

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisors Meeting Minutes**  
**Tuesday, July 14, 2020**

*NOTE: Due to the COVID-19 pandemic, and the order of Governor Wolf to avoid large gatherings, arrangements were made for individuals who did not want to attend the meeting in person to attend remotely via Zoom. Information to join the meeting online 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.*

Chair 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, William Winand, Candace Miller, John Reynolds Jr. (online), Charice Russell, Robert Russell (online), Anita Bower, David Ross, and Bill Romanelli (online).

**AGRICULTURAL SECURITY AREA PUBLIC HEARING**

Mrs. Bell moved to recess the regular meeting at 7:01 p.m. and open the public hearing for the Stoltzfus Agricultural Security Area Application. Mr. Winand seconded the motion. Motion carried.

Mrs. Bell announced that the hearing was being held to accept public comment regarding the Agricultural Security Area (ASA) application submitted by Jonas and Annie Stoltzfus. She read and acknowledged the following:

1. The application received by Jonas and Annie Stoltzfus was available for public inspection since it was received on March 2, 2020.
2. The application and hearing were advertised properly with required notices posted at the municipal building and on the properties in accordance with Act 43.
3. The application was reviewed by the Township Planning Commission, Agricultural Security Area Committee and the Chester County Planning Commission.
  - a. The Township ASA Committee recommended modifying the ASA to include the parcel listed on the application, excluding the school and playground; and
  - b. The Township Planning Commission recommended modifying the ASA to include the parcel listed on the application, excluding the school and playground;
  - c. The Chester County Planning Committee found that the property is consistent with the criteria of Act 43.

She opened the floor for public comment. Mrs. Miller noted that the Supervisors consulted with the Solicitor about excluding part of the property, specifically the schoolhouse and play yard, from the ASA. The Solicitor said that a survey would need to be done and the cost would be the responsibility of the township. There was no other comment.

Mrs. Bell moved to close the public hearing at 7:03 p.m. and reopen the public meeting. Mr. Winand seconded the motion. Motion carried.

**AGENDA COMMENTS**

Mr. Ross asked if the Supervisors received his email about the Oxford Region Planning Committee (ORPC). Mrs. Bell confirmed that she received it.

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisors Meeting Minutes**  
**Tuesday, July 14, 2020**

**COMMITTEE REPORTS**

Mrs. Bell read an email from the Secretary of the Oxford Area Recreation Authority (OARA) updating the Supervisors on what's been happening at the park since the shutdown. The OARA received a grant from the Dockstader Foundation to rehab the rain gardens. Mrs. Bell then went into an email from Mr. Ross about the ORPC and the "homework" reminders. Mr. Ross said that the ORPC was looking for the municipalities to identify a municipal representative, possibly someone from the Historical Commission, to participate in a historic preservation subcommittee. The meeting is on July 22; Mrs. Bell asked Mrs. Miller to notify members of the Historical Commission about the July 22 meeting. Mrs. Bell asked Mr. Ross if there was an update on woodland mapping. He said that the comment period has been delayed until the end of August. A final map will be produced in September. Mrs. Bell said she would like to know how many acres we have in the township, how many acres are wooded, and the class subsets of the wooded lands. She also wants to know how much of the wooded land is protected. Other committee reports are available upon request.

**APPROVAL OF MEETING MINUTES**

**Minutes from the June 23, 2020 Supervisors Meeting:** Mr. Winand moved to approve the minutes from the June 23, 2020 Supervisors meeting. Mrs. Miller seconded the motion. Motion carried.

**EXECUTIVE SESSIONS**

Two executive sessions were held; one to discuss a matter with the Township Solicitor after the last Supervisors meeting and another just before this meeting to discuss a personnel matter.

**OLD BUSINESS**

**Resolution 11-2020, Approval of the Jonas J. and Annie M. Stoltzfus application to the Agricultural Security Area:** Mrs. Bell moved to adopt Resolution 11-2020 approving the application of Jonas J. and Annie M. Stoltzfus to add one parcel of land totaling 46.6 acres to the township's agricultural security area. Mr. Winand seconded the motion. DISCUSSION: There was discussion about the schoolhouse on the property. Mrs. Bell said she thought the schoolhouse functioned as an accessory use on the Amish farm and didn't think it would be a good use of taxpayer funds to pay for a survey. Mrs. Bell called for a vote. Motion carried.

**David Ross and Anita Bower – Perceived flaws in the way variances are granted:** Mrs. Bell asked if Mr. Ross and Ms. Bower had anything they wanted to say. Ms. Bower read a prepared statement. She asked the Board to consider being a party to future zoning board hearings. Mr. Ross summarized the specific suggestions or requests for actions and shared a copy with the Supervisors after he reviewed them. He said the Supervisors should inform the Zoning Board in writing why they don't oppose a variance request, or they should become a party to the proceeding and have the township represented by the Solicitor. He said the Supervisors should request a written recommendation from the Planning Commission. The application process leading to a hearing needs to be fixed because it hasn't been revised in some time. The application should be required to indicate what provisions in Section 1704 applies to the particular request. He went on to say that the applicant should be required to identify the following: 1) the ordinances that would be violated for the proposed use; 2) the hardships which prevents the applicant from complying with the ordinance; and 3) the applicant should have to assert that the requested variances represent the minimum modification to relieve the hardship. He also said the

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisors Meeting Minutes**  
**Tuesday, July 14, 2020**

Supervisors should ensure that the Zoning Hearing Board should have access to relevant ordinances and training opportunities. Mr. Ross said there are steps the Supervisors can take to ensure that residents can participate fairly without the need for them to have specialized legal advice. He said the Township Solicitor could: 1) resist efforts by council for other parties to intimidate participants; 2) obtain a copy of the hearing transcript for the public to review; and 3) ensure that the written decision fully comply with the written ordinance. He said the Township Solicitor could take a role in pointing out things for residents who want to take a position. Mrs. Bell read the following statement: "Thank you for the written comments and discussion regarding your recent experience with the West Nottingham Township's Zoning Hearing Board at the June 9th, 2020 Supervisor's meeting. We have thoroughly reviewed the comments and opinions with our Solicitor and at this time we are going to continue to follow the requirements under the MPC as we have always done. We are going to take a fresh look at the Zoning Hearing Board Variance Application to potentially update the application." She added that Penn State Extension is holding webinars on various topics, one of which is *What to look for in a Planning Commission/Zoning Hearing Board member*. Ms. Bower asked if that means the Supervisors do not intend to be a party to any zoning hearing board hearings? Mrs. Bell and Mrs. Miller said no, that's not what they are saying. Mrs. Miller said that, for her, the applications would need to be considered on a case by case basis. Mrs. Bower said if they had come to the Supervisors meeting and voiced their concern would it have been helpful to the Board to take a position. Mrs. Miller and Mrs. Bell agreed that it would have been helpful. Ms. Bower said that what she is hearing is that the Supervisors will only get involved if a resident expresses concern. Mrs. Miller said that is not what the Board is saying. She said that each application needs to be considered on its own merit, whether someone comes forward or not. Residents have two opportunities to come forward and express their concerns or opinions, either the Supervisors meeting or the Planning Commission meeting. Mrs. Bell added that the Supervisors are going to look at an application and determine if the request would be good for the township, or if it raises concern. Ms. Bower said she was shocked at the decision for the Herr's sign variance request and the process let her and Mr. Ross down. Mrs. Miller noted that the decisions of the township's Zoning Hearing Board have, historically, been unpredictable. Mrs. Bell acknowledge the time and research that Ms. Bower and Mr. Ross put into their comments and suggestions and she thanked them for sharing. Mr. Ross said that the Township should change the law if the zoning board is going to do whatever it wants, meaning that the zoning ordinances should be improved so variances aren't necessary. He added that the Supervisors should insist that the Planning Commission comment on future applications.

**NEW BUSINESS**

**Bill Romanelli, discussion of concepts for the Barn at Nottingham Business Center:** Mr. Romanelli wanted to discuss some of the concepts presented at the last Planning Commission meeting to see if the Supervisors had any input.

- 1) Item III.9: Section 402.22 Neighborhood Impact Study – Mr. Romanelli said that whether the subsections are done or not, it won't affect the plan. He went through each subsection and addressed them individually. When it came to the traffic study, Mrs. Miller expressed her concern about the traffic that will be generated by the addition of the business, especially during high-peak times during local events. She stated that there are no turn arrows and there could be a traffic problem with vehicles arriving or leaving the event. It could also create a problem with vehicles leaving Wawa or CVS not being able to get out due to the high traffic leaving the event venue. Mr. Romanelli said that the owner of the property will be bringing sewer and water to service the event venue, which will also give businesses along the lines access to those utilities.

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisors Meeting Minutes**  
**Tuesday, July 14, 2020**

He added that upon immediate use of the facility, there will be a comfort station which is a trailer containing restroom facilities. In stage two, there will be an addition built onto the barn which will house restroom facilities and holding tanks will be used until sewer arrives. In stage three, the facility will hook up to public sewer.

- 2) Item III.14 – Section 613.1.F requires that parking stalls must be setback 20’ from a right-of-way. Mr. Romanelli pointed out existing parking that is already non-conforming because spaces are within the right-of-way and he indicated on the plan where the seven proposed overflow parking spaces would be located within the setback. After some discussion, Mr. Romanelli said that the applicant would be willing to move any or all of the parking spaces that are within the setback, adjacent to the parking spaces located near the proposed stormwater run-off pond. He said they would be moved and/or paved at the request of the township at any time. He said he would make sure a note is placed on the plan.
- 3) Item III.15 – Section 613.1.H allows the Supervisors to reduce the number of spaces. Mr. Romanelli explained that the plans depict 143 spaces, based on a maximum capacity for the structure of 418 people at a ratio of one spot for every three people. In an effort to reduce impervious coverage, item 15 requests that 28 of the 143 spaces to be in “reserve” and remain unpaved. Mr. Romanelli told the Supervisors that if a constant use of these spots was found to be necessary, or if the Township requested, the applicant would be willing to make them permanent. There was discussion about where catering and wait staff would park. Mrs. Miller said she would not want the wait staff to park in the unpaved area to reserve spaces for guests. He asked if the Supervisors were okay with leaving them unpaved or if they should plan on paving them. Mrs. Miller and Mr. Winand both liked the idea of leaving the spots unpaved for the time being.
- 4) Preliminary/Final Plan request. Mr. Romanelli requested to submit the plan as a Preliminary/Final plan. He said there was no objection from the Planning Commission or the Township Engineer. He further said that the owner would pay any necessary fees. Mrs. Miller and Mr. Winand didn’t have an issue with the plan being submitted as a preliminary and final plan.
- 5) Finally, Mr. Romanelli asked if he could contact the Township Solicitor to discuss a few legal matters.
- 6) Private Street Agreement discussion. There was discussion about whether the road should be public or private. Mrs. Miller said it was a little too early in the development of the Nottingham Business Center to consider taking the over the road. She said the roadway is very rough and in need of improvement to be brought up to standards. She asked if there were plans in place to improve the roadway prior to the event venue opening or if the owner had a plan. Mr. Romanelli said that when the subdivision was approved, the Supervisors at the time said the road should not be dedicated until the lots were developed. There are no current plans to pave the roadway before the barn opens. Mrs. Miller said that typically, roads are considered for dedication after lots are developed and she said it is premature to accept the roadway at this time. Mr. Romanelli said he would leave it as private for the time being.
- 7) Covenants and Restrictions for the original subdivision. The Township Engineer requested a copy of the original covenants and restrictions. What Mr. Romanelli found out was that those covenants and restrictions were terminated with the settlement of the case involving the CVS

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisors Meeting Minutes**  
**Tuesday, July 14, 2020**

land development plan. He said he would provide the document to the Township Engineer and Solicitor.

- 8) Deed restrictions. Mr. Romanelli discussed the deed restrictions on lots 15, 16, and 17 from further development unless stormwater management for lot 18 is installed (reserved space on the plan). The three lots are needed for lot 18 to keep the impervious coverage for stormwater under 30%. If the lots are ever developed, stormwater improvements will be made to lot 18 to release the lots from the deed restriction. Mr. Romanelli is going to talk to the Solicitor about whether the deeds for the lots should be changed and recorded or if a note on the plans is acceptable. Mrs. Miller and Mr. Winand both agreed that he should talk to the Township Solicitor.
- 9) Plans Supersedes note. This note was put on the plan and was questioned by the Township Engineer. Mr. Romanelli wanted to talk to the Township Solicitor about the note. Mrs. Miller and Mr. Winand agreed that he should.

**Forks for Loader:** Mrs. Miller reported that the Road Master has asked if he could have forks created for the loader to carry pipes, tree trunks and other things. He estimates the cost to be about \$1200-1500. He has been talking about possibly replacing the loader in the next 2-5 years. The Road Master has said that we need to think about buying a new loader, but after a maintenance check-up, he thinks it could be pushed back a few years. Mrs. Bell asked if the forks could be used on a new loader if we were to buy one sooner rather than later. Mrs. Miller said she would talk it over with the Road Master and report back.

**Appreciation for Police Personnel:** Mrs. Bell suggested presenting the township police officers with gift cards to extend our gratitude and appreciation for their work in these unsettling and difficult times. Mrs. Bell moved to purchase \$50 Wawa gift cards for each officer. Mr. Winand seconded the motion. Motion carried.

**Solar Panel Speed Sign:** Mrs. Miller moved to purchase one Solar Speed Display for the Police Department at a cost of approximately \$3,060.00. Mr. Winand seconded the motion. Motion carried.

## **FINANCIAL REPORTS**

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

**General Fund Bills List:** Mrs. Bell moved to approve the bills list for the period June 24 to July 14, 2020, subject to audit. Mr. Winand second the motion. DISCUSSION: Mrs. Miller pointed out the bill for skin patching. She asked if the Supervisors wanted to take the payment out of Liquid Fuels or out of the General Fund. She said the money we spent on salt was very small compared to prior years and that amount could offset the amount spent on the skin patching and seal coat in-place. Additionally, she said that the Township did not meet the 60% minimum purchase of salt for the year. There is a little less than 100 tons to purchase. PennDOT is giving us the option to store that with Eastern Salt for \$292 and it would be part of the 2020-21 salt purchase. We would reduce the 2020-21 salt purchase by 50 tons because of what is being stored. Mrs. Bell called for a vote. Motion carried.

**WEST NOTTINGHAM TOWNSHIP**  
**Board of Supervisors Meeting Minutes**  
**Tuesday, July 14, 2020**

**ANNOUNCEMENTS**

There were no announcements.

**PUBLIC COMMENT**

Mr. Reynolds reminded the Supervisors about the Hazard Mitigation Plan and said its time to look at that again.

**ADJOURNMENT**

Mrs. Bell moved to adjourn the meeting at 8:24 p.m. Mr. Winand seconded the motion. Motion carried.

Respectfully Submitted,

Candace Miller  
Secretary/Treasurer