

Lower Oxford Township
Board of Supervisors Meeting Minutes
February 11, 2009

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, February 11, 2009.

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 twenty-six 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 a moment of silence.

PUBLIC COMMENT CONCERNING ITEMS ON THE AGENDA

None.

RECOGNITION OF THOSE ASKING TO APPEAR ON THE AGENDA

Mr. Wilbert Cruz – Mr. Cruz was seeking a home occupation permit for his residence at 224 Ashmun Avenue. Mr. Cruz explained that he would be doing on and off-site computer repairs and consulting. Mr. Kepler stated that he may use up to 25% of his floor space. Mr. Kepler asked if this business would interfere with the neighbors and if there would be enough parking. Mr. Kepler moved to approve Mr. Cruz's Home Occupation request. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. & Mrs. Brent Hazelwood – Mr. Hazelwood explained to the Board that he would like them to consider a dog barking/nuisance ordinance. Mr. Hazelwood presented the Supervisors with a sample ordinance he found on the internet. He explained that his neighbor has a dog that barks constantly when it is outside and it is disrupting his family and comfort at home. Mr. Hazelwood explained that he had already contacted the SPCA, the State Police, the State Dog Warden, and the neighbors in efforts to resolve the problem but to no avail. After some discussion, Mr. Kepler suggested that Mr. Hazelwood contact Judge Farmer. Mr. Kepler said they would send the sample ordinance to the Solicitor for review and that he would go see the neighbor with the barking dog.

APPROVAL OF THE MINUTES

Mr. Cheek moved to approve the minutes for the reorganization meeting on January 5th. Mr. Kepler seconded the motion. MOTION CARRIED.

Mr. Cheek moved to authorize the Secretary to amend the December 12, 2007, minutes to reflect that the millage and per capita tax rates remained the same for 2008 (per the Auditors' and Solicitor's recommendation). Mr. Kepler seconded the motion. MOTION CARRIED.

TREASURER'S REPORTS

Presentation of Bills – Mr. Hershey questioned the SPCA invoice. Mr. Cheek moved to approve and pay the bills. Mr. Kepler seconded the motion. MOTION CARRIED.

Fiduciary Refunds – Mr. Cheek moved to transfer \$4,445.81 from the five listed escrow subaccounts to the Master Escrow account to reimburse for legal and engineering fees. Mr. Kepler seconded the motion. MOTION CARRIED. Mr. Cheek moved to refund and close the Escrow subaccount for Brendan

Dougherty per the Township Engineer's recommendation. Mr. Kepler seconded the motion. MOTION CARRIED.

Pension Fund – Mr. Kepler moved to close the Pension Fund Checking account and deposit the balance into the General Fund. Mr. Cheek seconded the motion. MOTION CARRIED.

CORRESPONDENCE

- ✓ Oxford Area Recreational Authority's November & December 2008 meeting minutes.
- ✓ Email from PECO regarding upcoming energy market changes in PA.
- ✓ Information on the 2009 Chester County Assoc. of Township Officials Convention to be held March 12th.
- ✓ Letter from Chester County regarding the second revision to the Chester County Solid Waste Management Plan.
- ✓ Incident Listing from the PA State Police for December & January.
- ✓ DVRPC newsletter.
- ✓ Letter from PIRMA regarding a vacancy on their Board of Directors.
- ✓ Notice from Armstrong that cable rates will be increasing again.
- ✓ Information from DVRPC about a new grant program they are offering.
- ✓ Copy of the Lancaster County Long Range Transportation Plan on CD.
- ✓ December 2008 Incident listing from Union Fire Co. NO. 1.
- ✓ Chester County Department of Aging Services newsletter.
- ✓ Copy of the Auditor General's examination report of the Liquid Fuels Tax Fund for the two years ended December 31, 2006.
- ✓ Chester Water Authority newsletter.
- ✓ Letter from the Chester County Department of Emergency Services regarding the Government Emergency Telecommunications Service.
- ✓ The Annual Financial Report for the Southeastern Chester County Refuse Authority for the years ended December 31, 2006 & 2007.
- ✓ Notice of rate increase to \$59.50 per ton for SECCRA.
- ✓ Information on the 2009 Town Tours and Village Walks program from the Chester County Parks and Recreation.
- ✓ Incident Investigation Information from State Trooper Marquis regarding an incident at the Lincoln Community Center.
- ✓ Thirty-six (36) letters and/or e-mails from Sacred Heart Parishioners regarding the Oxford Commons Shopping Center.

Comments: Mr. Kepler asked what the incident was at the Lincoln Community Center. Mr. Hershey asked about the SECCRA fees. Mr. Cheek moved to approve the Correspondence report. Mr. Kepler seconded the motion. MOTION CARRIED.

BUILDING INSPECTOR

Mr. John Coldiron reported that he had ten building inspections for the month of January with two electrical and three plan reviews. Mr. Kepler moved to approve the Building Inspector's Report. Mr. Cheek seconded the motion. MOTION CARRIED.

CODE ENFORCEMENT OFFICER

Mrs. Kinney read the Building Permits & Zoning Violations Reports for January. She issued four building permits, one sign permit and didn't have any new violations. Mr. Hershey questioned what was being done with the outstanding violation for Doug McDowell. Mr. Kepler said they should go take a look at it again before the March meeting.

Subdivisions & Land Development Plans – Mrs. Kinney explained that Martina Moore was in the audience representing Ballymeade which was seeking a grading permit. Ms. Moore explained that the Health Department's latest review was four pages long and that the representative would not be in the field until April 1st. She explained that her client is looking at the grading permit as a back-up plan. Mr. Kepler said that the Township Engineer told him that they would need to submit escrow money and have a pre-construction meeting with him and Soil Conservation in order to get a grading permit.

Mr. Kepler moved to adopt Resolution 2009-8 extending the final plan approval for Shoppes at Lower Oxford for one hundred eight (180) days. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to adopt Resolution 2009-9 for an extension of one hundred eighty (180) days for the Jones & Losito plan. Mr. Cheek seconded the motion. MOTION CARRIED.

Sign Ordinance - Mr. Kepler stated that the Solicitor reviewed the proposed Sign Ordinance and had some changes to make before she sent it back to the Planning Commission for further review.

Water Agreement – Mr. Kepler explained that there was a water agreement with Chester Water Authority (CWA) to run a water line from Lincoln, up Township Road to Conner Road to Route 10 all the way to Oxford Commons. Mr. Cheek questioned the cost of \$500,000. Mr. Kepler explained that it would be a \$2.5 million dollar project with stand pipes, water tanks, and a pump station to service the Route 10 Commercial district. He explained that an ordinance would be adopted to set a tapping fee to recoup the cost to the Township. Mr. Kepler moved to approve the water agreement subject to the Township Solicitor's final review and approval. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler asked Mr. Hershey if they could interrupt the meeting to see why there were so many residents in the audience and to see what they could help them with.

Mr. Tom Keeting of Cullen Road introduced himself first. He explained that he was from Sacred Heart Church and School and that there were some concerns with the new development coming next door. He said that the four lane entrance to the development will be right next to the school where the students play. He feels that people will be able to walk through the church property with no security. He asked the Board to reconsider the distance and request a barrier.

Mr. Kepler went over a brief history of the Oxford Commons Shopping center that was being referred to. He explained that at this point, the Board of Supervisors could not legally make the developer do anything but they could ask. Mr. Cheek asked if they knew how much a fence or barrier would cost and who would pay for it? Mr. Kepler asked what type of fence they wanted and if they would consider cost sharing with the developer? Mr. Hershey asked if there was a meeting with the developer and Father Hamill and the Diocese.

Mr. Joseph McKeon of Preston Drive introduced himself and explained that the congregation would not be privy to the meeting information. He expressed his appreciation to the Board for listening to everyone. He feels that the parish has grown and contributes a lot to the community. Mr. McKeon said that it has been his experience when people cooperate they do well. He also feels that some type of barrier is needed to protect the children. He brought up the fact that bog turtles had a significant impact on the project.

Mr. David Hamilton of Clover Hill Drive expressed that the biggest concern is for the safety of the children. He said that things have changed since the year 2000 when the development was first proposed. He felt that they were more worried about traffic then but now there will be campers staying in the parking lot overnight and wants a barrier to keep people from walking through.

Mr. Keeting suggested a barrier like on the Blue Route.

Mr. Reds Reilly of Turners Pond Drive liked the idea of a wall like the Adult Community has in Longwood at the end of the Route I By-pass.

Ms. Marie Watkins asked the Board to be mindful that Father Hamill inherited this issue. She said that prior to June the parishioners had no knowledge, no pastor, and no leadership. She expressed that she felt it was ethically disturbing that turtles got 300 feet and children only get 30 feet. She asked if the Board had the authority to pass an ordinance to require a barrier.

After much discussion, it was agreed that the Sacred Heart Parishioners would all get together and come to a consensus. The Board then resumed with the regular agenda items.

ENGINEER

The Secretary read the Township Engineer's January report. Mr. Cheek moved to approve the Township Engineer's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

REGIONAL ACT 537 PLAN

Mr. Bob Yeatman said that there was nothing new to report. They still didn't have a meeting set-up. 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 January. Mr. Kepler said he had a couple phone calls thanking them for doing a good job on the roads. Mr. Kepler moved to approve the Roadmaster's Report. Mr. Cheek seconded the motion. MOTION CARRIED.

REGIONAL RECREATIONAL AUTHORITY

Mr. Lee Towner was absent. Mrs. Marcella Peyre-Ferry reported that there was a possible wrench in the works. She explained that the East Nottingham Planning Commission was requiring them to put a deceleration lane in at the entrance. If they do that, they will have to move the fields back. They were hoping to put the job out to bid now. This phase needs to be completed by November or they will lose the grant. Mr. Hershey asked about an YSM invoice in the OARA minutes. Mr. Kepler moved to approve the report. Mr. Cheek seconded the motion. MOTION CARRIED.

OLD BUSINESS

Open Space Preservation – Mr. Kepler reported that the Stoltzfoos farm that was approved last year would need to be paid this year. Also, there are potentially three farms eligible for this year totaling approximately 90 acres.

Comprehensive Plan – The meeting was cancelled due to snow. No report.

Lincoln Village Sewer – Mr. Kepler reported that there was a meeting with Lincoln University in which they hammered out the agreement. The agreement should be ready for approval at the March Board of Supervisors meeting.

NEW BUSINESS

Delinquent Fire Hydrant Taxes – Mr. Cheek moved to authorize the Secretary to send out delinquent notices to the taxpayers that did not pay the 2008 Fire Hydrant taxes, requesting payment before it is turned over to the Solicitor. Mr. Kepler seconded the motion. MOTION CARRIED.

Verizon Franchise – Verizon has approached the Township for a franchise agreement for cable television. This would give the residents another choice and would need to be done by ordinance.

H2OPA: Lincoln University – Mr. Kepler said that Lincoln University would like to build a stormwater basin near the new science building. Mr. Kepler moved that the Township apply for a grant from the new H2OPA program on behalf of the University. The University will do all of the work and have the Supervisors sign off on it. Mr. Cheek seconded the motion. MOTION CARRIED.

H2OPA: OASA – Mr. Kepler moved to send a letter of support for the OASA's H2OPA Grant Application for the lagoon project. Mr. Cheek seconded the motion. MOTION CARRIED.

Dump Truck – Mr. Kepler said that it was time to replace the 1993 Ford Dump Truck. Mr. Kepler moved that the Township purchase through the State Piggyback program a new single axle Freightliner and have a Lancaster Truck Body installed on it for a total cost of \$96,504.00. Mr. Cheek seconded the motion. MOTION CARRIED.

OTHER BUSINESS

None.

PUBLIC COMMENTS

Joe McKeon – Thanked the Board for their time and said how much he appreciated them listening to the concerns of the Sacred Heart parishioners. He also thanked the Road Crew for doing a fantastic job.

Aida Prigg – Thanked Mr. Kepler for taking care of the cars parking in a driveway on Second Avenue.

Bob Yeatman – Informed the Supervisors about an article in the Daily Local regarding "Growing Smarter" grants available from the County.

Teri Dignazio – Said that the Historic Building Atlas Committee would be meeting at the Township Building on Thursday night at 6:30 p.m. if anyone was interested. Asked some follow up questions from the January meeting. She did not recall due diligence regarding the Oxford Commons Conditional Use.

Mr. Kepler moved to adjourn the meeting at 9:10 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