

# Lower Oxford Township

## Board of Supervisors Meeting Minutes

### July 14, 2010

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, July 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 twelve 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 special moment of silence for two previous supervisors that recently passed away: Ervin Lewis and Ken Knapp.

#### **PUBLIC COMMENT CONCERNING ITEMS ON THE AGENDA**

Mrs. Jane Smeltzer – Asked to be allowed to question when it came time for Bob Yeatman's report on the Act 537 plan.

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

Lt. Tracy Brown, PA State Police – Lt. Brown introduced himself and Trooper Long from the Avondale Barracks of the PA State Police. Lt. Brown is the new Station Commander and wanted to let the community know his goals and objectives. He said that the State Police are here to serve and work with the Township as a partnership. He felt an open communication is important. The goal is to have a Corporal or Sergeant attend every municipalities meeting at least two times a year. Lt. Brown explained that they need to know how they are doing and presented the Board with some compliment/complaint cards to have available to the public. Lt. Brown said that there has been an increase in theft from motor vehicles in the area as well as identity theft. He urged everyone to keep their vehicles locked and not to leave any articles in the vehicle that may attract a thief. There are 74 officers stationed in Avondale, including 6 civilians. Lt. Brown said he should have 79 to be fully staffed and asked everyone to write to the legislators and let them know we need a cadet academy.

#### **APPROVAL OF THE MINUTES**

Mr. Cheek moved to approve the minutes for the regular meeting on June 9<sup>th</sup>. Mr. Kepler seconded the motion. MOTION CARRIED.

#### **TREASURER'S REPORTS**

**Presentation of Bills** – Mr. Cheek moved to approve and pay the bills: totaling \$48,247.45 for General Fund, \$4,803.48 for Open Space Revenue Fund, and \$125,061.92 for the Open Space Purchase Fund; which includes the Township's share of the Ag Easement for Nicholas & Karin Roosevelt in the amount of \$121,615.02 for 32.958 acres, and \$3,446.90 for the Township's share of the incidental costs of settlement for The Roosevelt's. Mr. Kepler seconded the motion. MOTION CARRIED.

**Fiduciary Refunds** – Mr. Kepler moved to transfer \$1,851.74 from the four listed escrow sub-accounts to the Master Escrow account to reimburse for engineering & legal fees. Mr. Cheek seconded the motion. MOTION CARRIED.

## CORRESPONDENCE

- ✓ Union Fire Company No. 1 incident listings for June.
- ✓ Union Fire Co. No. 1 Municipal Fund Financial Statements for the years ending December 31, 2009 and 2008.
- ✓ PA State Police statistics report for June.
- ✓ Letter from PSATS regarding the new law Act 44 and the impending effects on our pension plan.
- ✓ PSATS news bulletin for June.
- ✓ Letter from the Chester Tax Collection Committee announcing their annual meeting on September 9<sup>th</sup> at 7:00 p.m. in Downingtown.
- ✓ Memo from PSATS regarding the PSATS Youth Award Contest.
- ✓ Minutes from the Oxford Area Recreation Authority meeting of May 13<sup>th</sup>.
- ✓ Earned Income Tax Audits from H. A. Berkheimer, Inc. for 2009.
- ✓ Letter from Kathy Smith of Rep. Tom Houghton's office offering assistance for the Oxford Area Planning Commission.

**Comments:** Mr. Cheek moved to accept the correspondence. Mr. Kepler seconded the motion. MOTION CARRIED.

## BUILDING INSPECTOR

Mr. Scott Moran reported that he had two plan reviews, twenty-three regular inspections, and one sewer inspection for the month of June. 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 June. She issued seven building permits and one certificate of occupancy. Mrs. Kinney said there were no new zoning violations, but 365 Elkdale Road was still pending – they started to build a deck with no permit.

**Subdivisions & Land Development Plans** – Mr. Kepler moved to approve a non-building waiver for the Kenneth Hershey subdivision. Mr. Cheek seconded the motion. MOTION CARRIED. Mr. Hershey abstained.

Mr. Cheek moved to approve a non-building waiver for the Charles Davis Wilson subdivision. Mr. Kepler seconded the motion. MOTION CARRIED.

Mr. Kepler moved to adopt Resolution 2010-22 for a 180 day extension for the Jones & Losito Final Plans. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Cheek moved to adopt Resolution 2010-23 for a 6 month extension to the Hearthstone final plans. Mr. Kepler seconded the motion. MOTION CARRIED.

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

## ENGINEER

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

## REGIONAL ACT 537 PLAN

Mr. Bob Yeatman gave his report for the month of June. He said that the public comment period started June 21<sup>st</sup>. The comments will be addressed by the OASA and the municipalities. Then if all goes well, the Board of Supervisors will need to adopt a Resolution at the August meetings for approval of the Act 537 plan. Mr. Kepler asked about the status of the USDA loan. Mr. Yeatman said there was no word yet. Mrs. Jane Smeltzer asked if the full copy of the Act 537 Plan was available at the library and the Townships or online. It was her understanding that only a partial version was available online. Mr. Yeatman said that the full version is now online and should match what the Township's have. 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 June. Mr. Kepler moved to approve the Roadmaster's Report. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler explained that he and the Secretary met with Mr. Bob Colston from FEMA regarding the Snow Assistance. Mr. Colston compiled a report to submit a formal request for reimbursement from FEMA for the 2010 Winter Storm. Mr. Kepler moved to approve and authorize the Secretary to sign the FEMA report for snow assistance request. Mr. Cheek seconded the motion. MOTION CARRIED.

### REGIONAL RECREATIONAL AUTHORITY

Mr. Tony derKinderen gave the report for June. He said the Board discussed moving the pavilion but concluded there was not a better location, so it will be built between the baseball and soccer fields. The OARA is now on Facebook. They are in the process of getting prices on fencing. The Audit is still in process and may be completed by the end of July. The Board discussed the reimbursement to Lower Oxford Township for the stone in purchased for the driveway. They decided to have Lower Oxford deduct the total cost of the stone from their annual fee. Mr. Cheek moved to approve Mr. derKinderen's report. Mr. Kepler seconded the motion. MOTION CARRIED.

### HISTORICAL COMMISSION

Mr. Jay Eaton reported that he is in the process of getting volunteers to take photos of the historic building in the Township beginning this fall. Mr. Kepler moved to approve the report. Mr. Cheek seconded the motion. MOTION CARRIED.

### OLD BUSINESS

**Open Space Preservation** – The Secretary said that the Roosevelt settlement would be July 26, 27, or 28. Mr. Kepler moved to authorize the Secretary and a Supervisor to attend the settlement in West Chester.

The Township's share of the Ag Easement will be \$125,061.92 for 32.958 acres. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to approve and sign the Wilson Ag Easement Agreement for 182.281 acres for the Township of \$721,832.80 plus incidental costs. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Ken Cullen accepted his offer of \$6,930 per acre for 26.3 acres. A spring 2011 settlement is expected. Mr. Kepler moved to have the Secretary sign the letter of obligation for Mr. Cullen. Mr. Cheek seconded the motion. MOTION CARRIED.

**Comprehensive Plan** – Mr. Joel Brown reported that there was not a meeting in June. They will meet on July 28<sup>th</sup> and begin the final review of the first few chapters. Mr. Cheek moved to approve the Comp Plan report. Mr. Kepler seconded the motion. MOTION CARRIED.

**Lincoln Village Sewer** – Mr. Hershey said that a total of eleven permits were issued and nine have hooked up, including the Township's Community Building in Lincoln.

**NEW BUSINESS**

**PennDOT Winter Traffic Services Agreement** – The 2010-2011 winter services agreement is \$23,076.32 for 14.66 miles of road. Mr. Cheek moved to approve and sign the agreement. Mr. Kepler seconded the motion. MOTION CARRIED.

Mr. Hershey explained that PSATS recommended the Township to adopt a resolution opposing current proposed legislation that would do away with or consolidate local municipalities. Mr. Kepler moved to adopt Resolution 2010-24 in Opposition to Forced Local Government Mergers and Consolidation. Mr. Cheek seconded the motion. MOTION CARRIED.

**Certification of Matching Funds** - The Chester County Challenge Grant Program 2010 requested matching funds certification. Mr. Kepler explained that the Township has already committed to an additional \$1 million for the Wilson, King, and Cullen farms this year. After all of those, we will come up a bit short. The Supervisors agreed that they should take a year off to regroup. There was some discussion. The Supervisors want to remain positive and continue working with the County to preserve land. The two bonds that the Township borrowed will be depleted. The Earned Income Taxes for Open Space are down a little. Mr. Kepler moved to match funds of \$0.00 for the 2010 Challenge Grant Year; however, if something comes up, they will do their best to work with the farm owner and the County. Mr. Cheek seconded the motion. MOTION CARRIED.

**OASA** – Mr. Kepler moved to instruct the Township’s Sewer Authority members to work diligently to come up with an agreement with the Martin/Beiler spray fields. Mr. Cheek seconded the motion. MOTION CARRIED.

**Brandywine Conservancy – Amendment to the Sapp Easement** – Mr. Kepler moved to sign the Amendment to the Sapp Ag Conservation Easement for Dr. Hawkins’ location of his house. Mr. Cheek seconded the motion. MOTION CARRIED.

**OTHER BUSINESS**

**Lincoln Building** – Mr. Kepler explained that the heater needs replaced in the Lincoln Building. Alger gave an estimate of \$3,260.00. Mr. Kepler moved to approve the installation of a new heater in the Lincoln Building by Alger Oil. Mr. Cheek seconded the motion. MOTION CARRIED.

**PP&L Power lines** – Mr. Hershey noted that he read in the paper that PP&L is looking into charging farmers rent for the land under the power lines which they purchased a right-of-way from. Mr. Hershey felt that if the electric company wants to charge the farmers rent and they farmer doesn’t pay the rent, then the power company will have to mow the weeds under the power lines.

**PUBLIC COMMENTS**

None.

Mr. Kepler moved to adjourn the meeting at 8:20 p.m. and thanked everyone for attending. 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