

WEST NOTTINGHAM TOWNSHIP
Board of Supervisor's Meeting Minutes
Tuesday, August 8, 2017

Vice Chair Candace Miller 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: Candace Miller, William Winand, Charice Russell, David Ross, John Rogers, James Bower, Martha Cameron, Ken Cameron, Diane Smith, Kim Smyth, and Daniel Smyth.

AGENDA COMMENTS

There were no agenda comments.

COMMITTEE REPORTS

Committee reports are available upon request.

APPROVAL OF MEETING MINUTES

Minutes from the July 25, 2017 Supervisors Meeting: Mr. Winand moved to approve the minutes from the July 25, 2017 Supervisors meeting. Mrs. Miller seconded the motion. Motion carried.

EXECUTIVE SESSIONS

An executive session was held on Thursday, August 3 with the Township Solicitor to discuss a possible legal matter involving the Chester Water Authority. The Township Engineer attended to provide technical information.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Stoneyfield Estates Escrow Release: Mrs. Miller announced that Ragan Engineering is recommending a release of escrow for Stoneyfield Estates in the amount of \$67,570. A performance guarantee tracking spreadsheet identifying the percentage completion of each task covered under the guarantee has been provided for tracking purposes. Mr. Winand moved to accept the escrow release recommendation from Ragan Engineering, Alternate Township Engineer for construction and improvements to the Stoneyfield Estates, and to send a letter authorizing Fulton Bank to release \$67,570 of the original Irrevocable Letter of Credit for Martins Community LP. Mrs. Miller seconded the motion. Motion carried.

Kim Smyth, Kimble Road: Mrs. Smyth lives at 85 Kimble Road, currently a private road. She said Kimble Road has become a safety issue for emergency vehicles, vehicles traveling on the road, and snow removal. She wanted to know how the residents go about having the Township take over the road. Mrs. Miller said the road has to be brought up to the current standards in the township ordinance, and then every property owner along the road would need to dedicate their portion of the road to the township. Mr. Moran confirmed the process and added that the Road Master could provide information on guidelines for making it a gravel road versus and fully paved road. Mrs. Smyth said the original base

is still intact and Walt Kimble has tried to maintain the road to some degree but the condition of the road continues to degrade. Mr. Moran suggested that there might be grant money for a gravel road. Mr. Winand wanted to know how many properties share in the road. Mrs. Smyth said there were ten. Mr. Bowers and Mr. Rogers have tried to maintain the road. During the winter months, if there is a lot of snow, the residents can't get through it and Mr. Kimble has to come in with a backhoe. He vacations in Florida in the winter and isn't always available. Mr. Bowers said the township has plowed the road in the past. Mr. Winand wanted to know if it has always been private. Mrs. Smyth said she had been told that it goes way back to a feud between John Kimble and the township. John Kimble put a base down but the township didn't agree to the base that was there. Mr. Cameron said he believed the township has some liability for that road. He said John Kimble paid a township supervisor to build the road. The township refused to dedicate it because it didn't have a state approved base. This occurred sometime in the late 1950s, early 1960s. He said he thought there was a common use and maintenance agreement in some of the deeds but the township didn't enforce that. Mrs. Miller said it isn't the township's job to enforce deed restrictions; that is what a homeowner's association is for. Mr. Cameron disagreed and said that it is their job when the subdivision is approved. Mr. Cameron said he hasn't read all of the deeds so he really doesn't know whose says what. Another problem is no one knows the extent of their rights, privileges, and responsibilities. If the township can provide legal help to sort that out, it might go a long way to alleviate the problems. He added that he has been told that he can spend \$2000 on the road and bill everyone on the road and if they didn't pay, he could lean their property. He said the township could also haul millings and dump them so they could use them; other municipalities do that. He added that there are a lot of questions relative to the road and the township just doesn't want to talk it. He said they do need help and it wouldn't take much. He said the state will pay \$5,000 per mile; that road is a half-mile so the township will get \$2,500 a year for that road. Mr. Cameron said he could maintain that road for \$2,500 a year. Mrs. Miller asked if the residents along the road are willing to bring the road up to the minimum standard. Mr. Cameron said the residents don't have the money to bring the road up to the standards in the ordinance. He alleged there was malfeasance on the part of the supervisor who built the road and the township's refusal to take the road back more than 50 years ago. Mr. Rogers wanted to know what the minimum standards were for a gravel road. Mrs. Miller said she would have to check with the Road Master. Mr. Rogers wanted to know if the township would invest the time of the Township Engineer to tell the residents what they need to do. Mr. Moran wanted to know if there were any pipes along the road. There are two pipes; Mr. Cameron said there was one that was plugged up. Mr. Smyth said the base was made of serpentine from the park. Mr. Bowers wanted to know where we go from here. Mr. Cameron said the problem with the road is it has no crown. The sides are higher than the middle so when it rains, the water runs down the middle. Mrs. Miller said right now, Kimble Road is a private road; there is an agreement signed by the original owners acknowledging that it is a private road. She said she didn't know what the township could do at this point. If all of the property owners want to dedicate it over to the township, it is going to have to be brought up to the standard in the ordinance. Mr. Cameron and Mr. Bower said neither of them has ever signed a private road agreement. Mr. Rogers and Mrs. Smyth said they both signed a private road maintenance agreement when they moved to or built on the road. Mr. Cameron said he had that drawn up in order to get a mortgage. Mr. Moran wanted to know if the residents were willing to make a financial contribution to do the road. Mr. Bowers said they are looking for help. The summer rain has been disastrous. Mrs. Smyth said it goes back to a safety issue. Mrs. Miller said she wasn't being disrespectful, she could sympathize, but it boils down to the maintenance being the responsibility of the property owners who live along the road. She said she would talk to the Road Master and get the specifications for a gravel road. She also said she would reach out to Representative Lawrence to see if there were any grants for private roads. Mr. Cameron said he thought someone off of Red Pump Road received a HUD grant for his part of the road. Mr. Rogers asked if Mrs. Bell would be willing to mediate a meeting to negotiate a road maintenance agreement. Mrs. Miller said she had talked to Mrs. Bell to see if she might be willing to do that; she was reluctant and felt like getting involved could be a liability.

FINANCIAL REPORTS

Bank Statements: Mr. Winand moved to accept the bank statements for the period ending July 31, 2017 and give them to the Secretary/Treasurer for reconciliation. Mrs. Miller seconded the motion. Motion carried.

General Fund Bills List: Mr. Winand moved to approve the General Fund bills list for the period July 26 to August 8, 2017, subject to audit. Mrs. Miller seconded the motion. Motion carried.

ANNOUNCEMENTS

There is a zoning variance hearing scheduled for Monday, August 14 at 7:00 p.m. The application is available for public inspection.

Tickets are available for the Color Fun Run on October 7. Team and family rates are available. A link to the event website can be found on the township's website.

PUBLIC COMMENT

Mr. Ross wanted to know if there was anything we could share about the meeting the Supervisors had with regard to Chester Water Authority. Mrs. Miller said that they are not happy with the ordinance the township adopted for a road opening permit. He wanted to know if anything had been done about the property near the Maryland line of Fremont Road. Mrs. Miller said she took a few days off and sent Mr. Moran an email at the beginning of the week. Mr. Moran confirmed that he would be looking into it.

ADJOURNMENT

Mrs. Miller moved to adjourn the meeting at 7:25 p.m. Mr. Winand seconded the motion. Motion carried.

Respectfully Submitted,

Candace Miller
Secretary/Treasurer