

**LOWER OXFORD TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
NOVEMBER 14, 2007**

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, November 14, 2007.

The following were in Attendance: Chairman Arthur A. Astle, Vice Chairman Kenneth L. Hershey, Supervisor W. Ronald Kepler, Zoning Officer Debbie Kinney, Roadmaster Steve Price, Building Inspector John Coldiron, Secretary/Treasurer Sara Laganelli, and fourteen guests.

**CALL TO ORDER**

Chairman Arthur Astle called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

Chairman Astle led the Pledge of Allegiance to the flag and then asked for a moment of silence.

**PUBLIC COMMENT CONCERNING ITEMS ON THE AGENDA**

None.

**RECOGNITION OF THOSE ASKING TO APPEAR ON THE AGENDA**

None.

**FARM RELATED BUSINESS**

Mr. Astle explained that Mr. Rodney Martin had applied for a farm related retail stand on his farm at 5158 Forge Road. Mr. Martin was in the audience and explained that he would like to sell his organic milk, cheese, eggs, beef, and garden items from his farm by adding a roadside stand. He would like to put up a 10 x 20 shed. Mr. Astle questioned if he would bring any other items in that were not grown on the farm. Mr. Martin said he may add some fruits and vegetables in the future, but would mainly sell his own products. Mr. Astle also asked if he had enough parking. Mr. Kepler questioned where the shed would be placed. Mr. Martin's farm is at the intersection of Fairview and Forge Roads. The Supervisors all agreed that Mr. Martin met the criteria for a farm related business. Mr. Hershey moved to approve Rodney Martin's farm related business. Mr. Kepler seconded the motion.

MOTION CARRIED.

**ADOPTION OF ORDINANCE**

Mr. Kepler moved to adopt Ordinance 2-2007 establishing the adoption of the Oxford Regional Government Cooperative Planning Agreement for the Multi-Municipal Comprehensive Plan. Mr. Hershey seconded the motion. MOTION CARRIED.

**APPROVAL OF THE MINUTES**

Mr. Hershey moved to approve the minutes for the regular meeting on October 10<sup>th</sup>. Mr. Kepler seconded the motion. MOTION CARRIED.

**TREASURER'S REPORTS**

**Presentation of Bills** The Secretary presented the bills that had been paid and needed to be paid for the month of October; totaling \$48,799.84 for the General Fund, and \$4,042.35 for the Open Space Revenue Fund. Mr. Kepler moved to approve and pay the bills. Mr. Hershey seconded the motion. MOTION CARRIED.

**Budget Deviations** Mr. Hershey moved to adopt Resolution 2007-29 for the 2007 Budget Deviations for General Fund in the amount of \$16,600.00. Mr. Kepler seconded the motion. MOTION CARRIED.

**Fiduciary Transfers** Mr. Kepler moved to authorize the transfer of \$2,799.85.00 to the Master Escrow account from the seven listed sub-accounts to reimburse General Fund for Legal and Engineering fees. Mr. Hershey seconded the motion. MOTION CARRIED.

### **CORRESPONDENCE**

- ✓ Notices from PENNDOT that our 2008 estimated turnback maintenance payment will be \$240.00 and our liquid fuels allocation will be \$140,096.40.
- ✓ Letter from Chester County Dept. of Emergency Services stating that the East Fallowfield Board of Supervisors adopted an Ordinance to amend the Township Zoning Ordinance to allow the Public Safety Training Facility.
- ✓ Letter from the Oxford Public Library thanking the township for its support last year and asking for a contribution in 2008.
- ✓ Letter from Light-Heigel & Associates thanking the township for the opportunity to serve our community throughout 2007 and asking that we continue with them and Ed Fisher as our Engineer for 2008.
- ✓ Letter from Chester County Planning Commission announcing a revision to the Vision Partnership Program, increasing the level of grant funding available to municipalities who work together in a joint planning project.
- ✓ 2007 Chester County Transportation Improvements Inventory from the Chester County Planning Commission.
- ✓ Announcement from the Southern Chester County EMS that they have launched a new website: [www.sccems.org](http://www.sccems.org).
- ✓ Brochure from the Delaware Valley Regional Planning Commission on regulating big-box retail development.
- ✓ PA State Police incident report for October.

**Comments on Correspondence:** None.

### **BUILDING INSPECTOR**

Mr. John Coldiron read his report for October. Mr. Hershey asked how many failed inspections there were. Mr. Coldiron replied that there were none. Mr. Kepler moved to approve the Building Inspector's Report. Mr. Hershey seconded the motion. MOTION CARRIED.

### **CODE ENFORCEMENT OFFICER**

Mrs. Kinney reported that she issued six Building Permits and two Certificates of Occupancy in October. There were no new violations, but Mrs. Kinney noted that Mike Scott told her he removed one of the cars from his property and stored another one in a building. Mrs. Kinney said she would go check to see that had been done.

### ***Subdivisions & Land Development Plans***

*Mrs. Kinney explained that she received a letter from Lake, Roeder, Hillard requesting that the Jacob Fisher six-lot subdivision be submitted, reviewed, and approved as a Final Plan. Mr. Kepler moved to grant a waiver of a preliminary plan to the Jacob Fisher Subdivision allowing them to submit a Final Plan only. Mr. Hershey seconded the motion. MOTION CARRIED.*

*Mrs. Kinney announced that the Pennsgrove Subdivision would expire at midnight unless an extension letter was received. She spoke with the attorney for the project and was informed that they would not be submitting an extension. Mr. Kepler moved that the preliminary plan for the Pennsgrove 26-Lot Subdivision on Township Road and Pennsgrove Road be denied. The subdivision plan fails to comply with ordinances of Lower Oxford Township including but not limited to the following sections from the Lower Oxford Township Zoning Ordinance(s): Sections 507c; 508.2h; 511.b; 511(b)(6)(h); 515; 522 and Subdivision Ordinance(s): 504.1; 520.c; 303.1f; 507.5; 401.2.k; 511.g; 523; 508; 511D.6.d; 511.E; and 511.H. Mr. Hershey seconded the motion. MOTION CARRIED.*

*Mrs. Kinney requested that the Board approve the Component 4A for Oxford Commons. Mr. Kepler moved to adopt Resolution 2007-30 for Oxford Commons Component 4A. Mr. Hershey seconded the motion. MOTION CARRIED. Mr. Bill Dion was present in the audience to discuss the water agreement between the Township and the Oxford Borough. Mr. Kepler stated that the Oxford Borough cannot supply the Oxford Commons with water; therefore, Lower Oxford Township will buy the water from the Borough in bulk and sell it to Oxford Commons. Mr. Dion agreed that was the case and stated that the Pennsylvania Utilities Commission will not allow the Oxford Commons to buy water from the Borough. After some discussion, Mr. Kepler moved to approve the Will Serve Letter between the Oxford Borough and the Oxford Commons authorizing the start of legal work that needs to be done so that an agreement can be reached by all parties involved. Mr. Hershey seconded the motion. MOTION CARRIED. Mr. Astle asked to let the record show that he feels Oxford Commons should build their own water treatment plant and have the Township take it on.*

*Mrs. Kinney said that the Keystone Animal Hospital submitted a plan to add two additional parking spaces. The Planning Commission reviewed the plan and had no comments, but suggested that the Township Engineer review it. The Board of Supervisors agreed that Ed Fisher should review it.*

*Mrs. Kinney told the Board that the Planning Commission had come up with a Windmill Ordinance and passed it on to them. The Planning Commission members asked Mrs. Kinney to emphasize that they would like to see the Windmill Ordinance adopted the way it is with no changes made to it. Mr. Kepler questioned whether it would be put in the Zoning Ordinance, Chapter 27. Mr. Astle asked why the Planning Commission came up with such an ordinance. Mrs. Kinney thought that the members of the Planning Commission were trying to be proactive as windmills become more popular. Mr. Hershey requested that the Supervisors table the ordinance until the next meeting so that they all have a chance to review it.*

*Mrs. Kinney noted that the Planning Commission would be reviewing the Solicitor's changes to the Lighting Ordinance at their November 19<sup>th</sup> meeting. She also made note that she*

completed her Master Planners program and passed the UCC BCO exam. Her BCO will expire in 2010.

Mr. Kepler moved to approve the Zoning Officer's reports. Mr. Hershey seconded the motion. MOTION CARRIED.

### ENGINEER

The Board read the Township Engineer's report for October. Mr. Hershey asked if the Township Engineer had given an update on the bids for the Lincoln Village sewer project. Mr. Kepler noted that he had talked to Ed Fisher and the bids will open the second week of January 2008. He also said that they are waiting on written permission to dig under the railroad tracks.

Mr. Kepler moved to approve the Engineer's report. Mr. Hershey seconded the motion. MOTION CARRIED.

### REGIONAL ACT 537 PLAN

Mr. Bob Yeatman reported that the OASA heard from DEP and they will not be able to have the review done in the allotted 120 days. DEP requested a sixty day extension, which the OASA granted. Mr. Yeatman noted that there was a Conditional Use Hearing last night and the next one will be on December 3<sup>rd</sup>.

Mr. Kepler commented that he has been working on the committee for the pump-out ordinance. The committee sent an ordinance to the Solicitor for review. Mr. Kepler explained that every township involved would divide its geographic area into thirds. Each zone would pump their septic every three years. He noted that the County has software to keep track of it and it will be color coded.

Mr. Yeatman announced that the OASA had moved their offices to the old Ringler building in the Borough of Oxford. They were hoping to have the December meeting in the new office.

Mr. Hershey moved to approve Bob's report. Mr. Kepler seconded the motion. MOTION CARRIED.

### ROADMASTER

Mr. Steve Price read his report for October. Mr. Kepler moved to approve the Roadmaster's Report. Mr. Hershey seconded the motion. MOTION CARRIED.

### REGIONAL RECREATIONAL AUTHORITY

Mr. Lee Towner was absent. No report.

### OLD BUSINESS

Comprehensive Plan Art announced that the next meeting would be December 5<sup>th</sup> at the Herr's cafe and auditorium.

Lincoln Village Sewer Grant Mr. Kepler moved to authorize the Chairman to sign the agreement for the \$350,000. DCD grant for 2008. Mr. Hershey seconded the motion. MOTION CARRIED.

Mr. Kepler noted that he had been in contact with the person in charge of grants for eligible homeowners. Such grants will cover the cost of running the public sewer from the house to the curb, but will not cover the EDU costs. He is hoping to have her come to the Township and meet with the Lincoln Village residents at 6:30 on December 12<sup>th</sup> (the night of our next BOS meeting).

## NEW BUSINESS

**2008 Chester County SPCA Contract** The Secretary noted that there was a significant increase in the cost of a contract with the SPCA. The Supervisors agreed to ask both of the veterinarians in the Township if they would like to participate and help with the costs.

**2008 Fire Protection Contract with Union Fire Co. No. 1** Mr. Kepler moved to sign the contract and pay the Union Fire Co. No. 1 \$36,327.20 for 2008. Mr. Hershey seconded the motion. MOTION CARRIED.

## OTHER BUSINESS

The Secretary stated that she had received a letter saying the Chester County Board of Appeals notified the Tax Claim Bureau that three of our mobile home parcels have been deactivated. Therefore, they are unable to collect the liens on those properties. The Tax Claim Bureau needs authorization from the township to remove the tax liens from the record for: R. Snyder, 56-7-5 Forge Rd.; W. McCall, 56-9-7 Reedville Rd.; and G. Havelow, 56-7-55 Bethel Road. All three mobile homes have been removed. They enclosed an affidavit that needs to be activated with all Supervisors signatures. After some discussion, Mr. Kepler moved to sign the affidavit. Mr. Hershey seconded the motion. MOTION CARRIED.

Mr. Kepler said that at last month's meeting they had agreed to have Keystate Publishers update the codified ordinances and not to exceed the proposal of \$660.00. Mr. Kepler moved to authorize the Chairman sign the contract with Keystate Publishers. Mr. Hershey seconded the motion. MOTION CARRIED.

Mr. Kepler announced that Diana Hoopes of the Chester County Ag Preservation Board had received a letter from the Penn Railroad asking the Board not to preserve part of Joel Brown's farm on Wilson Mill Road. The railroad feels the ground should be industrial. Mr. Kepler stated that he had looked at the ground they were referring to; which is parcel 56-9-43, and it is thirty feet higher than the railroad, currently zoned R2, and sandwiched between two weight limit bridges and two housing developments. Mr. Kepler felt it would not be a good idea to zone such an area as industrial. Mr. Hershey asked Mr. Joel Brown who was sitting in the audience what his thoughts were on the situation. Mr. Brown requested that one of the Supervisor's go to the Ag Preservation Board meeting and explain what Mr. Kepler had just said. Mr. Kepler moved to have Mr. Hershey go to the Ag Preservation meeting on Tuesday night with a map and letter from the Township stating their position on the subject. Mr. Astle seconded the motion. MOTION CARRIED.

Mr. Kepler stated that he had received a phone call one night at 11:00 p.m. with a complaint that residents could not get down University Road. He went out to see what the problem was. Lincoln University was having a homecoming. Mr. Kepler explained that cars were parking everywhere and he had no luck getting in touch with the Lincoln Police Chief, Larry Woods. Mr. Kepler closed the road and stayed there until 3:00 a.m. He had called the State Police but they never showed up. Mr. Kepler explained he had received an email from one of the residents, Triana DiFrancesco. Mrs. DiFrancesco was in the audience and explained her experience on the night Mr. Kepler was referring to. There was much discussion. Mr. Kepler said the Township has two options. The first option would be to close University Road anytime Lincoln University has an event. The second option is to pass an Ordinance

which says No Parking on University Road; Violators will be towed at owner s expense. Mr. Kepler said this is the third year there has been a problem. Last year, Mr. Woods promised him it would not happen again. Mr. Kepler said that the Township needs to protect the residents and their property and promised that the next time there is an event at Lincoln University, if the Township does not have an ordinance for no parking, then the road will be closed.

Mr. Kepler moved to authorize the Township Solicitor to talk to an environmental lawyer regarding the closure of the Cloud Landfill. Mr. Hershey seconded the motion. MOTION CARRIED.

#### DEDICATION OF PLAQUE

Mr. Astle presented a plaque that the Township had prepared for residents that served in the War on Terror in Iraq and Afghanistan. Mr. Astle explained that he always hears negative comments about the war and wanted to do something positive. He said that he had spoken with Mr. Mark Gentile, and asked him to come give some positive feedback from the war. Mr. Astle feels that the Iraqi s are grateful. He also felt that tonight being a couple days after Veteran s Day would be a good time to dedicate the plaque. He then read the plaque and the names of the veteran residents: Mark Gentile, Thomas R. Thompson III, Kelly Cruz, and Jason Greenwood. Mr. Astle noted that there is space for more names if needed.

Mr. Mark Gentile then said a few words and left some handouts for everyone to read. There was a round of applause for the soldiers.

#### PUBLIC COMMENTS

Mr. Astle Congratulated Ralph Cheek as the newly elected supervisor.

JoJo Campbell Wanted to know who suggested the Windmill Ordinance and if anyone would be benefiting from it. Suggested the Township look into a police force (especially with what happened at Lincoln University). Expressed some concern about the competency of the Board. Wanted to know why Mr. Hershey wanted to table the Windmill Ordinance. Asked how the SPCA contract worked. Noted that the Township should be able to have private testing of the soils at the Cloud Landfill.

Mr. Hershey moved to adjourn the meeting at 8:30 p.m. Mr. Kepler seconded the motion. MOTION CARRIED.

Note: Copies of all reports mentioned are available at the Lower Oxford Township Building, 220 Township Road, Oxford, PA.

Respectfully Submitted,

Sara B. Laganelli  
Secretary/Treasurer