

WEST NOTTINGHAM TOWNSHIP
Board of Supervisor's Meeting Minutes
July 12, 2016

Chairwoman Tiffany Bell called the meeting to order at 7:00 p.m. The pledge of allegiance was followed by a moment of silence.

The following were in attendance: Tiffany Bell, Charles Wilmont, Eric Todd, Candace Miller, Scott Moran, Charice Russell, Bob Bradley, Dan Siegfried, David Ross, Neal Camens, and John Theilacker (Brandywine Conservancy).

AGENDA COMMENTS

Mr. Bradley thanked the Supervisors and Mr. Moran for getting the brush that was left on the corner of Baltimore Pike and Park Road cleaned up before Freedom Fest.

COMMITTEE REPORTS

Mrs. Bell announced that the committee reports could be obtained from the secretary.

APPROVAL OF MEETING MINUTES

Minutes from the June 14, 2016 Meeting: Mr. Todd moved to approve the minutes from the June 14, 2016 Supervisors meeting. Mr. Wilmont seconded the motion. Motion carried unanimously.

EXECUTIVE SESSIONS

No executive sessions were held since the last meeting.

VISITORS AND SPECIAL PRESENTATIONS

John Theilacker, Brandywine Conservancy: Mr. Theilacker was present to discuss TDRs (Transferable Development Rights) in the township, specifically the sending/receiving map. He presented the Supervisors with a map of the TDR sending/receiving map. The TDR program was a tool established in the zoning ordinance which would legally sever development rights from a property and give them to a developer to use in a specific "receiving" area, such as the village. It offers a land owner the option to preserve the land as rural or open space. Land owners cannot participate if land is sold into easement or conservancy. He shared a map of the non-eligible property in the township. The properties highlighted on this map were ineligible because the land was sold into easement or conservancy, or did not meet criteria set forth in the ordinance (viable soils, etc.). The third map displayed was of the TDR sending area with eligible property and the defined sending area. There was discussion about the cost of TDRs. Mr. Theilacker said that the price is driven by the market and is up to the buyer and seller. The Township does not get involved in determining the cost; their involvement is limited to approving the severance of the TDRs, and eventually the development of the plan in the receiving area (the village). Mrs. Bell wanted to know if the land owners know they are eligible. Mr. Ross said that notifications were not sent to land owners. Mr. Theilacker said that they zoning ordinance lays everything out. If they have read the ordinance, then they know. Mr.

Siegfried wanted to know if the land is contiguous, is it included in the sending area. Mr. Theilacker said if it is in the sending area and is owned by the same owner, then it is included. He added that the Supervisors can adjust the TDR sending area through an ordinance amendment. Mr. Ross said he thought it could be changed through resolution. Mr. Theilacker said he wasn't sure. Mr. Todd wanted to know how prime agricultural lands were determined. Mr. Theilacker said data from the Chester County Soil Conservation or NRCS was used (Class 1, 2, or 3 soils). Mr. Camens added that it was based on a rough mapping and data from soil mapping. Mr. Wilmont wanted to know who tests the soil. Mr. Camens said soil scientists in the 1950s did soil sampling; soils don't change and the data is still good today. You can view soil data by looking up "web soil survey" on the internet. A land owner who disagrees, can spend his own money to prove that the soil on his property is agriculturally viable. Mr. Theilacker said there is not a strong demand for TDRs right now in Chester County. He shared a quick guide which illustrates what a land owner needs to do to sell his TDRs. Mrs. Bell wanted to know if it would make sense for land owners who own property in the village to obtain TDRs to improve or add onto existing buildings. Mr. Theilacker said it would probably be better for them to go through a zoning variance if they are close to exceeding the current limits outlined in the zoning ordinance. Mr. Camens said that if someone asks for a variance for impervious coverage, then the Zoning Board should be advised on the TDRs. Use of TDRs permit a 2.5% increase per TDR. As an example, Mr. Camens said that a commercial building would need 40-45 TDRs today to build on a 2-acre parcel. Mr. Todd said that the TDR program could prohibit any growth in the township. Mr. Moran agreed and said it does impede growth. Mr. Theilacker said he doesn't see this as anti-growth or anti-development. Rather, it is a way to prevent sprawl and preserve open space. He added that in the High Brook area, Chester County is purchasing land for easement at \$5-7K an acre. Mr. Camens said that as a property owner, you are giving up your right to develop your property when you sell your TDRs; it may not be developable property to begin with. We won't know until it begins to play out. Mr. Todd said that there is no way the soils along Ridge Road are 20% prime soil. How can soils that won't perk be good agricultural soil? Mr. Camens said that there are different soils at different depths. Mr. Wilmont wanted to know why the minimum is 20 acres and not 10 acres. Mr. Theilacker said that during the formation of the zoning ordinance, 20 acres sounded like a good number. Mr. Todd asked if it could be changed by resolution. Mr. Theilacker said that was a question for the Township Solicitor. Mr. Siegfried noted that the State defines a farm as 10 acres. Mrs. Bell asked if Mr. Todd was suggesting 10-acres with 20% agricultural soils. He answered yes. Mr. Camens said there is not a right answer until you get a demand for the TDRs. Mr. Ross said that when the process was started, we were hearing about an expansion at Aberdeen and an increase in the demand for housing. Without sewer, there will not be an interest in commercial development. He added that the soil for Mr. Reid's property which is not in the sending area has 9.2% agricultural soils. Mr. Theilacker noted that the program is completely voluntary.

Mr. Theilacker talked a little about the subscriber's program. He said it allows members to stay informed of various programs and lecture series, as well as legislative changes that may affect municipalities. The next meeting is in September. The \$450 annual membership fee covers education and outreach.

OLD BUSINESS

MS4 Update: The Township received a letter from PA-DEP reminding us that we must apply for NPDES permit coverage by September 16, 2016. The letter touches on something that was discussed in the July Planning Commission meeting; there may be an opportunity for the

township to obtain a waiver, not based on population, but on whether any of the municipal runoff is entering impaired streams or a high quality special protection area. The greatest potential cost savings would come from applying for an advance waiver by December 31, 2016. The feasibility of this waiver is contingent on the results of the mapping effort being done by the township engineer. Mr. Ross added that throughout the permit drafting process, the requirements have changed. Originally, we could not get a waiver if storm water discharged in an impaired stream or high quality stream. The Township Engineer is working on mapping the storm drains and pipes in the Township with the Road Master's help. He needs the information for the developments. Mr. Moran will talk to Norm about getting the information on the developments. Mr. Ross said the township may qualify for a 5-year waiver if we have no impaired streams. He also suggested looking into getting the Township Engineer certified (NFWF); he offered to look into what is needed.

NEW BUSINESS

Preventative Maintenance Service Agreement for Generators: There was discussion on whether or not a maintenance service agreement was needed for the generators. After some discussion, it was decided that the Road Master could do the preventative maintenance.

Service Agreement for Copier: Mrs. Miller announced that the Township was notified by Xerox that the current service agreement for the copier expires at the end of August. Because the copier has reached the end of its service life, they will not renew a service agreement; she also noted that supplies will continue to be available for a limited time.

PECO's Chester County Municipal Forum: PECO has invited municipal officials and personnel to attend a breakfast in which there will be discussion on the day-to-day interactions between PECO representatives and municipalities. The breakfast will be held on July 26 at 8:00 a.m. with the program beginning at 8:30 and lasting 2 hours. After some discussion, the Supervisors decided not to attend.

Chester Water Authority Tabletop and Functional Exercises: Chester Water Authority has scheduled a tabletop exercise for Friday, August 26 and a functional exercise for Wednesday, September 21 from 9:00 a.m. to 4:00 p.m. Mrs. Miller said she would check with John Reynolds.

County-wide Act 167, Stormwater Management Ordinance: The Planning Commission has requested that you confirm which engineer will be attending future meetings for the township, LTL Consultants or Ragan Engineering. Mr. Todd said that if LTL Consultants is going to be our Engineer, then they should be attending the meetings. The Supervisors asked Mrs. Miller to send Mr. Eisenbrown an email and a brief history of the effort.

ORPC Hearing: The ORPC will hold a hearing on August 24 to receive public comment on East Nottingham Township rejoining the ORPC. Two supervisors need to attend the meeting to conduct the hearing. Mrs. Bell will not be available. Mr. Todd noted that East Nottingham Township was paying for it; we need to make sure it is properly advertised.

Union Fire Company Annual Contract: Mr. Todd said that the fire company wants to know if the Township wants a 1-year or 3-year contract. No decision was made. Also, the Ware Foundation is paying for a feasibility study for relocating the Fire Company and Ambulance

Division. They will cover the study and the cost of the new fire house. Oxford Borough wants to buy back the Dickey Mansion (fire house in Oxford).

FINANCIAL REPORTS

Treasurer's Report: Mr. Wilmont moved to approve the Treasurer's report for checking and savings accounts at Meridian Bank, BB&T, and PLGIT for the period ending May 31, 2016, subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

Reconciliation Reports:

1) Mr. Todd moved to approve the Reconciliation Report for the General Fund checking account at Meridian Bank for the period ending May 31, 2016, subject to audit. Mr. Wilmont seconded the motion. Motion carried unanimously.

2) Mrs. Bell moved to approve the Reconciliation Report for the General Fund checking account at BB&T for the period ending May 31, 2016, subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

Bank Statements: Mrs. Bell moved to accept the bank statements for the period ending June 30, 2016 and give them to the Secretary/Treasurer for reconciliation. Mr. Wilmont seconded the motion. Motion carried unanimously.

General Fund Bills List: Mr. Wilmont moved to approve the General Fund bills list for the period June 15 to July 12, 2016, subject to audit. Mrs. Bell seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

FEMA Flood Plain – Chester County Water Resource Authority website details the changes in the flood plain map. Mrs. Miller will check with Ragan Engineering on submitting an official appeal.

Mrs. Miller asked if it was okay for Mr. Eisenbrown to send the letter to the Chester Water Authority regarding the water line. The Supervisors agreed to have him send it.

Mr. Siegfried said that the Recreation Authority is moving forward with the dog park. PECO has approved the preliminary plans. They are trying to get water and sewer; Oxford Borough was supposed to provide the water and Sewer Authority the sewer. Water should have been installed when the field was built.

ANNOUNCEMENTS

- The Nottingham Country Fair and Color Run event is scheduled for Saturday, October 1, 2016. We are looking for volunteers to join our planning team!
- The Armstrong Cable Franchise Agreement Renewal joint meeting is set for July 20 at 6:00 p.m. at the East Nottingham Township building. Mr. Todd said to ask for Channel 8, cable everywhere, offer existing customers a loyalty discount, and “ala carte” channels.
- The Agricultural Security Area Hearing will be held on July 26 at 7:00 p.m.

ADJOURNMENT

Mrs. Bell moved to adjourn the meeting at 8:44 p.m. Mr. Wilmont seconded the motion.
Motion carried.

Respectfully Submitted,

Candace Miller
Secretary/Treasurer