

**UPPER OXFORD TOWNSHIP
NOVEMBER 10, 2008**

The Upper Oxford Township Board of Supervisors held their regular monthly meeting at the township building, 1185 Limestone Road, Russellville, PA on Monday, November 10, 2008 at 7:00 P.M.

PRESENT: Charles Fleischmann
Scott A. Rugen
(absent – Betsy Huber)

Jane Daggett, Secretary
John Coldiron, Zoning/Bldg. Inspector
Tom Guhl, Road Master
Frances Reyburn, Historic Commission

OTHERS: Joan and Eugene Gagliardi Bob Sexton
Joe Sexton Gary Calibey
Charles Pitts Jim Gordon
Fran and Franny Sharon Rick Rettig
Bill Rawle Chuck Hammond
Michael Kavanagh Paul Kavanagh
Sam Reyburn Henry Herensperger
Valerie Racine Richard Ruoff

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

MINUTES – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve the October 13, 2008 regular minutes and the October 27, 2008 work session minutes.

Rugen – Yea Fleischmann – Yea

BIKE TOUR – Richard Ruoff was present to request permission to use the township park on June 13, 2009 for the starting and finishing point of a bike race which Mr. Ruoff is organizing. The cyclist will ride on township roads to Lower Oxford Township and Colerain Township and return to Upper Oxford Township Park. Signage will be provided, along with insurance and traffic directors. Supervisors were in agreement giving Mr. Ruoff permission for the race and encouraged him to work with Secretary and Road Master.

PUBLIC COMMENTS – At this time, public comments were asked for from the audience. Charles Pitts, owner of Finish Line Collision questioned the Supervisors on why the township attorney has not responded to the order that Finish Line filed at the Chester County Courthouse. Mr. Pitts also stated that last month Supervisor Huber stated that “Finish Line is waiting for a road permit before they can continue with their land development plan.” Mr. Pitts stated that he has a road permit, so will the Board now approve his land development plan? Supervisors Fleischmann informed Mr. Pitts that he will check with the township solicitor to see why the order has not been responded to.

Paul Kavanagh, resident of Webb Road and a representative of Mr. Kavanagh, Chuck Hammond, questioned the supervisors regarding the rezoning of the R-2 district, which is now one acre zoning. Mr. Kavanagh and Mr. Hammond both stated that the Board is de-valuing his property by changing the zoning to Ar-1 Agricultural. Everything above the Route 1 By-pass will be changed from R-2 to Ar-1 Agricultural. Mr. Kavanagh questioned “what is to be gained by this” and also thought that the Supervisors are being discriminating and taking away his rights. The Supervisors stated that the goal is to preserve prime agricultural soils throughout the county and each township has a comprehensive plan which should be consistent with the county. Supervisors suggested that Mr. Kavanagh try to get his property in the ag preserve or challenge grant program. Mr. Hammond stated that even if he did, the property is not as valuable as before the zoning change and would cost Mr. Kavanagh a substantial loss.

Eugene Gagliardi stated to the Supervisors that they are elected to represent the people – and how can you do this without discussing this with the property owners. Supervisor Rugen informed Mr. Gagliardi and the audience that nothing could be changed without first holding an advertised hearing. Mr. Gagliardi and Mr. Kavanagh stated that Upper Oxford Township could not be compared to Unionville, Highland Township and Marlborough. Mr. Gagliardi also stated that new residents moving into the township are not “buying a view”. If you want to “buy a view” then buy the property in question. Supervisors stated that an overwhelming vote was received when we voted to raise the earned income tax from one percent to one and one-half percent to be used to purchase farm land. Valerie Racine stated that the vote was not overwhelming in favor. Mr. Gagliardi stated that he would be willing to pay for the mailing costs so that all township residents are informed of this future zoning hearing. Henry Herensperger questioned which large farms would be affected by the change. Kavanagh and Walter Harris property would be affected.

SHER ROCKEE – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to accept and grant an extension for the Sher Rockee Land Development Plan until February 15, 2009.

Rugen – Yea Fleischmann – Yea

SHAW/THE RIDINGS – 37 Lot Subdivision. Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to accept and grant an extension for the Shaw/Ridings 37 Lot Subdivision until January 31, 2009.

Rugen – Yea Fleischmann – Yea

ACT 537 PLAN – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to adopt Resolution #9 – 2008, adopting the Act 537 Plan Individual On-Lot Sewage System Management Program.

Rugen – Yea Fleischmann – Yea

(Scott read the resolution and explained to the audience the maintenance program.)

SPCA 2009 CONTRACT – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve and sign the SPCA 2009 Stray Boarding Contract in the amount of \$100.00.

Rugen – Yea Fleischmann – Yea

PROPOSED BUDGET – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to adopt the 2009 Proposed Budget.

Rugen – Yea Fleischmann – Yea

FIRE PROTECTION CONTRACT – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve and sign the 2009 Fire Protection Contract with Union Fire Company #1.

Rugen – Yea Fleischmann – Yea

MUNICIPAL WASTE CONTRACT – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve and sign the renewal contract for the Municipal Waste Permit. This permit is required by DEP and is placed on our truck and enables us to enter the landfill.

Rugen – Yea Fleischmann – Yea

ALGER OIL PLAN – The Board of Supervisors agreed to continue with the contract with Alger Oil, called the Silver Plan, in the amount of \$179.00/year. A letter will be sent to Alger Oil.

ZONING/BUILDING – John Coldiron read his reports for the month. John reported that he visited the resident on Muddy Run Road and suggested that she limit her grandchildren from riding their dirt bikes to certain hours, which she agreed to. John also met with Chester County Conservation District at Mr. Rick Rettig’s property. Final approval/inspection on the project was given by Chester County Conservation. Supervisor Fleischmann questioned John if any progress was made scheduling a meeting between Mr. Hook and Mr. Casserta. A meeting was scheduled, and then Mr. Casserta cancelled due to a work appointment.

ROADS – Tom Guhl read his report for the month.

HISTORIC COMMISSION – Frances Reyburn reported that her committee still has questions about the proposed historic ordinance. Frances also would like to submit the ordinance for review to Karen Marshall of Chester County Parks and Recreation. Permission given by the Supervisors.

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 \$174.22 from the Open Space Fund and \$33,263.91 from the General Fund.

Rugen – Yea

Fleischmann – Yea

AGRICULTURAL AREAS ADVISORY COMMITTEE – Supervisor Rugen mentioned that in reviewing the Comprehensive Plan, the township should create an Open Space Advisory Committee. This will be done at a later date after seeing what comes out of the regional comprehensive planning.

REQUEST FOR PROPOSALS – Supervisor Rugen presented a proposal for new hires for township engineer, solicitor, zoning hearing board solicitor, sewage consultant engineer, building inspector and zoning officer.

ROUTE 896 TASK FORCE – Supervisor Fleischmann reported on the meetings with the neighboring townships regarding the Route 896 Projects. The task force met with Penn Dot to discuss road safety audits to be implemented. Federal government monies are available for projects. Applications must be submitted by December 10th. Charlie stated that the high priority areas were Route 841 and Route 41. Mr. Gagliardi stated that the house on the corner on Route 896 and Homeville Road is empty and should be taken down so Penn Dot can straighten the road. Mr. Herensperger stated he thought that the township has a right of way beside the house.

ADJOURNMENT – There being no further business, motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to adjourn at 8:30 P.M.

Respectfully submitted,

Jane Daggett
Secretary

