. Ross reported that the Zoning Ordinance Review Task Force (ZORTF) would only need one meeting to finish up the ordinance review. Because Mr. Todd and Mrs. Bell would not be available during the second week of August, he was proposing to hold the ZORTF meeting after the Planning Commission meeting on August 2. Mr. Ross talked to Bob Graybus of the Chester County Economic Development Council about speaking to the group about the development along the Route 1 corridor. The Board agreed that changing the meeting would be a good idea. Mr. Ross said he would talk to Neal Camens.

Mr. Cox reported that the bridge over Black Run on Lees Bridge Road was inspected on July 14. Everything is done except the cap stones. The bridge may be opened on Friday, July 22. Mr. Cox gave the Secretary a plot plan of the right of way purchased from John Kirk.

ADJOURNMENT

Mr. Cox moved to adjourn the meeting at 8:22 p.m. Mr. Todd seconded the motion. Motion carried.

Respectfully Submitted,

Candace Miller
Secretary/Treasurer