

WEST NOTTINGHAM TOWNSHIP
Board of Supervisor's Meeting Minutes
November 17, 2009

Chairman Gerald Cox called the meeting to order at 7:30 p.m. The pledge of allegiance was followed by a moment of silence.

The following were in attendance: Gerald Cox, David Ross, Eric Todd, Candace Miller, John S. Carnes, Jr., Cynthia King, Susan King, Jennifer King, Justin King, Jeffrey King, Diane Rogers, John Rogers, Walt Kimble, Joyce Kimble, Robert Rhoades, Emily Rhoades, James Bower, Pat Vail, Don McIvor, and Marcella Peyre-Ferry.

COMMITTEE REPORTS – Committee reports available from the Secretary.

APPROVAL OF MEETING MINUTES

Board of Supervisors Meeting Minutes of October 20, 2009 – Mr. Ross moved to approve the minutes from the Board of Supervisors meeting of October 20, 2009. Mr. Todd seconded the motion. Motion carried unanimously.

Conditional Use Hearing, 20 October 2009 – Mr. Ross moved to approve the minutes from the Schagrin Gas Company Conditional Use Hearing held on October 20, 2009. Mr. Todd seconded the motion. Motion carried unanimously.

Workshop, 10 November 2009 – Mr. Ross moved to approve the minutes from the workshop held on November 10, 2009. Mr. Todd seconded the motion. Motion carried unanimously.

Conditional Use Hearing, 10 November 2009 – Mr. Ross moved to approve the minutes from the Schagrin Gas Company Conditional Use Hearing held on November 10, 2009. Mr. Todd seconded the motion. Motion carried unanimously. This hearing was a continuance of the hearing held on October 20, 2009.

EXECUTIVE SESSIONS/INFORMATIONAL MEETINGS

The Board met on Tuesday, November 10, 2009 to set the agenda for the regular meeting and to discuss the 2010 budget.

ANNOUNCEMENTS

On November 10, the Board voted to grant the conditional use application submitted by Schagrin Gas Company provided a list of conditions is met by the property owner and applicant. The conditions were detailed in the hearing minutes dated November 10, 2009. Mr. Carnes announced that the decision had been issued and he recommended that the Board order the transcript. Mr. Ross moved to order the transcript for the hearing. Mr. Todd seconded the motion. Motion carried unanimously.

Mr. Ross reviewed the actions taken at the Workshop. He noted that the Board authorized the Township Solicitor to negotiate with Sterling Bank regarding the Francis Way litigation. Mr.

Carnes announced that Sterling Bank will pay part of one of the judgments which will cover the expenses incurred by the Township.

AGENDA COMMENTS

Kimble Road – Mr. Rogers and Mr. Bowers opened a discussion about ATVs being ridden up and down Kimble Road. They expressed their disapproval of this activity and asked the Township to take action. Mr. Cox stated that Kimble Road is a private road and is not owned or maintained by the Township. Chief McIvor confirmed that there is nothing the Police can do because it is a private road. Mrs. Cindi King stated that when the John Rogers subdivision was approved, the cart way was not within the right of way. Mr. Carnes responded by saying that the cart way creates its own existing easement allowing access to the homes on Kimble Road. This access includes vehicles and ATVs. Mrs. Rhoades said that the road is not being used as a track but as a means to get to a part of the Kimble Farm where they have permission from Mr. Kimble to ride. Mr. Ross asked if there was some liability for a homeowner who has granted access via a right-of-way. Mr. Carnes said yes. Mr. Rogers said that he would not have a problem with the ATVs if they were driving at a slower speed. Mr. Bowers stated that he didn't want them to ride on the road at all.

Zoning Board Hearing Scheduled – Mr. Cox announced that a Zoning Board Hearing had been scheduled to consider a variance request for signage on the CVS building. The hearing is scheduled for December 9 at 7:30 p.m. Mr. Ross noted that the signs that they want to put up are consistent with other CVS stores. Mr. Todd moved to send a letter to the Zoning Board stating the Board's support for the variance request. Mr. Cox seconded the motion. Motion carried unanimously.

OLD BUSINESS

Traffic Issues – Mr. Todd moved to send a letter to PennDOT requesting a traffic/speed study of Route 272 from the Lancaster line to the East Nottingham Township line, with a copy of the letter to be sent to Rep. Houghton. Mr. Cox seconded the motion. Motion carried unanimously.

Rettew letter – Mr. Ross discussed the letter from Rettew discussing the Oxford Area Sewer Authority's (OASA) efforts to obtain a USDA loan. The OASA wants to use part of the funding to construct sewer lines to the Shoppes at Lower Oxford. The Board asked the Planning Commission and the Township's Act 537 Engineer to provide feedback on the letter. Mr. Ross composed a letter incorporating this feedback which supports the loan for purchasing spray fields, equipment for disposal, etc. However, he points out that the OASA has stated that they are not in the business of laying infrastructure. If they plan to do this for the Shoppes at Lower Oxford, what about the areas with failing systems in West Nottingham? Mr. Ross moved to send the letter stating the township's limited support to the OASAs request for funding to the USDA, OASA, and Rettew. Mr. Cox seconded the motion. Motion carried unanimously.

Sacks Extension Request – Mr. Todd moved to grant a 30-day extension to Benjamin and Carolyn Sacks for cleaning up their property at 20 N. Quarry Road. Mr. Ross seconded the motion. Motion carried unanimously. The Codes Enforcement Officer has indicated that Mr. and Mrs. Sacks continue to make good progress in their clean-up efforts.

NEW BUSINESS

2010 Proposed Budget – Mr. Ross moved to authorize advertising the proposed budget and the Board’s intention to adopt it as the final budget at the December 15, 2009 meeting. Mr. Todd seconded the motion. Motion carried unanimously.

Auditors for Annual Audit & Financial Report for 2009 – Mr. Todd moved to advertise the intent of the Board to hire outside auditors to perform the Annual Audit & Financial Report for the year ending December 31, 2009. Mr. Cox seconded the motion. Motion carried unanimously.

Reorganization Meetings – Mr. Todd moved to authorize advertising the 2010 Organization Meetings for the Board of Supervisor, Elected Auditors, and Planning Commission. Mr. Cox seconded the motion. Motion carried unanimously.

Defined Benefit Pension Plan – Mr. Todd moved to keep the current investment options for the Township’s pension plan. Mr. Cox seconded the motion. Motion carried unanimously.

Household Hazardous Waste Program – Mr. Cox moved to participate in the County’s Household Hazardous Waste program. Mr. Todd seconded the motion. Motion carried unanimously.

Police Personnel Issue – Mr. Todd reported that the Police Chief would like to hire a patrolman to replace Officer Paradis in January 2010. He has an applicant who needs a conditional offer so that he can take the Act 120 exam. Mr. Ross moved to authorize the Chief to make a conditional offer to the candidate and that the incoming Board will decide whether to permanently hire him and if so at what pay. Mr. Cox seconded the motion. Mr. Cox and Mr. Ross voted in favor of the motion. Mr. Todd recused him self citing a personal conflict as the candidate is his son. Motion carried with a majority vote.

FINANCIAL REPORTS

Mr. Ross moved to accept the Treasurer’s Report for the period ending October 31, 2009 subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

Mr. Cox moved to accept the Bills List for the period October 21 to November 17, 2009, subject to audit. Mr. Ross seconded the motion. Motion carried unanimously.

Mr. Ross moved to accept the Reconciliation Report for the period ending October 23, 2009, subject to audit. Mr. Todd seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

Mrs. Cindi King stated that the Weaver permit issue has been resolved.

Mr. Kimble wanted to know when the zoning revision would be completed. Mr. Ross stated that efforts are on target to have a public hearing during the first quarter of 2010.

Ms. Peyre-Ferry asked if there would be a tax increase in 2010. The Board said that no increase is planned.

ADJOURNMENT

Mr. Todd moved to adjourn the meeting at 8:32 p.m. Mr. Cox seconded the motion. Motion carried unanimously.

Respectfully Submitted,

Candace Miller
Secretary/Treasurer