

WEST NOTTINGHAM TOWNSHIP
Board of Supervisors Meeting Minutes
Tuesday, July 24, 2018

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, Helen Esbenshade, Edward Foley, Sam McMichael, John Reynolds, David Ross, Don Armstrong, Carey Bresler, and Dwayne May.

AGENDA COMMENTS

There were no comments to the agenda.

CONTINUATION OF THE LAMAR OUTDOOR ADVERTISING CONDITIONAL USE HEARING

Deliberation and Decision: The hearing was opened at 7:01 p.m. Ms. Esbenshade gave a brief summary of the application of conditional use for Lamar Outdoor Application of Reading/Philadelphia. A hearing was properly advertised and held on June 14 where the applicant presented evidence in support of its application. There was one neighbor who requested and was granted party status and his name was Reeves R. Vest. He was provided notice of the reopening of the hearing, which was also advertised in accordance with the Municipal Planning Code. Ms. Esbenshade noted that there is a decision and order before the Board of Supervisors and she asked the applicant if they agreed to accept the conditions of the decision. Mr. Foley said his client does accept the conditions.

Mr. Winand moved and Mrs. Bell seconded the motion to approve the Lamar Outdoor Advertising conditional use application to construct and use an electronically changing off-site advertising sign to be constructed as an accessory use on lands owned by MCM Family Properties, LLC in the Township's Industrial Zoning District, and the evidence and testimony presented in support thereof, subject to the following conditions:

1. Construction and use of the sign shall be in accordance with the evidence and testimony as presented to the Board of Supervisors on June 14, 2018. In particular:
 - (a) Neither face of the sign shall exceed 300 square feet in size, each being a maximum of 10 feet in height and 30 feet in length.
 - (b) The supporting structure of the sign shall not exceed 15 feet in height, and the total height of the sign, including all supporting structures and any frame around the sign faces, shall not exceed 25 feet.
 - (c) No additional off-site advertising signs may be erected on the subject property.
 - (d) Because the sign will be an electronically changing message sign, there shall be no external illumination of the sign or its supporting structure.
 - (e) No portion of the sign or its supporting structure will be located closer than 50 feet from the Street Line (right-of-way line) of U. S. Route 1 ("Baltimore Pike").

(f) Neither the Applicant nor the landowner will seek to erect any additional off-site advertising sign within 1,000 feet of the subject sign.

(g) The sign shall comply with the requirements of Zoning Ordinance Section 1302.A.8, including that:

- All displayed messages will be visible for a minimum of six (6) seconds;
- Each change in a displayed message will occur within three (3) seconds;
- Displayed messages will not "fade" or "dissolve" into the next message and no two or more messages shall overlap; and
- The sign shall be equipped with automatic day/night dimming to reduce the illumination intensity, at a minimum, from one (1) hour after sunset to one (1) hour prior to sunrise.

(h) The sign shall be constructed of durable materials and shall be kept in good condition and repair, safe from collapse.

(i) No advertisement shall contain any sexually explicit images or information or advertise any "adult commercial use" as defined in the Zoning Ordinance.

(j) The sign will be added to the list of Applicant's signs available to the Pennsylvania State Police for the posting of traffic and weather alerts, "Amber" and "Silver" alerts, fleeing fugitive alerts, and other notices requested by the State Police.

(k) In conjunction with its building permit application, the Applicant shall provide the Township with copies of all applicable state and federal regulations relating to off-site advertising signs.

(l) As part of its building permit application, Applicant shall locate the precise location of the Street Line (right-of-way line) for U.S. Route 1 (Baltimore Pike) and provide a scale drawing of tax parcel 68-6-121.1, showing the location of the sign set back a minimum of 50 feet from that line.

2. The sign shall be constructed and operated in compliance with applicable state and federal regulations.

3. Applicant or the landowner shall remove the existing trailer truck body from the landowner's property prior to the issuance of any building permit for the sign.

4. Applicant or the landowner shall maintain the subject property in good condition and repair, including that the subject property shall be kept regularly mown. As part of its building permit application, the Applicant shall provide a copy of its current mowing contract for the subject property.

5. In making its determination, the Board has relied upon the testimony and exhibits presented by the Applicant and compliance with the testimony and exhibits by the Applicant are also hereby incorporated as conditions of approval. The Applicant and the Applicant's successors in interest shall all be strictly bound by all of the representations made in the testimony on behalf of the Applicant, whether or not express reference thereto is contained in this Order.

6. Nothing contained in this Decision and Order shall be construed to abrogate or limit the obligation of the Applicant to comply with other applicable requirements of the Township's Zoning Ordinance or any other applicable Township Ordinances or regulations.

Mrs. Bell called for a vote. Motion carried unanimously. The hearing was closed.

Mrs. Bell moved to recess the meeting at 7:11 p.m. to handle some administrative paperwork related to the decision. Mr. Winand seconded the motion. Motion carried unanimously.

The regular meeting was reconvened at 7:15 p.m.

COMMITTEE REPORTS

Committee reports are available upon request.

APPROVAL OF MEETING MINUTES

Minutes from the July 10, 2018 Supervisors Meeting: Mr. Winand moved to approve the minutes from the July 10, 2018 supervisors meeting. Mrs. Miller seconded the motion. Mr. Winand and Mrs. Miller voted in favor of the motion. Mrs. Bell recused herself from the vote because she was not at the July 10th meeting. Motion carried.

EXECUTIVE SESSIONS

No executive sessions were held since the last meeting.

VISITORS AND/OR PRESENTATIONS

Carey Bresler, Oxford Public Library: Mrs. Bresler gave a brief overview of the activities sponsored by the library. She talked about the summer reading program, music camp, and other activities. Fresh to You Market is at the library every Friday from 10:00 to noon during the summer months. There is also a community herb garden where visitors can take fresh herbs as needed. In 2017, the library had 583 programs with over 8,000 attendees. There were 117,000 books checked out of the library and 74,000 visitors to the library. West Nottingham residents checked out 7,914 items and there are 601 registered patrons from the township. Mrs. Bresler offered to display something in the library to commemorate the township's 300th anniversary and to host a local history talk. Mrs. Miller will reach out to the Historical Commission and East Nottingham Township to see if there is any interest. Mrs. Bresler asked the supervisors to consider increasing the township's donation to \$1.10 or \$1.20 per person in 2019.

OLD BUSINESS

Agricultural Security Area Submission from Walter Ronald Reid: Mrs. Bell moved to acknowledge that no modifications to the Reid ASA application were submitted and to forward the application to Chester County Planning Commission, the Township Planning Commission, and the Township Agricultural Security Area Committee for review. Mr. Winand seconded the motion. Motion carried unanimously.

Salt Shed: Mrs. Miller presented two more quotes for concrete work. She said the contractors did not think it was necessary to anchor the building to the new walls. The original quote included the anchoring. Mrs. Miller said she hasn't had a chance to talk to the Road Master about the quotes. Mr. Winand discussed

cleaning the walls of the shed and coating it with a material to slow the growth of the rust. He said the special quoting is \$150 per gallon and we would have to do a test area to see if it works. Mr. Winand said he would get with Mr. Moran and the Road Master to discuss further. He suggested tabling the issue until he and Mr. Moran can get with the Road Master.

Landscapes 3 Comments: There was a brief discussion about the Landscapes 3 draft. Mrs. Miller said she sent an email to the Historical Commission to request that they look at the Historical section. Mr. Ross suggested focusing on one of the land uses titled Rural Center; Nottingham Village is one of 9 rural centers in Landscapes 3. He said in Landscapes 2, the ice cream shop in Nottingham was featured as the ideal rural center at the time. He went on to say that on one of the Landscapes 3 maps, under growth outlook, they list limited growth and for meeting fair share requirements. In the previous version, they noted “intended to meet anticipated development for rural Chester County” and “limited development be accommodated to maintain economic viability.” He said the idea when the zoning was redone, was to direct development to the village center by using TDRs. Mr. Ross said he would suggest language to use to comment on the map.

Township’s 300th Anniversary: Mrs. Miller reported that the township is partnering with East Nottingham Township to host a “birthday party” for the townships at the September First Friday event. Kelli Karlton, ENT Secretary, found some keychains with a magnifier, pen and stylus in one, and some 12” chalkboard-like black rulers to give away at the event. The cost for the keychains is \$334 for 300, and \$285 for 500 rulers. Both items would have East and West Nottingham Township printed on them but we would need to pay half, about \$310. Mr. Winand moved to pay half of the cost for the keychains and rulers. Mrs. Miller seconded the motion. Motion carried unanimously.

NEW BUSINESS

Chester County 2020: Chester County 2020 is requesting that the township sponsor the program with a contribution of \$300. Sponsoring municipalities are listed with links on the 2020 homepage, listed on all correspondence, listed in course workbooks; free attendance for one staff member or official at all CC2020 breakfasts and workshops; 50% discount attendance at the annual Citizen Planner reception. Mrs. Bell wanted to know their mission. Mr. Ross said they foster conversations about planning and development. Mr. Moran said he took classes through the CC2020. Mr. Ross said it is a worthwhile organization but he would rather see the township continue the partnership with the Brandywine Conservancy Municipal Partnership program. After a brief discussion, it was decided that the township would not make a donation at this time.

Brandywine Valley SPCA Animal Protective Service Agreement: Mrs. Miller announced that the current SPCA Animal Protective Services Agreement expires December 31, 2018. The full service contract agreement is \$1639.09 if paid by January 1, 2019 with monthly billing at a rate of \$109.27 per animal and \$54.63 per unclaimed stray. Mrs. Esbshade said other municipalities have taken issue with the contract because it requires the municipality to name the SPCA on their insurance policy. The Supervisors asked the Solicitor to review the contract. The item was table until the next meeting.

Republic Services (Trash service): Mr. Winand moved to enter into the new customer service agreement at a new rate of \$124 monthly. Mrs. Bell seconded the motion. Motion carried unanimously.

P3 Towers: Mrs. Miller announced that there was a request from Larry Romanowski of P3 Towers to discuss municipal property which may be appropriate for cell towers. She thought it might be appropriate to talk to P3 Towers about the township’s parcel on Nottingham Drive. The Supervisors authorized Mrs. Miller to contact P3 Towers about the property.

ORPC implementation priorities: Mr. Ross reported that the ORPC is seeking feedback on the implementation priorities. He wanted to know if the Supervisors had any feedback on the list. Mrs. Bell said she sees a need to promote volunteerism for Fire service and EMS. She also said the East Penn Railroad item might be something to move on.

Stormwater Presentation: Mr. Ross asked to report on the Stormwater presentation that was done at the last ORPC meeting. He said the township wrote letters of support for grants that allowed the Brandywine Conservancy to work on stormwater issues in our area. They are working with the Environmental Finance Center at the University of Maryland to continue the Stormwater effort. He said that even if a municipality has a waiver, they will have to implement six minimum control measures that the regulation specifies. The thought at the meeting was we could, as a region, implement the MCM 1, public education, and MCM 2, public engagement. Members were asked to go back to see if that would be a good idea; however, no one knows how much that will cost. He wanted to know if the township is in favor on continuing conversations. The Board agreed.

FINANCIAL REPORTS

Treasurer's Report: Mrs. Bell moved to approve the Treasurer's Report for the period ending June 30, 2018. Mr. Winand seconded the motion. Motion carried unanimously.

Reconciliation Report: Mrs. Bell moved to approve the Reconciliation Summary for the General Fund checking account at Meridian Bank for the period ending June 30, 2018, subject to audit. Mr. Winand seconded the motion. Motion carried unanimously.

General Fund Bills List: Mrs. Bell moved to approve the General Fund bills list for the period July 11-24, 2018, subject to audit. Mr. Winand seconded the motion. Mrs. Bell and Mr. Winand seconded voted in favor of the motion. Mrs. Miller recused herself from the vote because there was an expense reimbursement check for her. Motion carried.

ANNOUNCEMENTS

East and West Nottingham Townships will be at the First Friday event on September 7th to give out cookies to commemorate the 300th anniversary of the townships. We need volunteers to help set up and cleanup, hand out goodies, etc.

There will be a town hall titled "Let's talk about drugs" on September 27 at 6:30 p.m. at the high school. For parents with small children, childcare will be provided by certified caregivers.

PUBLIC COMMENT

Mrs. Bell asked Mrs. Miller to schedule the committee meeting for the Component 2M administrative procedures.

Mr. Ross asked Ms. Esbenschade about the Act 167 ordinance revision, specifically the eye tunnel exemption. He said the Planning Commission has been collecting tweaks to the ordinances and was wondering when that would come to the township for consideration. Ms. Esbenschade said she didn't know where things stood at this point because nothing has come back from DEP. She wanted to know if there have been any building permits submitted for high tunnels (hoop greenhouse). Mr. Moran said nothing has been submitted as of this

time. Amish farmers use them a lot because it is inexpensive. Ms. Esbenshade said she would check with Jane Bowers to see where things stand.

Mr. Ross also wanted to thank the board for the copy of the transcript of the Lamar Conditional Use Hearing. He didn't understand how the transcript works; the transcript said the hearing adjourned but it didn't cite any deliberation. Ms. Esbenshade said the hearing ended with the closing of the evidentiary record. Deliberations can be in an executive session. Mr. Ross said our zoning ordinance does not authorize a double-faced billboard. Ms. Esbenshade read from the conclusions of law and said the board concluded that a double-faced offsite advertising sign constitutes a single sign within the meaning of the ordinance and that the sign area of the sign is to be measured for either but only one of the sign faces. Mr. Ross asked if the rule of law would transcend the zoning ordinance. Ms. Esbenshade said yes, there would be an argument. Mr. Moran said the sign design was questioned, but it was determined that it was compliant. Ms. Esbenshade said that the Board, with Mr. Moran's help, did what the Planning Commission asked and investigated. Mr. Moran and Mrs. Bell suggested adding this to the list of ordinances to be reviewed by the planning commission.

Mr. Reynolds said he thinks there were approximately 10-12,000 people at this year's Freedom Fest event. The parking lot at Herr Foods was closed at 7:30 p.m. The event went well and there were no significant issues.

ADJOURNMENT

Mrs. Bell moved to adjourn the meeting at 8:46 p.m. Mr. Winand seconded the motion. Motion carried unanimously.

Respectfully Submitted,

Candace Miller
Secretary/Treasurer