

ORDINANCE NO. 2009-2

AN ORDINANCE ESTABLISHING THE LOWER OXFORD TOWNSHIP HISTORICAL COMMISSION

Be it ordained by and on behalf of the Board of Supervisors of Lower Oxford Township, Chester County as follows:

§101. Purpose. In order to recognize the significance of locating, naming and preserving historical resources within the boundaries of Lower Oxford Township, for the enjoyment, education and inspiration of the people, including future generations, this ordinance creates an Historical Commission.

§102. Establishment. Lower Oxford Township, by and through its Board of Supervisors, hereby establishes the Lower Oxford Township Historical Commission which shall be governed by the regulations and duties hereinafter set forth. The Historical Commission shall fully cooperate with the Board of Supervisors and the Township officials in all matters.

§103. Duties of Historical Commission. The Historical Commission shall serve as an advisory and information gathering body for the purpose of identifying, collecting and preserving the historical resources in the Township. The specific duties and limitation of duties of the Commission are listed below and in §106. Financial Operations. The Commission shall:

1. Identify significant architectural and natural sites, which reflect the history of the Township. Research the history of the Township from the native Americans to the present day, including all cultural, agricultural, business, educational and religious endeavors.

2. Notify owners in writing of identified significant sites and request permission to gather historical information about the site, after giving written notice to the Board of Supervisors.

3. Collect significant data, including but not limited to, maps, pictures, written records, of identified sites. Prepare written documentation recording the history of the Township.

4. Preserve and file all collected data for current and future research use by the Township residents.

5. Create and maintain an awareness, of the Township history, for Township residents. Propose for approval by the Board of Supervisors, a system to mark historic sites, including purchase, installation and care of markers as well as associated costs thereof.

6. Act as an advisory resource for owners of historic sites who are involved in the preservation and/or restoration of their sites. This includes the following items:

A. Advise owners regarding availability and application for technical and financial assistance from all appropriate local, county, state, federal and other agencies for the purpose of preservation and/or restoration.

B. Advise owners regarding nomination to the National Register of Historic Places in accordance with the provisions of the Federal National Historical Preservation Act of 1996 as amended.

7. Cooperate with and enlist the assistance from the National Park Service, the National Historic Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission and other local, county, state and national historical societies, conservancies and other agencies, public and private concerned with historical and/or architectural preservation.

8. Advise the Board of Supervisors of contemplated activities and actions through reports, meeting minutes, and other documentation, which may be requested by the Board of Supervisors.

9. At the request of the Board of Supervisors, prepare reports or presentations, which address matters of interest to the Township.

§104. Limit of Duties. The Historical Commission does not have the authority to act in any matter on behalf of the Township or any property owner, unless specifically authorized in writing by the Board of Supervisors and when applicable, the property owner.

1. The Historical Commission shall not undertake any review or activities with respect to any property unless the owner of the site gives permission in writing. If the property changes owners, the new owner must give written permission before the Historical Commission's activities related to the property may continue.

2. An owner of an identified historic site shall determine what, how and when to preserve, restore or adaptively reuse the property or building(s). If, upon seeking advice from the Historical Commission, the owner of the site decides that the historic review process shall not continue, then the Historical Commission shall stop all activities related to that property. The owner shall send written notice of this decision to both the Historical Commission and the Board of Supervisors.

§105. Members, Terms of Office and Organization. The Historical Commission shall consist of five (5) members, all of whom shall be residents of the Township.

1. The members shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors, unless removed by the Board of Supervisors.

2. Each member shall serve a term of office for three (3) years, except for the initial term which shall be as follows: two (2) members appointed for one (1) year, two (2) members appointed for two (2) years, and one (1) member appointed for three (3) years.

A. The Commission shall elect annually a Chairperson, Vice-Chairperson, Secretary, and Treasurer. One person may fill the Secretary and Treasury positions.

3. Each member shall serve without compensation but members may be reimbursed for expenses in accordance with the procedures contained in §106. Financial Operations below.

4. A vacancy on the Commission shall be filled by a Township resident appointed by the Board of Supervisors for the unexpired term. The Commission may make non-binding recommendations for appointees to the Board of Supervisors for vacancies, as well as unfulfilled or full terms.

5. The Historical Commission shall have the right to establish non-commission committees as necessary to carry out their responsibilities. Members of committees may be non-residents of the Township or residents of the Township who are not Historical Commission members. Committee members may be chosen for their expertise in a specific field. A member of the Historical Commission shall chair each committee. Said Committee appointments must be submitted for approval to the Board of Supervisors prior to establishment.

6. The Historical Commission shall hold publicly advertised meetings on a monthly or other recurrent basis, as approved by the Board of Supervisors. The purpose of the meetings is to conduct the business of the Commission. The Historical Commission shall adopt rules and regulations for the conduct of its business, which shall be submitted to the Board of Supervisors.

7. The Historical Commission, may, with the consent of the Board of Supervisors, utilize any personnel or other assistance made available from the County, the Commonwealth of Pennsylvania or the Federal Government, or any of their agencies, or from any other private or public sources. The Board of Supervisors may enter into agreements or contracts regarding the acceptance or utilization of such personnel or other assistance as may be available, but is not required to do so.

§106. Financial Operations. Funding for Historical Commission activities may come from the Township or other outside sources.

1. The Historical Commission shall annually submit a plan of activities and a proposed budget to the Board of Supervisors during the regular Township budget process.

A. Funds for the expenses to be incurred by the Historical Commission shall, at the sole discretion of the Board of Supervisors, be appropriated by the Board of Supervisors. Due to the advisory nature of the Historical Commission, the Township has no obligation to provide any substantial financial funds to it.

B. The Historical Commission may expend monies for such administrative, clerical, printing and legal services as may from time to time be required, but its expenditure shall be limited to the amount of funds appropriated to it by the Board of Supervisors or otherwise obtained from other sources as provided in this §106. Financial Operations. All expenditures of the Historical Commission shall be subject to the approval of the Board of Supervisors, prior to being expended including any amount budgeted by the Board of Supervisors for the Commission.

(1) Any fees for legal or other professional services, which shall be proposed or actually incurred and which directly benefit a specific owner or owners of historical site(s), shall be paid with non-Township funds or by reimbursement from the owner(s). Prior to incurring the expense, the Historical Commission shall procure a written estimate of proposed fees; make this estimate available to the historical site owner(s); shall advise the owner(s) of the current year reimbursement percentage figure available from non-Township funds; and shall request and receive the owner's written agreement to pay the unreimbursed costs and the owner's written permission to proceed with the service(s).

The Historical Commission shall advise the Board of Supervisors, as part of the annual budget process, the percentage of professional fees which directly benefit a specific owner or owners of historical site(s), shall be reimbursed by non-Township funds for the upcoming fiscal year. This reimbursement percentage figure, used to calculate the reimbursement amount from non-Township funds, shall be used for each such historical site project investigated during the fiscal year. This reimbursement percentage figure shall not change during the fiscal year, unless authorized by the Board of Supervisors.

(2) A list of proposed expenses, including individual member expenses, shall be included as part of the annual budget process. The expense list shall include, but is not limited to automobile mileage, other transportation expense, postage, copying and reproduction, office supplies, equipment and furniture, membership fees, subscriptions, legal and professional fees. As part of the budget approval process, the Board of Supervisors shall designate what, if any, portions of the proposed Historical Commission budget the Township will fund.

C. Members may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties and in the conduct of Historical Commission business. No reimbursement shall occur unless the specific itemized expense was approved by the Board of Supervisors prior to its being incurred. Reimbursement shall only occur when authorized by the Chairman of the Historical Commission and approved by the Board of Supervisors.

2. The Historical Commission may, with the consent of the Board of Supervisors, utilize any funds made available from the County, the Commonwealth of Pennsylvania or the Federal Government, or any of their agencies, or from any other private or public sources.

3. Accounting for the receipt of any funds and for the expenditure thereof shall be pursuant to such regulations as the Board of Supervisors may adopt.

4. Unless specifically authorized by the Board of Supervisors, the Historical Commission shall not establish any separate bank or other account for the deposit or accumulation of funds.

5. The Board of Supervisors may enter into agreements or contracts regarding the acceptance or utilization of such funds as may be available.

This Historical Commission Ordinance shall become effective ten (10) days from enactment and upon appointment of at least three (3) members to the Historical Commission by the Board of Supervisors.

ENACTED AND ORDAINED this 9th day of September, 2009 by and on behalf of the Board of Supervisors of Lower Oxford Township.

Attest:

LOWER OXFORD TOWNSHIP

Sara B. Laganelli
Sara Laganelli, Secretary

Kenneth L. Hershey
Kenneth L. Hershey

W. Ronald Kepler
W. Ronald Kepler

Absent
W. Ralph Cheek