

WEST NOTTINGHAM TOWNSHIP
Board of Supervisors Meeting Minutes
Tuesday, June 9, 2020

NOTE: Due to the COVID-19 pandemic, and the order of Governor Wolf to avoid large gatherings, arrangements were made to hold the meeting online. Information to join the online meeting was posted on the outdoor bulletin board at the municipal building and via fliers on the office door; the invitation was also available on the website and Facebook page.

Chair Tiffany Bell called the meeting to order at 7:03 p.m. A moment of silence was observed.

The following were in attendance: Tiffany Bell, William Winand, Candace Miller, John Reynolds Jr., Don Armstrong, Charice Russell, Robert Russell, David Ross, and Anita Bower.

AGENDA COMMENTS

Mrs. Miller wanted to add a discussion of how the meetings are going to be held. Specifically, the June 23 meeting, which has been advertised to be held at the building. She wanted to discuss if we wanted to readvertise it to be held online or if we wanted to hold it in person with residents having an option to attend via Zoom.

Mrs. Miller reported that Dumpster Day was very successful. People took advantage of the quarantine and cleaned out their homes.

COMMITTEE REPORTS

OARA: Mrs. Miller reported that meetings have resumed and are being held at the park. The two spring events scheduled at the park were cancelled. The Board is going to wait until September to decide what to do about the Haunted Park. The lawn care contract was finally awarded. The pavilion and playground remain closed.

Committee reports are available upon request.

APPROVAL OF MEETING MINUTES

Minutes from the May 4, 2020 Special Meeting: Mrs. Bell moved to approve the minutes from the May 4, 2020 special meeting. Mr. Winand Seconded the motion. Motion carried.

Minutes from the May 12, 2020 Supervisors Meeting: Mr. Winand moved to approve the minutes from the May 12, 2020 Supervisors meeting. Mrs. Bell seconded the motion. Motion carried.

EXECUTIVE SESSIONS

No executive sessions were held since the last meeting.

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BID OPENING

Bids for Equipment Rental:

Name	Est. Hrs.	Description	Hourly Rate Bid	Estimated Total
Long's Asphalt	16	10-20' paver with operator/screed man	377.00	\$6,032.00
	16	10-12 ton roller vib. with operator	168.00	\$2,688.00
	22	3-5 ton roller with operator	147.00	\$3,234.00
	16	Water truck	52.00	\$832.00
	16	Laborer	56.00	\$896.00
	16	Tri-axle dump truck	97.00	\$1,552.00
	4	Milling machine (milling notches)	96.00	\$384.00
	8	48" Self-propelled milling machine w/conveyor & operator	387.00	\$3,096.00
	8	8' Self-propelled road widener w/operator	206.00	\$1,648.00
	2	Tack Truck	128.00	\$256.00
	TOTAL			\$20,618.00

Mrs. Bell moved to award the equipment rental bid for the small paving project to Long's Asphalt in the amount of \$20,618.00. Mrs. Miller seconded the motion. Motion carried.

Bids for Materials:

Name	Qty	Unit	Description	Unit Price FOB Plant	Total	Unit Price	Total
Allan Myers LP	300	Tons	19mm wearing (PG64-22)	53.00	\$15,900.00	61.62	\$18,486.00
			0< to .3 million ESALs, slip resistance L				
	300	Tons	9.5mm wearing (PG64-22)	58.00	\$20,300.00	66.62	\$23,317.00
			0< to .3 million ESALs, slip resistance L				

Mr. Winand moved to award the materials bid for the small paving project to Allan Myers LP in the amount of \$41,803.00. Mrs. Bell seconded the motion. Motion carried.

Bids for Seal Coat In-place and Skin Patching:

Name	Qty	Unit	Description	Unit Price	Total
Martin Paving, Inc.	48,000	SqYds	Seal Coat In-place	1.355	\$65,040.00
	800	SqYds	Skin Patching as directed by Road Master	1.555	\$1,244.00
	TOTAL				\$66,284.00
Asphalt Industries, Inc.	48,000	SqYds	Seal Coat In-place	1.439	\$69,072.00
	800	SqYds	Skin Patching as directed by Road Master	2.00	\$1,600.00
	TOTAL				\$70,672.00

Mrs. Bell moved to award the bid for skin patching to Martin Paving in the amount of \$66,284.00. Mr. Winand seconded the motion. Motion carried.

It was noted that the small paving project would be the paving of Sylmar Road and the repair of a bump on Old Baltimore Pike.

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OLD BUSINESS

Set hearing for the Jonas & Annie Stoltzfus Agricultural Security Area (ASA) Submission: Mrs. Miller noted that the deadline for making a decision on the Stoltzfus ASA is August 29. Mrs. Bell moved to set the hearing date for the Stoltzfus ASA for July 14, 2020 at 7:00 p.m. Mr. Winand seconded the motion. Motion carried.

NEW BUSINESS

Herr Foods Component 3M (information only): Mrs. Miller noted that the Planning Commission reviewed the Component 3M submitted by Herr Foods and authorized Neal Camens to sign where appropriate. They further voted to notify the supervisors that the planning module is broadly consistent with the Township's sewage facilities plan. There are still reviews that need to be completed before the planning module is brought before the board.

First Aid Bags for Police: Chief McFadden requested to purchase first aid bags for the police department. The total cost of the bags is \$305.32 and consists of the following: (a) Elite first aid rapid response first aid bag (2); (b) Eleven 10 C-A-T Tourniquet Gen 7 (3 each); and (c) Eleven 10 Rigid TQ case for Gen 7 tourniquet (3 each). After some discussion, the Supervisors agreed that the first aid and tourniquet supplies should be purchased. Mrs. Miller said she would sign the purchase order and let Chief McFadden know that he can proceed with ordering the supplies.

Police Department Speed Enforcement & Other Equipment: There was discussion about purchasing a speed sign with a solar power source for areas of high traffic, like Route 272. Mrs. Miller offered to provide a budget report at the June 23 meeting which would give the Supervisors a snapshot of where we are with expenses halfway through the year. Mrs. Bell wanted to note that said she talked to Chief McFadden about the calibration of the speed enforcement equipment and he was able to save money by switching to a company that can do the work for less money. She said she appreciates being able to save money for the township whenever we can.

ISO Rating for Areas with Fire Hydrants: Mrs. Bell thought it would be a good idea to revisit the ISO rating for the township because of the fire hydrants. She thought the fire company would need to provide information to get a better ISO rating. Mr. Reynolds recommended talking to Shane Kinsley of Union Fire Company. Mr. Winand said the ISO is based on a points system. He said he would contact Mr. Kinsley and see if he would be willing to help with this.

David Ross and Anita Bower – Perceived flaws in the way variances are granted: Mr. Ross acknowledge that the Supervisors didn't have a lot of time to review and process the document and offered to answer questions at the next meeting. He said the document grew out of the experience he and Ms. Bower had from watching and/or participating in zoning hearing boards. Mr. Ross noted two specific areas of concern. The first being what he and Ms. Bowers believed were significant discrepancies or deviations in the way the zoning hearing board takes action and the literal language of the zoning ordinance. The second item of concern is the way the process functions, which Mr. Ross said doesn't benefit the public interest. There is a short summary of the issues on the first page of the document and he asked that the Supervisors review that for further discussion. Mrs. Bell asked Mr. Ross where does he want to go with this and what does he wanted to accomplish. Mr. Ross said there doesn't seem to be much of a history of the government participating in zoning hearings. The Planning Commission doesn't like to make recommendations, and he couldn't remember the last time the

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Supervisors chose to be a party in the process. The governmental body is delegated to represent the public interest. He said he has never seen the Solicitor participate in zoning hearing board proceedings. The zoning hearing board solicitor represents the interest of the zoning board. He said it is puzzling that the zoning hearing process goes forward without a real opportunity for the Supervisors to decide what their position is on the matter, and without an opportunity for the Supervisors to get input from the Solicitor on what their rights really are. He added that he and Ms. Bower didn't have the impression that the members of the zoning hearing board were familiar with the zoning ordinance or are familiar with what they are supposed to do as a zoning hearing board. He said he didn't know what sort of training they've had to understand the ordinance and their responsibilities. Mr. Ross said he had the sense that they were basing their decisions on their gut reactions and what they would like to do, and that's not the way the process is supposed to work. He added that there needs to be some reforms in the process. Ms. Bower said they had no competence that the zoning hearing board knew what they were supposed to do or that they were familiar with the zoning ordinance. She said one hope would be when appointing members to the zoning board, the Supervisors would have some assurance that the those selected would have some familiarity with the ordinances and what's required to grant a variance. Mrs. Bell asked if it was just the zoning board that is an issue, or is the process an issue? Ms. Bower said she could only speak to her experience. Mr. Ross said the process could seem mysterious and confusing. He said he felt that he and Ms. Bower are persistent and reasonably competent to read things and figure things out. He felt that someone who might not be as involved in public meetings would kind of be lost in this type of proceeding. He added that unless you were to hire a lawyer, which you shouldn't have to do, a resident of West Nottingham coming into this process would be very intimidated by the process. The Township could organize things in a way to make things welcoming for a resident who wants to participate in the process. He said the application hasn't been revised since 1997, and yet, new zoning has been adopted. The ordinance is clear that anyone who wants to make a case that they are affected can participate in the hearing. The law says that at a minimum, there needs to be an announcement in the newspaper; it also allows someone to indicate that they want to receive announcements from the Township. He said perhaps, we could do a better job spreading the word that these hearings are coming up. Ms. Bower said it was very intimidating; she said the applicant's attorney objected to her and Mr. Ross becoming a party to the proceeding. The only way it would be allowed, was if they agreed not to appeal the decision. This took away any ability to hold them accountable. She said her main concern is that she doesn't think the Township's interests are being served. She said the township spends a lot of time coming up with the ordinances and they were ignored. What's the point of the work to create ordinances if they are followed? Mrs. Miller asked if Mr. Ross thought the Planning Commission should start taking a position on the variance applications. She pointed out that the Planning Commission developed the ordinances and recommend changes to the Supervisors. She also pointed out that when she receives the notice, she puts it on the website. She further added that any resident can provide self-addressed stamped envelopes and request to receive all the public notices via U.S. mail. She said she didn't know how much more the Township could do to notify residents. To mail everyone in the township a notice every time there was a hearing or application of some sort would be expensive and unsustainable. The township spends approximately \$1000 for each Agricultural Security Area (ASA) submission, between advertising, posting the property, and mailing letters to owners who have property in the ASA. She said it was her opinion that we are doing the best that we can with what we have at our disposal for notifying residents. Mrs. Miller said that the Supervisors always open the floor for discussion on matters that come before the board. In the case of the Herr's sign, no one had anything to say about the matter. If the Planning Commission doesn't take a position, and no one at the meeting has an opinion or wants the township to take a position, what are the supervisors supposed to do? Mr. Ross said he thinks the Planning Commission should take a stand, and he is prepared to take it to the Planning Commission for discussion. He went on to say that the Planning Commission serves at the

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pleasure of the Board and you can tell us that you want us to evaluate the proposal and make a recommendation. Mrs. Miller pointed out that she does that, but the Planning Commission decides not to respond. Mr. Ross said that part of it is that the only information the Planning Commission has is the application. By not entering as a party to the proceedings, the Supervisors have given up the ability to take the evidence and information provided at the hearing, to then make an evaluation as to whether the Supervisors think the variance proposal is a good application or not. He suggested that the Supervisors ask that the evidentiary hearing be adjourned so the Supervisors can evaluate the information and then return with a recommendation with what the zoning board should do. Mrs. Miller asked Mr. Ross if he thought the township should be a party to every zoning variance hearing that comes into the township. Mr. Ross said yes, unless it is truly a de minimis variance. Ms. Bower said she thought the Planning Commission were given plans for the signs prior to the hearing; they could have had an opinion. Mr. Ross said that was true and they should have. Mrs. Bell said the Supervisors commented on the prior zoning variance. Mr. Ross said that was true but the township didn't become a party. Mrs. Bell said the residents were given the opportunity to comment during the proceedings. Mr. Ross said they were allowed to comment but they were not parties. There was a neighbor who requested to be a party to that proceeding and they did a great job. But in that particular situation, that attorney chose not to be aggressive. He added that the couple wasn't given guidance as to how to make their case. He said he doesn't think the township is doing anything wrong and he is not questioning anyone's good intent, but can't we find ways to improve the process? He said the Planning Commission needs an education on exactly what the ordinance is saying and what it means to grant a variance. The Planning Commission and Zoning Board should have explained to them exactly what is expected of them in this process. Mr. Winand asked about notifications; he asked if anyone is using an email database to send out notifications. She said she could ask around, but we would need some sort of program to manage it. She added that the notice is posted on the building, on the property, in the Daily Local News, and on the website. Mr. Ross said there is some burden on the public to seek out the information and get involved. Mrs. Miller said she would like to do a thorough reading of letter. She said the Township does need to do an update of the applications; the problem is time. Ms. Bower said asking the Planning Commission to make a recommendation is a good step and maybe they need to be reminded of their job. Mrs. Miller asked Mr. Ross to talk to Mark Gallant at the next ORPC meeting to see if Chester County offers or has access to training for zoning board and planning commission members. She noted that it is really hard to get people to volunteer. And if the township were to put a requirement on a volunteer position to know the ordinance, we would be scaling back the number of volunteers who would want to fill the position. As for the training, the Supervisors can't mandate a member to attend training. She added that zoning board members all have a copy of the zoning ordinance and when an application comes in, she prints off a copy of the section of the ordinances cited in the application. Mrs. Bell said the township is blessed to have the volunteers we do have serving on the Planning Commission and the Zoning Board. They have diverse backgrounds and experience. Mr. Ross closed by saying that they are happy to discuss this further after a closer review. He said he will talk to Mr. Gallant about regional training, if available. He said he appreciated the seriousness as to which the document was accepted.

June 23 Meeting: Mrs. Miller pointed out that the meetings held on the second Tuesday of each month have been advertised as being held on Zoom. We can advertise that the June 23 meeting will be on Zoom or continue to hold the meeting at the municipal building, limiting the number of attendees or holding it in the garage. After much discussion, it was decided that the people who wanted to attend the meeting would be able to join via Zoom; those who wanted to attend in person would be permitted provide there was enough room for proper social distancing and visitors wear masks. Mrs. Miller said she would check with the Solicitor to make sure that the meeting would not need to be re-advertised.

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FINANCIAL REPORTS

Treasurer's Report: Mr. Winand moved to approve the Treasurer's Report for the period ending April 30, 2020, subject to audit. Mrs. Bell seconded the motion. Motion carried.

Reconciliation Summary: Mrs. Bell moved to approve the Reconciliation Summary for the period ending April 30, 2020, subject to audit. Mr. Winand seconded the motion. Motion carried.

Bank Statements: Mrs. Bell moved to open the bank statements for the period ending May 31, 2020 and give them to the Secretary for reconciliation. Mr. Winand seconded the motion. Motion carried.

General Fund Bills List: Mr. Winand moved to approve the bills list for the period May 13 to June 12, 2020, subject to audit. Mrs. Bell second the motion. Motion carried.

ANNOUNCEMENTS

There were no announcements.

PUBLIC COMMENT

Mrs. Miller said the Sewer Authority is looking for a place to rent for the administrative staff. Settlement on the sale of the building is set for late August.

Mr. Winand said to be careful in Nottingham Park. While he and his wife were walking on one of the trails, they came across an Eastern Diamondback.

Mr. Armstrong wanted to know if the first aid kits that would be purchased could be replenished or would new kits need to be purchased. Mr. Reynolds said they could be replenished; it's not uncommon for the medic unit to resupply kits for police departments.

Mr. Winand asked Mr. Reynolds who was leading Nottingham Park. Mr. Reynolds said the County just went through a reorganization. It is now under Chester County Parks and Preservation. He didn't know who was appointed to lead that office.

Mr. Reynolds gave an update on the reopening of Chester County. The County is currently in yellow so no more than 25 to a meeting. People are still required to wear a mask going into a business; the same will be required when we go to green. The state's declaration of emergency was slated to expire on June 4th. Governor Wolf extend the declaration for another 90-days. The township doesn't have to do anything since the resolution passed is active as long as the state declaration of emergency is in effect. He said the cases of coronavirus continue to rise. He said the county had dropped, but then cases started to rise again. There are Point of Testing Sites (POTS) opening up around Chester County. Mrs. Bell wanted to know how the County went yellow if we didn't meet the threshold. Mr. Reynolds said he didn't know. There was discussion about how the county is tracking the cases and how many have recovered. There is a lot of different information out there about how it can be spread, some of which contradicts what the CDC and the WHO said when the outbreak first occurred.

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ADJOURNMENT

Mrs. Bell moved to adjourn the meeting at 8:58 p.m. Mr. Winand seconded the motion. Motion carried.

Respectfully Submitted,

Candace Miller
Secretary/Treasurer