

**Lower Oxford Township**  
**Board of Supervisors Meeting Minutes**  
**May 14, 2008**

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, May 14, 2008.

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

**CALL TO ORDER**

Chairman Kenneth L. Hershey called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

Mr. Kenneth L. Hershey led the Pledge of Allegiance to the flag and asked for a moment of silence.

**PUBLIC COMMENT CONCERNING ITEMS ON THE AGENDA**

None.

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

None.

**ADOPTION OF ORDINANCE**

Mr. Cheek moved to adopt Ordinance 2008-2, an amendment to the Lower Oxford Township Zoning Ordinance of 1970, as amended which shall be limited to amending the zoning map to transfer the properties enumerated by tax parcel identification number from the C-1 district to the C-2 district. Mr. Kepler seconded the motion. MOTION CARRIED.

**APPROVAL OF THE MINUTES**

Mr. Kepler moved to approve the minutes for the regular meeting on April 9<sup>th</sup>. Mr. Cheek 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 April; totaling \$71,912.24 for the General Fund and \$37,398.76 for the Open Space Revenue Fund. The Secretary noted that the first principal payment on the Bond for Open Space would be due May 25<sup>th</sup>. Mr. Cheek moved to approve and pay the bills. Mr. Kepler seconded the motion. MOTION CARRIED.

**Fiduciary Transfers** – Mr. Kepler moved to transfer \$3,215.25 from the ten listed escrow sub-accounts to the Master Escrow account to reimburse for legal and engineering fees. Mr. Cheek seconded the motion. MOTION CARRIED.

**CORRESPONDENCE**

- ✓ Memo from PSATS regarding the Senate passed county-wide earned income tax collection bill.
- ✓ Letter of clarification from DEP regarding the Act 537 Plan Update and a letter they received from Ed Lennex.

- ✓ Letter from Delaware Valley Regional Planning Commission regarding the new PA Federal Safe Routes to School program.
- ✓ Spring edition of the *Conservation & You* newsletter.
- ✓ Letter from McCormick Taylor Engineers regarding local bridge inspections.
- ✓ E-mail from McCormick Taylor Engineers stating that the Fairview Bridge project is scheduled to start this fall pending final plan approval.
- ✓ Letter from the Chester County Economic Development Council regarding the Chester County Stadium project task force.
- ✓ Announcement from DVRPC that the 2009-2012 PA TIP is available for public review.
- ✓ Department of Emergency Services annual report for 2007.
- ✓ Invitation to the Municipal Stormwater Summit in West Chester on June 3<sup>rd</sup>.
- ✓ Notice of Rate increase from Chester Water Authority effective July 1<sup>st</sup>.
- ✓ Letter of thanks from the Chester County Solid Waste Authority for participating in the 207 Household Hazardous Waste Program. A check was enclosed reimbursing us for one half of the cost of the program.
- ✓ Announcement of Chester County's Dept. of Community Development's availability of request for proposals for 2009-2010 housing and community development funding (due by June 16<sup>th</sup>).
- ✓ Invitation to PECO's municipal forum on May 15<sup>th</sup> in Downingtown.
- ✓ Spring newsletter from the Chester County Conservation District.
- ✓ Union Fire Co. incident listings for March and April.
- ✓ PA State Police reports for March and April.

Comments: Mr. Kepler asked if there had been a stream crossing installed yet for the Fairview Bridge Project. The Secretary replied that it had been.

### **BUILDING INSPECTOR**

Mr. John C. Coldiron reported for John D. Coldiron, that he had nineteen building inspections, six plan reviews, seven electrical inspections, and one commercial permit for the month of April. Mr. Cheek moved to approve the Building Inspector's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

### **CODE ENFORCEMENT OFFICER**

Mrs. Kinney read the Building Permits & Zoning Violations Reports for April. She issued ten building permits, had two voided permits, and two zoning violations. Mr. Hershey asked if there were any weed violations in the Township. Mrs. Kinney said that she had a few violations this month and that she would send out friendly reminders to previous violators.

**Subdivisions & Land Development Plans** – Mrs. Kinney reported that the Planning Commission voted to table the Creighton Subdivision at their last meeting because Mrs. Harmon had reservations and questions and fired her engineer at the meeting. Mr. Kepler moved to deem the Creighton Subdivision plans null and void if an extension letter is not received by May 19, 2008. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to adopt Resolution 2008-10 extending the final plan approval of the Shoppes at Lower Oxford for an additional ninety days. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Jerry McCormick was present at the meeting representing Mr. Dambro. Mr. McCormick explained that the Dambro subdivision's extension runs out in June and explained the overview of the subdivision's history since Mr. Cheek was new to the Board. Mr. McCormick explained that due to nitrate problems,

the Dambro subdivision would either have to hook-up to public sewer or build a package plant. Mr. Hershey stated that the subdivision is not in the Township's sewer service area. Mr. McCormick agreed that it's not, but said there are spray fields in the same area. Mr. McCormick said he likes spray irrigation; he is a big fan of it, there is one by his house. Mrs. Kinney mentioned that the last time Mr. McCormick came to the Board, it was suggested he look into Enviro-servers. DEP refused to even talk to them about Enviro-servers for a subdivision of 72 lots. There was much discussion about a package plant and how it would work. Mr. Hershey said that the Board did not have an answer tonight. Mr. Kepler said that he is not in favor of expanding the sewer service area, but he would be willing to meet with the Oxford Area Sewer Authority to discuss a package plant.

Mrs. Kinney noted that she attended the Summer Codes class and there were some new codes involving decks and hot tubs that the Township will need to conform to.

Mr. Cheek moved to approve the code enforcement officer's reports. Mr. Kepler seconded the motion. MOTION CARRIED.

### ENGINEER

Mr. Hershey read the Township Engineer's report for April. Mr. Kepler moved to approve the letter of credit release request for the Elkridge Subdivision in the amount of \$5,175.00 as recommended by Ed Fisher. Mr. Cheek seconded the motion. MOTION CARRIED. Mr. Kepler moved to approve the Township Engineer's Report. Mr. Cheek seconded the motion. MOTION CARRIED.

### REGIONAL ACT 537 PLAN

Mr. Bob Yeatman reported that Mr. Ed Lennex met with DEP to discuss the clarification request and felt good about the meeting. He will proceed and probably set up a meeting with the committee the first week of June. If the committee agrees, the revision will be sent to the municipalities for approval. Mr. Yeatman mentioned that they were having some trouble getting West Nottingham Township to cooperate. Mr. Kepler noted that the committee he was working on had submitted the Holding Tank Ordinance and Pump-out Ordinance to the Planning Commission for their review. The Planning Commission had crossed out "or animals" in the definition section, but the Health Department is saying that needs to stay in there because kennels are allowed. Mr. Joel Brown, a member of the Planning Commission, was in the audience and said that by leaving the word animals in the ordinance, it would seem as though the Township would have to regulate every manure pit on every farm. There was some discussion. The Board agreed that the word "animals" should be replaced with the word "kennels" in both ordinances.

Mr. Kepler moved to approve Mr. Yeatman's report. Mr. Cheek seconded the motion. MOTION CARRIED.

### ROADMASTER

Mr. Steve Price read the Roadmaster's Report for April. Mr. Hershey questioned how the traffic was during commencement at Lincoln University. Mr. Kepler noted that everything went smoothly and no one parked on University Road. Mr. Cheek moved to approve the Roadmaster's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

### REGIONAL RECREATIONAL AUTHORITY

Mr. Lee Towner reported that the OARA is waiting on the construction drawings, which he hoped to have back in June so that they could be submitted to the Township. Mr. Hershey moved to approve Mr. Towner's report. Mr. Cheek seconded the motion. MOTION CARRIED.

### OLD BUSINESS

**Open Space Preservation** – Mr. Hershey reported that Mr. Kepler's farm was eligible for preservation. Mr. Kepler expressed some frustration with the Ag Preservation Board's policies. He explained that the power lines have eminent domain across his farm and because of that, part of his farm is not considered contiguous and therefore not eligible. So, Mr. Kepler is only going to preserve forty-five acres. Mr. Cheek moved to have the Secretary send a letter to Diana Hoopes authorizing the Ag Preservation Board to move forward with the appraisal process on the Kepler farm. Mr. Hershey seconded the motion. MOTION CARRIED. Mr. Kepler abstained from voting.

**Comprehensive Plan** – Mr. Kepler reported that at the last meeting, the committee members discussed scenic resources and received homework. Mr. Kepler told Lee Towner that the committee would be discussing recreation on September 24<sup>th</sup> and that he should attend that meeting.

**Lincoln Village Sewer** – Mr. Kepler reported that the gravity lines were installed on First, Second, & Third Avenues, Dorsey Lane, and Broad Street. The contractors were going to go up Ashmun Avenue next. They are doing a good job and staying on schedule. Mr. Kepler moved to approve and sign the request for payment from Tru-Line Contractors in the amount of \$140,357.43. The Engineer will approve and sign it as well. Then DCD will release a check to the Township so that the contractor can be paid. Mr. Cheek seconded the motion. MOTION CARRIED.

**Windmill Ordinance** - Mr. Hershey noted that he and Mr. Cheek attended a seminar about windmills while at the Convention. He said that they also talked about solar power. There are nineteen or so windmill farms in Pennsylvania.

### NEW BUSINESS

**Request for speed limit posting** – Mr. Kepler explained that a resident was concerned about the speed on Wyncote Drive and requested that it be posted. Mr. Kepler said he talked to the Engineer and he advised that there were enough houses on that road to pass an Ordinance and post the speed limit without an engineering traffic study. The Board agreed to post the speed limit at 25 mph like they did in Rebecca Ridge. It was noted that the Township does not have a police department, so the State Police will be the ones enforcing the ordinance. Mr. Kepler moved to have the solicitor write and advertise an ordinance that would post the speed limit on Wyncote Drive. Mr. Cheek seconded the motion. MOTION CARRIED.

**Pension** – Mr. Kepler said he attended the pension class at the Convention. Right now the Township has a defined contribution plan that the employees get whatever the Township contributes. He explained that the original pension ordinance was passed in 1988 and a fixed amount was set the same for every year. The state aid increases every year, but the contributions have not, so the Township was only getting as much as they had contributed. PSATS offers a defined benefit plan that is a much better plan. Mr. Kepler moved to adopt Resolution 2008-II to rollover the current pension plan from Lincoln Financial Group to the PA Municipality Group Retirement Plan. Mr. Cheek seconded the motion. MOTION CARRIED.

### OTHER BUSINESS

The Secretary noted that the composting bin program that the Township was willing to participate in did not have any bins available. The Township was placed on the waiting list.

### **BIDS**

At 8:25 p.m. the Board of Supervisors opened the bids that had been submitted for Road Materials. Mr. Kepler read the bid amounts for Diesel Fuel/Heating Oil, Seal Coat-in-Place, Blacktop, and Stone.

Mr. Kepler moved to award the bid to Alger Oil for Diesel Fuel & Heating Oil. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to award the bid to Asphalt Industries for Seal-Coat-in-Place. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to award the bid to Edgemoor Materials for Blacktop. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to award the bid to Independence Construction for Stone. Mr. Cheek seconded the motion. MOTION CARRIED.

### **PUBLIC COMMENTS**

**Marcella Peyre-Ferry** – Asked what roads the project was going to cover this year.

Mr. Kepler moved to adjourn the meeting at 9:00 p.m. Mr. Cheek 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