

**UPPER OXFORD TOWNSHIP
FEBRUARY 9, 2009**

The Upper Oxford Township Board of Supervisors held their regular monthly meeting at the township building, 1185 Limestone Road, Russellville, PA on Monday, February 9, 2009 at 7:00 P.M.

PRESENT: Betsy E. Huber
 Scott A. Rugen
 Charles Fleischmann

 Jane Daggett, Secretary
 William Beers, Zoning Officer
 Tom Guhl, Road Master
 Frances Reyburn, Historic Commission

OTHERS: Edward Hook Robert Hook
 Joe Sexton Gary Calibey
 Bill Rawle Ed Jefferis
 Sam Reyburn Spence Andress
 Fran and Frannie Sharon Chris Coburn
 Rick Rettig Wayne Megill
 Tom and Bernice Sheerin Harold Bryson
 Eugene and Joan Gagliardi

After the Salute to the Flag, Scott Rugen led in prayer.

PUBLIC COMMENTS – At this time, public comments were asked for from the audience. Mr. Gagliardi requested that the Supervisors speak up so that the audience could hear. There were no other comments.

MINUTES – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve the January 5, 2009 Regular Minutes and the January 26, 2009 Work Session Minutes.

Huber – Yea Rugen – Yea Fleischmann - Yea

KINGS MILL II – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to grant and accept an extension for the Kings Mill II Final 37- Lot Subdivision on Newark Road until September 14, 2009.

Huber – Yea Rugen – Yea Fleischmann – Yea

SHER ROCKEE – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to grant and accept an extension for the Sherrockee Land Development Plan on Pusey Mill Road until November 15, 2009.

Huber – Yea Rugen – Yea Fleischmann – Yea

RICK RETTIG – 2 Lot Final Subdivision Plan on Homeville Road (30 acre parcel). All outstanding issues on the engineers and county letters have been satisfied. Motion was made by Scott Rugen, seconded by Betsy Huber and carried to waive the tree requirement of 6” or greater on the 2 Lot Final Subdivision Plan of Rick Rettig.

Huber – Yea Rugen – Yea Fleischmann – Abstained

Motion was made by Scott Rugen, seconded by Betsy Huber and carried to approve the Rick Rettig 2 Lot Final Subdivision Plan on Homeville Road, Project No. 0637.

Huber – Yea

Rugen – Yea

Fleischmann – Abstained

BAINBRIDGE/WIGGINS – 16 Lot Final Subdivision Plan on Pusey Mill Road. This Final Subdivision Plan was approved by the Upper Oxford Township Planning Commission on August 6, 2007 and August 11, 2008 by Resolution #2008 – 7, by the Board of Supervisors with contingencies. The Planning Modules were approved by DEP on April 21, 2008.

Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve the Road and Improvement Construction Agreement Security by Irrevocable Letter of Credit dated February 9, 2009, among Bainbridge Homes, Inc., First Keystone Bank, Upper Oxford Township and Robert C. and Maryann Wiggins, subject to the final review and approval of the Township Solicitor, and the Township’s receipt of an Irrevocable Letter of Credit in the amount of \$689,725.05 satisfactory in form and substance to the Township Solicitor; and authorize the release of the final plans for recording upon the Township’s receipt of the approved and fully-executed Agreement and Letter of Credit and payment of any consultants fees due and owing the Township.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

PAUL SHIVERY – 2 Lot Subdivision on Homeville Road – This was a previous approved, signed and recorded subdivision. However, the Recorder of Deeds Office does not have a record of this. The Secretary was instructed to check the minutes of January 5, 1981 and contact the Solicitor in regard to Mr. Shivery’s request and what course of action the Township should take.

SHEERIN – The septic problem on the Sherrin property, Baltimore Pike was discussed. Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve the Declaration of Covenants Easements and Restrictions brought forward by Mr. and Mrs. Sheerin subject to conditions that prior to the sale of the small lot a lot line change must be submitted and approved and enforced by filing a restrictive covenant.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

AGRICULTURAL SECURITY ADDITION – More than 180 days have passed since David and Linda Allen submitted a proposal to add 14.1 acres to the present Ag Security District. Since no action was taken, the addition is automatically approved.

Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to adopt Resolution #2009 -3, authorizing the Secretary to file a description of this with the Recorder of Deeds.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

2008 UNPAID REAL ESTATE TAXES – These taxes were turned in to the Tax Claim Bureau by the township tax collector. The Supervisors reviewed the list.

EMERGENCY MANGEMENT COORDINATOR – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to adopt Resolution #2009 – 2, allowing Chuck Freese, the township EMC to serve as London Britain’s Emergency Management Coordinator.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

VOTER SERVICES – Permission was given by the Board for the Voter Services to use the township building on May 19, 2009 and November 3, 2009 for elections.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

ZONING – William Beers gave his report for the month. Resident, Robert Hook questioned whether Mr. Beers had a chance to check out his neighbor, Rich Caserta, property. Bill talked with Chester County Conservation District who is satisfied with the work Mr. Caserta did along with DEP approval. Bill informed Mr. Hook that landscaping is an agricultural permitted use within the township. Bill will contact the Solicitor to discuss this further. Bill also reported that he checked the driveway situation at Pennsgrove Road and will write a letter to the property owner about using only one driveway.

ROADS – Tom Guhl read his report for the month.

BUILDING INSPECTION – A report was received from John Coldiron reporting 3 inspections for the past month.

HISTORIC – Frances Reyburn reported that Karen Marshall will be at their next meeting to give her input on the historic ordinance which the Solicitor is working on. Chairman, Betsy Huber, suggested that the Supervisors bring topics to the next work session which they would like to be included in the next newsletter in cooperation with the Historic Commission.

PAYMENT OF BILLS – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve the payment of bills in the amount of \$627.79 from the Open Space Fund and \$33,720.75 from the General Fund.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

SOLDON ZONING HEARING – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to instruct the township solicitor, Tom Oeste to uphold the township zoning ordinance in the Soldon’s Zoning Hearing.

Huber – Yea

Rugen – Yea

Fleischmann – Yea

SPRING CONVENTION – Supervisors should inform the Secretary if they are interested in attending the spring convention.

COPY MACHINE – The Secretary was instructed to gather prices for new copiers.

OPEN RECORDS POLICY – Scott will forward a copy to the Secretary for her records.

CABLE CONTRACT – Scott will forward a letter to Armstrong requesting a copy of the present contract.

UNIVERSITY ROAD – Scott notified the State Police of the suspicious activities on the McKenna property. Charlie will also notify Mr. McKenna to inform him of the problem.

Mr. Eugene Gagliardi asked the supervisors if the township is aware of when a Seller of a property puts deed restrictions on the property. Supervisors informed Mr. Gagliardi that the township has no legal right to enforce deed restrictions.

AUDITOR – Betsy Huber informed that public that a former auditor, Hoopes Yarnall passed away this week and will be sadly missed.

ADJOURNMENT – There being no further business, motion was made by Charles Fleischmann, seconded by Scott Rugen to adjourn at 8:25 P.M.

Respectfully submitted,

Jane Daggett
Secretary