

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisor's Meeting Minutes**  
**August 21, 2007**

Vice Chairman David Ross called the meeting to order at 7:29 p.m. The pledge of allegiance was followed by a moment of silence. Mr. Ross noted that Mr. Gerald Cox was absent from the meeting due to illness.

**The following were in attendance:** David Ross, Eric Todd, Candace Miller, John S. Carnes, Jr., Patricia Vail, Robert McMahon, Nick Toto, James Bower, Susan Bower, Brenda Baccino, Rob Lewis, Bob Bradley, and Marcella Peyre-Ferry.

**COMMITTEE REPORTS**

Mr. Robert McMahon, Recycling Coordinator, reported on the Professional Recyclers of Pennsylvania (PROP) Conference that he attended at the end of July. All committee reports are available from the Secretary.

**APPROVAL OF MEETING MINUTES**

**Board of Supervisors' Meeting, July 17, 2007** – Mr. Todd moved to approve the minutes from the July 17, 2007 meeting. Mr. Ross seconded the motion. Motion carried unanimously.

**Conditional Use Hearing, Applicant Nick Toto/Toto Investments, August 15, 2007** – Mr. Todd moved to approve the minutes from the Conditional Use Hearing on August 15, 2007 to consider the application submitted by Nick Toto/Toto Investments. Mr. Ross seconded the motion. Motion carried unanimously.

**EXECUTIVE SESSIONS/INFORMATIONAL MEETINGS**

The Board met on August 20, 2007 to set the agenda for the August 21, 2007 meeting.

An executive session was held prior to the meeting on August 21, 2007 to discuss the interpretation of an ordinance with the Township Solicitor.

**AGENDA COMMENTS**

**Toto/Bower Transaction** – Mr. Carnes summarized the decision letter for the Toto Conditional Use Hearing and presented it to the Board for approval. Mr. Ross moved to adopt the Decision and Order granting conditional use approval for the development of a single family detached dwelling the R-3 Zoning District pursuant to the authority for same found at Section 602(2)(A) of the Zoning Ordinance and the procedures under Section 1408 governing Conditional Use Proceedings. Mr. Todd seconded the motion. Motion carried unanimously.

The attorney handling the settlement for the sale of 38 Kimble Road recommended that Mr. Bower obtain a letter from the Board of Supervisors saying that the conditions set at the conditional use hearing have been met prior to settlement. Mr. Carnes reviewed documentation provided by Mr. Bower and noted that there was no legal description and that the documents had not been notarized. He asked Mr. Bower and Mr. Toto to agree to file a correction, if required, adding a legal description and any other required exhibits, at their expense. All parties agreed. Mr. Carnes wrote a letter to the settlement attorney saying that the documentation had been accepted and conditions 2 and 6 fulfilled. Both parties agreed to create and file any documentation deemed to be inadequate and to do so at their own expense.

## **OLD BUSINESS**

**Mason Dixon Truck Recyclers** – The Board reviewed a proposal for screening as required by the Zoning Hearing Board. Mr. Todd moved to approve the proposed screening plan submitted by Mason Dixon Truck Recyclers. Mr. Ross seconded the motion. Motion carried unanimously.

**Butler Subdivision** – Mr. Ross noted the recommendation from the Planning Commission to approve the Butler Subdivision final plans. Mr. Ross moved to approve the final subdivision plans for the R. Butler Subdivision. Mr. Todd seconded the motion. Motion carried unanimously.

**Nottingham Business Center/CVS-Retail** – Mr. Ross moved to accept the 60-day extension for return of the record to October 29, 2007. Mr. Todd seconded the motion. Motion carried unanimously.

**R. Samuel McMichael Land Development Plan** – Mr. Ross moved to grant approval of the final land development plan for R. Samuel McMichael with the following conditions: 1) The Township Engineer must provide a clean letter; 2) The Applicant must provide a list of public improvements and funds for escrow to cover these improvements acceptable to the Township's Engineer and Solicitor; and 3) All documentation is to be executed to the satisfaction of the Township Solicitor. DISCUSSION: Mr. Ross noted that the Planning Commission recommended approval of the land development plan, however the public improvements were unclear. He asked that the Township's Engineer and Solicitor work together to make sure that the public improvements are complete and that an escrow is properly established. Mr. Todd seconded the motion. Motion carried unanimously.

## **NEW BUSINESS**

**Village Vision Meeting** – The Board received a proposal from the Brandywine Conservancy to assist the Township with a vision exercise to discuss the future of Nottingham Village. The cost would be \$10,000 with a grant from the Brandywine Conservancy covering \$8,000, leaving the Township to pay the remaining \$2,000. It is highly likely that an anonymous grant could cover the remaining cost. Mr. Ross moved to accept the proposal from the Brandywine Conservancy for the Village Vision Meeting/Exercise. Mr. Todd seconded the motion. Motion carried unanimously.

**Chester County Planning Commission Intergovernmental Cooperative Planning Agreement** – Mr. Ross moved to agree in principle to participate in the drafting of a multi-municipal Comprehensive Plan for the Oxford Area. Mr. Todd seconded the motion. Motion carried unanimously. Mr. Ross announced that the next meeting would be Wednesday, August 22 at Lower Oxford Township where a draft plan agreement would be discussed. Mr. Carnes advised the Board that the Plan may need to be enacted by ordinance.

**Resolution 7-2007, Support of the Returnable Beverage Container Act** – Mr. Ross discussed correspondence from Charlestown Township urging Townships to support State Senate Bill 1035 which places a returnable deposit on beverage containers. He noted that plastic and glass beverage containers make up the majority of trash picked up on Clean-up Day. Mr. Ross read the resolution supporting SB 1035 to attendees. Mr. Ross moved to adopt Resolution 7-2007. Mr. Todd seconded the motion. Motion carried unanimously.

**Nilan Land Development Request for Escrow Release** – Mr. Ross conditionally approved the Applicant's request for release of escrow funds for work performed as part of the Nilan Land Development, totaling \$26,125 pending letter of approval from the Township Engineer. Mr. Todd seconded the motion. Motion carried unanimously.

**CarQuest** – Mr. Ross moved to authorize the Secretary to apply for a credit account at CarQuest in Oxford, PA. Mr. Todd Seconded the motion. Motion carried unanimously. Mr. Ross noted that all purchases are subject to existing controls.

**Road Paving** – Mr. Ross moved to authorize paying \$10,242.37 out of the general fund for road paving and \$79,000 from liquid fuels for a total of \$89,242.37. Mr. Todd seconded the motion. Motion carried unanimously.

**Dumpster Day** – Mr. Ross moved to set Fall Dumpster Days for September 28-29. Mr. Todd seconded the motion. Motion carried unanimously.

**Newsletter** – Mr. Ross moved to authorize the Secretary to create, print, and mail the fall newsletter with a target date of September 19, 2007. Mr. Todd seconded the motion. Motion carried unanimously. Deadline for content will be September 6, 2007.

**Union Fire Company** – Mr. Ross moved to authorize payment of the Union Fire Company annual contract totaling \$24,432.17. Mr. Todd seconded the motion. Motion carried unanimously.

**Annual Contributions** – Mr. Ross moved to authorize payments of annual contributions as set forth in the 2007 budget to include contributions to the following organizations: Medic 94, Oxford Public Library, Neighborhood Services Center, and Oxford Area Senior Center. Mr. Todd seconded the motion. Motion carried unanimously.

**Local Update of Census Address (LUCA)** – Mr. Ross moved to participate in the LUCA and to appoint Gerald Cox as the official point of contact for the Township. Mr. Todd seconded the motion. Motion carried unanimously.

## **FINANCIAL REPORTS**

Mr. Ross made a motion to accept the Treasurer's report ending July 31, 2007, subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

Mr. Ross made a motion to accept the Bills List for July 17 to August 21, 2007, subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

Mr. Ross made a motion to accept the Reconciliation Report for the period ending July 25, 2007, subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

## **PUBLIC COMMENT**

Mr. McMahon requested that the Police patrol Nottingham Drive to make sure that the roadway is not being used for illegal parking.

## **ADJOURNMENT**

Mr. Todd moved to adjourn the regular meeting at 8:40 p.m. Mr. Ross seconded the motion. Motion carried unanimously.

Respectfully Submitted,

Candace Miller  
Secretary/Treasurer