

Lower Oxford Township

Board of Supervisors Meeting Minutes

June 9, 2010

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, June 9, 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, Roadmaster Steve Price, Secretary/Treasurer Sara Laganelli, and nine guests.

CALL TO ORDER

Chairman Kenneth L. Hershey called the meeting to order at 7:02 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

Mrs. Jane Cannoy said that the Board of Auditors has concluded the annual audit of the Township's financial records for the year 2009. They filed the report with the State online. Mrs. Cannoy thanked the Treasurer for her assistance in completing their responsibility.

APPROVAL OF THE MINUTES

Mr. Cheek moved to approve the minutes for the regular meeting on May 12th. Mr. Kepler seconded the motion. MOTION CARRIED.

TREASURER'S REPORTS

Presentation of Bills – Mr. Cheek moved to approve and pay the bills: totaling \$89,099.96 for General Fund, \$38,362.88 for State Fund, \$41,911.18 for Open Space Revenue Fund, and \$83,394.84 for the Open Space Purchase Fund; which includes the Township's share of the Ag Easement for Aaron Beiler in the amount of \$80,908.02 for 19.543 acres, and \$2,486.82 for the Township's share of the incidental costs of settlement for Aaron Beiler. Mr. Kepler seconded the motion. MOTION CARRIED. The Secretary noted that the Aaron Beiler settlement is set for June 18th at 10:00 a.m. in West Chester.

Fiduciary Refunds – Mr. Cheek moved to transfer \$287.70 from the two listed escrow sub-accounts to the Master Escrow account to reimburse for engineering fees. Mr. Kepler seconded the motion. MOTION CARRIED.

CORRESPONDENCE

- ✓ Union Fire Company No. 1 incident listings for May.
- ✓ PSATS newsletter regarding House Bill 2431 that would make community-based local government, as we know it, unconstitutional.
- ✓ PSATS news bulletin for May 2010.
- ✓ Listing of the 2010 PSATS Resolutions adopted at the convention.
- ✓ The 2009 Annual Report of the Chester Water Authority.
- ✓ DVRPC news Spring edition and 2011 Draft Transportation Improvement Program.
- ✓ Minutes from the April 8th OARA meeting.

- ✓ Fax from PLGIT regarding the CD purchase program.
- ✓ Inspection report for Reedville Bridge over Big Elk Creek from McCormick Taylor.
- ✓ Announcement from PEMA & FEMA that the deadline to file for public assistance for the February snowstorms has been extended until June 18th.
- ✓ The May 2010 edition of the Chester County Historic Preservation Network's newsletter.
- ✓ PennDOT's "Moving Forward" quarterly review of news and information.
- ✓ The 2009 Annual Report for the YMCA of the Brandywine Valley.
- ✓ Letter from Senator Pileggi regarding the Kid's Fun Fair that was held June 5th at Lincoln University.
- ✓ Notice from PECO that Asplundh will be performing routine tree trimming in our area.
- ✓ PA State Police statistic report for May.
- ✓ Letter from PennDOT regarding resurfacing projects in our Township.

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

BUILDING INSPECTOR

Mr. Scott Moran reported that he had three plan reviews and twenty-six regular inspections for the month of May. Mr. Cheek moved to approve the Building Inspector's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

CODES ENFORCEMENT OFFICER

Oxford Commons - Mr. Bill Dion was representing Wolfson-Verrichia Group for the Oxford Commons project, which he explained they were seeking final approval. He hoped to have the plans signed and to the Township early next week. He said they hoped to go to settlement in July and begin moving dirt on the site in August.

Mr. Kepler moved to remove the condition contained in Resolution No. 8-2008 which required that the Applicant grant an easement to Lower Oxford Township for the construction of a water line, said water line and easement no longer being relevant since the condition for 2008 was based upon a potential Water Agreement with the Borough of Oxford which is no longer applicable to the water supply which shall come from Chester Water Authority. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to adopt Resolution 2010-19 approving the Final Land Development Plan and 2 Lot Subdivision Plan submitted for Oxford Commons LP for a 93 acre parcel for purposes of a commercial shopping center along Route 10 in Lower Oxford Township, contingent upon the applicant/developer obtaining satisfactory financial security as approved by the Township. Mr. Cheek seconded the motion. MOTION CARRIED.

Mrs. Kinney read the Building Permits & Zoning Violations Reports for May. She issued five building permits. Mrs. Kinney said that III Crowl Toot and 1705 Baltimore Pike are ongoing weed violators. The owners of 132 Pheasant Run Road were sent a letter regarding the swale along the road right-of-way which was filled in. Mrs. Kinney sent a certified letter to 365 Elkdale Road regarding the fees and penalties involved with the cease and desist notice they were given for the deck they were constructing without a permit.

Mrs. Kinney explained that the McDowell's at 128 Roneys Corner Road have made progress but still have some work to do. They are asking that the Township not fine them. Mrs. Kinney said that she will continue to do periodic checks on the property. Mr. Hershey said that the Mc Dowell's have done a great job with a lot of hard work. Mr. Cheek agreed and added that he likes their kids. Mr. Kepler moved to have the Board of Supervisors of Lower Oxford Township refrain from filing an action at the Magisterial District Justice seeking a fine for property owned by the McDowell's at 128 Roneys Corner Road, Oxford, Chester County, Pennsylvania, so long as the following areas still not completed under the Zoning Enforcement Notice are completed no later than July 13, 2010. And, further, that the Board of Supervisors affirms that the action at the last meeting indicated that they did not believe that they have authority to extend any appeal period and, in fact, no appeal period was extended. The only extension of time is the refraining from filing an action to seek a fine. Following is the list:

The vinyl siding that is stacked up needs to be placed inside a shed or removed from property; The remaining piles of aluminum and iron should be removed; Mow or spray weeds around barn to be in compliance with weed ordinance; Only one unlicensed and/or unregistered vehicle per property according to Township ordinance. Mr. Cheek seconded the motion. MOTION CARRIED.

Subdivisions & Land Development Plans – Mr. Kepler moved to waive the escrow agreement for the Lincoln University Athletic Fields LDP; stating that PA-DGS will have an inspector on the job. Mr. Cheek seconded the motion. MOTION CARRIED. Mr. Kepler moved to approve the final plans for the Lincoln University Athletic Fields LDP. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Cheek moved to adopt Resolution 2010-20 for a ninety (90) day extension for the Ballymeade Final Plans. Mr. Kepler seconded the motion. MOTION CARRIED.

Mr. Cheek moved to adopt Resolution 2010-21 for the Elmer Beiler SFPM. Mr. Kepler seconded the motion. MOTION CARRIED.

Mrs. Kinney gave an update on the Frost Development/Evans Court, stating that there was a meeting and Mr. Steve Frost agreed to get the PennDOT permit changed to his name and to do the work as PennDOT recommended to pave the road with a topcoat.

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 April and May. Mr. Kepler moved to approve the Engineer's reports. Mr. Cheek seconded the motion. MOTION CARRIED.

REGIONAL ACT 537 PLAN

Mr. Bob Yeatman gave his report for the month of May. He said that the Draft copy of the Act 537 plan was delivered to the workgroup members. The next step is for it to go to the Planning Commission meetings over this next month. It will be presented before the next OASA meeting. There was a notice in the paper today. The public will have five opportunities to hear an overview of the plan. The schedule is to have the final plan submitted to DEP mid-August.

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

ROADMASTER

Mr. Steve Price read the Roadmaster's Report for May. Mr. Cheek moved to approve the Roadmaster's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

REGIONAL RECREATIONAL AUTHORITY

Mr. Hershey gave the report for May. He said the baseball field is graded. They need a fence to secure the area. Completion of the project is expected in September. The Township's agreed to purchase the stone to put in the driveways. Mr. Hershey expects the project to end under budget. Mr. Kepler moved to approve the Rec. report. Mr. Cheek seconded the motion. MOTION CARRIED.

HISTORICAL COMMISSION

Mr. Jay Eaton reported that the town walk in Lincoln University in April was the first attempt and with the grassroots project came positive feedback. He has put together a slide show presentation of the walk. The next step is to incorporate the Lincoln University walk in the Chester County Town Tours program. Lincoln University has been deemed eligible for the National Historic Registry and Harrisburg is pursuing Lincoln Village to be added as well. Mr. Kepler moved to approve the report. Mr. Cheek seconded the motion. MOTION CARRIED.

OLD BUSINESS

Open Space Preservation – Mr. Cheek moved that the Secretary and Mr. Kepler attend the settlement for Aaron Beiler’s Ag Easement on June 18th at 10:00a.m. in West Chester. The Township’s share of the Ag Easement will be \$83,394.84 for 19.543 acres. Mr. Kepler seconded the motion. MOTION CARRIED.

Mr. Hershey noted that Kenneth Cullen received an offer letter of \$6,930.00 per acre for a total of 26 acres in Lower Oxford Township. Mr. Cullen also has 8 acres in Upper Oxford.

Comprehensive Plan – Mr. Joel Brown reported that they met the fourth Wednesday of May. They continued to discuss the land use map description of categories on the map. The Chester County Planning Commission staff revised various chapters of the Comp Plan which will be online. Mr. Kepler moved to approve the Comp Plan report. Mr. Cheek seconded the motion. MOTION CARRIED.

Lincoln Village Sewer – Mr. Kepler said that Dennis Miller hooked-up two houses on one lateral and has yet to acknowledge that he owes the Township two tapping fees. Mr. Kepler moved to send Mr. Miller a certified letter giving him fifteen (15) days to acknowledge the second dwelling or it will be disconnected. Mr. Hershey seconded the motion. MOTION CARRIED.

Mr. Kepler noted that he did a PA One call and the Township will hook-up the Lincoln Community Center Building to the public sewer next week.

NEW BUSINESS

Ag Security Applications – Mr. Hershey noted that the Township received Ag Security Applications from Anthony & Karen Mangus; Craig & Crystal Martin; and Elmer & Annie Beiler. After 180 days, the applications will automatically be approved.

OTHER BUSINESS

Detour – Mr. Kepler noted that PennDot is planning to work on the Route 472 Bridge over the Octoraro Lake. There will be detours in our Township.

PUBLIC COMMENTS

None.

Mr. Kepler moved to adjourn the meeting at 8:05 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