

Lower Oxford Township
Board of Supervisors Meeting Minutes
April 14, 2010

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, April 14, 2010.

The following were in Attendance: Chairman Kenneth L. Hershey, Vice Chairman W. Ronald Kepler, Supervisor W. Ralph Cheek, Codes Enforcement Officer Deborah Kinney, Building Inspector Scott Moran, Secretary/Treasurer Sara Laganelli, and eleven guests.

CALL TO ORDER

Chairman Kenneth L. Hershey called the meeting to order at 7:01 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. Doug McDowell – Mrs. Kinney explained to the Board that Mr. McDowell had received an enforcement notice on March 31, 2010. On April 5th, Mrs. McDowell called to say she had help for the next two weekends and they were going to take advantage of the Township Spring Clean-up. On April 12th, Mrs. McDowell called and said they had a clean-up weekend on the farm but wanted to know how to get more time and asked if she and Doug could attend the next Board of Supervisors meeting. With that said, Mr. Doug McDowell told the Supervisors that he wishes to comply but it has been a bad three years. He presented the Board with a copy of the court ruling in which he had to evict his tenant. He explained that a lot of the stuff including three sheds needed to be moved. He asked for leniency on the time frame. He said that they want to comply and they are embarrassed; they are having a tough time right now. Mrs. Lori McDowell showed the Board before and after pictures of what had been done so far to clean-up the farm. After some discussion, the Board agreed that they didn't know whether or not they had the authority to give the McDowell's an extension at this time. However, if the Township Solicitor agreed, they would give an additional 30 days from today to comply; which would give them a deadline of May 30th.

APPROVAL OF THE MINUTES

Mr. Kepler moved to approve the minutes for the regular meeting on March 10th. Mr. Cheek seconded the motion. MOTION CARRIED.

TREASURER'S REPORTS

Presentation of Bills – Mr. Cheek moved to approve and pay the bills; totaling \$44,694.77 for General Fund and \$5,206.84 for Open Space Revenue Fund. Mr. Kepler seconded the motion. MOTION CARRIED.

Fiduciary Refunds – Mr. Kepler moved to transfer \$719.25 from the one listed escrow sub-account to the Master Escrow account to reimburse for engineering fees. Mr. Cheek seconded the motion. MOTION CARRIED.

CORRESPONDENCE

- ✓ Court-ordered legal notice about lawn mowers purchased with a gas engine up to 30 horsepower and the potential benefits from Class Action Settlements.

- ✓ Letter from the Union Fire Co. No. 1 regarding an informative meeting with the Officers of the Fire Company and the Ambulance Division on April 21st at 7:00 p.m.
- ✓ Oxford Area Historical Association postcard about their upcoming presentation of “Jailing the Johnston Gang” on April 20th at 7:00 p.m. at the Oxford Presbyterian Church.
- ✓ Letter from Meridian Bank stating their current interest rate on a Municipal Money Market account is 1.20% APY.
- ✓ Memo from the County regarding an Emergency Management Training Dinner on Saturday, May 8th at 6:00 p.m. at the Elks Club in West Chester.
- ✓ Letter from PIRMA offering free online training courses for members.
- ✓ Notice of PA’s Historic Preservation Awards applications being accepted until June 14th.
- ✓ The 2009 Chester Water Authority Water Quality Report.
- ✓ Project Highlights pamphlet from McCormick Taylor for 2009.
- ✓ Notice of rate increases effective July 1st from Chester Water Authority.
- ✓ The February/March edition of the PSATS News Bulletin.
- ✓ Letter from the Oxford Area Little League along with a Certificate of Liability Insurance for the use of the Benard Park softball field.
- ✓ Memo from PSATS with the 2010 proposed resolutions for consideration at the convention.
- ✓ Minutes from the March 3rd meeting of the Lower Oxford Township Historical Commission.
- ✓ Letter from S.A.V.E. regarding technical assistance they will be providing free of charge as part of a U.S. Dept. of Transportation grant for the purpose of improving the public’s understanding of pipeline issues and enhancing pipeline safety.
- ✓ Announcement of the E. Kneale Dockstader Foundation’s 2010 grant funding round.
- ✓ Chester County Conservation District’s 2009 Annual Report.
- ✓ Incident Statistics from the PA State Police for February and March.
- ✓ Union Fire Company No. 1 incident listings for February and March.
- ✓ The 2010 PA Grant & Resource Guide.

Comments: Mr. Hershey moved to send the EMC and the Secretary to the EMC dinner on May 8th. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler asked about the letter from S.A.V.E. The Secretary explained that they had a grant to review ordinances from the municipalities affected by the pipeline to make suggestions for safety and best practices. Mrs. Dignazio was in the audience and encouraged the Supervisors to have the conversation because as a resident she felt it was important and worth talking about. Mr. Kepler moved to set-up a meeting with the gentleman in charge to see what they have to say. Mr. Cheek seconded the motion. MOTION CARRIED.

BUILDING INSPECTOR

Mr. Scott Moran reported that he had two plan reviews, fifteen regular inspections, and one consultation for the month of March. Mr. Kepler moved to approve the Building Inspector’s Report. Mr. Cheek seconded the motion. MOTION CARRIED.

CODES ENFORCEMENT OFFICER

Mrs. Kinney read the Building Permits & Zoning Violations Reports for March. She issued two building permits. She attended the County-Wide PA Act 167 Stormwater Management Plan Phase I Seminar with Ron Kepler.

Mrs. Kinney said that a cease and desist order had been sent to 365 Elkdale Rd. for building a deck without a permit. She received a new violation complaint regarding Hyponex. Mrs. Kinney said that several residents had contacted her and Rep. Houghton’s office regarding the road conditions in front of Scotts Hyponex. Mr. Doug White was in the audience and stated that he drives on Baltimore Pike to Oxford from Kennett often and it is an abomination; no one is over seeing Hyponex and it is unacceptable. The road conditions when it rains are unbelievable. Mr. White said that he spoke with the conservation district and they told him that Hyponex has a special permit from the state to do what they are doing. He feels that the truck tires should be washed somehow before entering onto the road. After some discussion, Mr. Kepler said

he would make this issue a top priority and would set-up a meeting with PENNDOT and Hyponex and possibly Houghton's office.

Mrs. Kinney noted that she did several reports, including the Chester County Tax Assessment, McGraw Hill Construction, and US Census Bureau monthly reports; as well as the PA UCC Quarterly report.

Subdivisions & Land Development Plans – Mrs. Kinney told the Board that she received an extension from Linda Creighton for an additional 120 days.

The Frost Development on Evans Court has not completed the roadway. Mrs. Kinney said that the Township Engineer would contact Mr. Frost to follow up on that issue.

Mr. Kepler moved to approve the Codes Enforcement Officer's reports. Mr. Cheek seconded the motion. MOTION CARRIED.

ENGINEER

The Secretary read the Engineer's report for March. Mr. Cheek moved to approve the Engineer's report. Mr. Kepler seconded the motion. MOTION CARRIED.

REGIONAL ACT 537 PLAN

Mr. Bob Yeatman gave his report for the month of March. He said that Steve Gabriel of RETTEW got a call from Kelley Sweeney saying they reviewed and approved the TAR's. Mr. Yeatman said they are moving along and almost completed with the 537 Plan. The expansion committee will get the text portion of the plan and make recommendations next Wednesday night. Once approved, it will be sent to the municipalities for review. The first week of May it will get out to the agencies. They will have 30 or 60 days to act on it. By the first week of July all comments should be back. The final draft should be ready in August for each municipality to approve and then DEP has 120 days to review it.

Mr. Cheek asked the status of the USDA loan. Mr. Yeatman said that everything was submitted and they expect a letter of conditions any time now, which is basically the same thing as an approval letter. He explained that they had interim financing arranged and they want to get started on the lagoon once they have the letter of conditions. They already have the PA H2O grant to get started. When the lagoon is done they will start on the new treatment plant which will probably be the end of 2012. They won't get any of the USDA money until everything is done. The USDA must approve the plans and every invoice.

Mr. Kepler said that in reviewing the OASA audit report it appears they lost money over the past two years. He asked if Mr. Yeatman knew where the money went and why. Mr. Yeatman explained that they didn't actually lose money. He said it was depreciation, not cash expense; they used a little bit of the reserves to get through the year. They still have money in the reserve. Mr. Yeatman said they are going to have to raise the rates this year. The cost of operations is going up every year and they don't have any new rate payers. He said it's not good public relations to raise the rates. Mr. Kepler asked if it was good business to be using the reserves and asked for an explanation on the depreciation. Mr. Yeatman said that depreciation is money set aside and when you spend it there is nothing to replace equipment with when it's old.

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

ROADMASTER

The Secretary read the Roadmaster's Report for March. Mr. Kepler moved to approve the Roadmaster's Report. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to adopt Resolution 2010-15 designating Reedville Road between Baltimore Pike and the East Nottingham Township line for a distance of 2,900 feet as the 2010 road project to be done with State Liquid Fuels money. Mr. Cheek seconded the motion. MOTION CARRIED.

REGIONAL RECREATIONAL AUTHORITY

Mr. Hershey said that construction is still in process. They had representatives from Little League at their last meeting. They discussed who is going to care for the park when it is finished. Mr. Cheek moved to accept the OARA report. Mr. Kepler seconded the motion. MOTION CARRIED.

HISTORICAL COMMISSION

Mr. Hershey noted that he attended the historic walk in Lincoln and it was very nice.

Mrs. Teri Dignazio reported that they had 66 people attend, some from as far away as Bucks County. She said that Lincoln University Staff and Students did a nice job with the campus part of the walk. There was a pot-luck feast at the end of the tour in the Lincoln Community Center. Karen Marshall from the County is supposed to be putting this walk on the Walks of Chester County in 2011. Mr. Kepler moved to approve the Historic Commission report. Mr. Cheek seconded the motion. MOTION CARRIED.

OLD BUSINESS

Open Space Preservation – Mr. Kepler moved to sign and approve the Ag Easement Agreement for David & Ruth King for 77.830 acres in the amount of \$273,183.30 plus closing costs. Mr. Cheek seconded the motion. MOTION CARRIED.

Comprehensive Plan – Mr. Joel Brown reported that in March they reviewed the draft version of the economic development portion and voted on it. The plan is mostly done. At the next meeting April 28th, they will go over the land use map. Mr. Cheek moved to approve the Comprehensive Plan report. Mr. Kepler second. MOTION CARRIED.

Lincoln Village Sewer – Ms. Kathy Smith was in the audience from Rep. Houghton's office and reported that the money they thought they were going to get is no longer available. They are still looking for private foundations to give grants but don't have any promises yet. There are some residents that qualify for the USDA grant amount of \$7,200.00.

NEW BUSINESS

Creditech, Inc. Agreement – Mr. Kepler moved to adopt Resolution 2010-14 to assign Creditech, Inc. to collect the delinquent fire hydrant taxes. Mr. Cheek seconded the motion. MOTION CARRIED.

CPA to do Audit – Mr. Kepler moved to authorize the Secretary to get proposals from CPA firms to do the audits beginning with 2010. Mr. Cheek seconded the motion. MOTION CARRIED.

Road Project Bids – Mr. Kepler moved to advertise the bids for the 2010 Road Project to be opened on May 12th at 8:00 p.m. during the regular Supervisor's meeting. Mr. Cheek seconded the motion. MOTION CARRIED.

OTHER BUSINESS

None.

PUBLIC COMMENTS

Mrs. Teri Dignazio – Asked the status of the produce auction. Questioned whether or not the Township has a burn ordinance and commented on the six truckloads that Mr. McDowell supposedly burned.

Mr. Cheek moved to adjourn the meeting at 8:50 p.m. and thanked everyone for attending. 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