

UPPER OXFORD TOWNSHIP  
APRIL 11, 2016

Upper Oxford Township Board of Supervisors held their regular monthly meeting at the township building, 1185 Limestone Road, Russellville, PA on Monday, April 11, 2016 at 7:00 P.M.

PRESENT: Scott A. Rugen  
Howard S. Reyburn  
Charles Fleischmann  
  
Jane Daggett, Secretary

OTHERS: Frances Reyburn  
Jim Fritsch  
Karen Hovis  
Karl Herr  
Denise Rugen  
Barry Stevens  
  
Blair Fleischmann  
Daniel Topp  
Barry Stevens  
Ed Thornton  
Fran Sharon

The meeting was called to order by the Chairman, Scott Rugen.

After the Salute to the Flag, Howard Reyburn led in prayer.

PUBLIC COMMENTS – Karen Hovis discussed the upcoming election to be held on April 26<sup>th</sup> and requested the Board to send a notice out to the community that there will be two questions on the Non-Partisan General Primary Ballot which registered Independent voters may vote on. The Supervisors agreed to have something posted on the township website.

Frances Reyburn mentioned that a new flag for the building was needed.

MINUTES – Motion was made by Charles Fleischmann, seconded by Howard Reyburn and carried to approve the March 14, 2016 Minutes with the following corrections:

Page 2 – Administrative Items – “This will be discussed at a later date” (not further date)

Page 1 – Trash day – is open to “all residents” (changed from only township residents)

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

GRIST MILL WATER PROBLEM – Kevin Dowdall forwarded a petition to the Board of Supervisors with residents signatures who are concerned about the water problem in front of 4 Grist Mill Lane. The Supervisors informed Mr. Dowdall’s representatives that the township is looking for solutions to the problem and the township engineer is working on a project repair plan. We hope to have this resolved by this summer.

BARRY STEVENS of 18 Grist Mill discussed his concerns in the Grist Mill Development regarding speeders and stop sign violators. He believes much of the traffic is from drivers using the development as a shortcut. The HOA have discussed this at their meetings but have not taken any action to correct the problem. Mr. Stevens suggested “speed bumps” to the Board. Supervisor Rugen said he will reach out to the State Police to see if they could patrol the area more frequently. The Board will also visit the idea of “speed bumps”.

DANIEL AND ELIZABETH TOPP – 2 Lot Subdivision. Mr. Topp is purchasing approximately 33 acres from Richard and Virginia Rettig. The 33 acre parcel will be added to Tax Parcel #57-3-19.2 owned by the Topps, making their present lot approximately 64 acres. No construction is being proposed and Storm Water Management is not required. In 2007, Mr. Richard Rettig subdivided 18 acres to his son, Bruce. Note #8 on the Rettig

subdivision plan restricts any further subdivision. This plan was recorded at the Recorder of Deeds, Chester County, PA on October 15, 2007. The copy of the deed presented at our meeting from Colleen Fitts to Richard and Virginia Rettig does not have a note restricting any further subdivision. Supervisors Fleischmann felt since Note #8 was not referenced in the deed, subdivision would be permissible. This will be forwarded to the Township Solicitor for his review.

Motion was made by Charles Fleischmann, seconded by Howard Reyburn and carried to approve the following waivers for the Daniel Topp Subdivision Plan:

- Section 501.J.1 – requiring location of tract perimeter monuments
- Section 501.K.5 – requiring delineation of slopes in excess of 25%
- Section 501.K.6 – requiring the location of all trees with a caliper of 6” or greater
- Section 502.F – requiring the exact location of existing utilities and their ROW and easements to be shown
- Section 505 – requiring various impact studies
- Section 617 – requiring survey monuments

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to conditionally approve the 2 lot subdivision plan of Daniel and Elizabeth Topp subject to the township solicitor, Thomas Oeste, review and approval.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

CLAIR KING/CHALLENGE GRANT PROGRAM – Motion was made by Charles Fleischmann, seconded by Scott Rugen and carried to approve and sign the Challenge Grant Program with the revised appraisal, for purchase of an agricultural easement with Clair King, Chester County and Upper Oxford Township.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

Motion was made by Charles Fleischmann, seconded by Howard Reyburn and carried to make a single, lump sum payment fund to the Chester County for the Challenge Grant Program.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

SIGNAL SERVICE – Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve the two (2) year maintenance contract with Signal Service in the amount of \$300.00 per year.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

ZONING – Scott Rugen read the Zoning Officer’s report for the month. William Beers had two permits for demolition. The Supervisors will inform Bill to give the Historic Commission copies of these two permits.

ROADS – Scott Rugen read the Road Master’s report for the month. Scott reported that Ricky Railing has accepted another position at West Brandywine Township and will be leaving Upper Oxford April 22, 2016. The Supervisors authorized the Secretary to advertise the position for Road Master. Since our paving projects will be under \$19,399.00, we will need to receive three telephone quotes.

HISTORIC – Frances Reyburn informed the Supervisors that three One-room School Markers will be ordered. Frances will forward the wording to the Board for approval before ordering the markers. The signs will be placed in the township’s right-of-way. Discussion was held regarding the tower that is being proposed on Newark Road. The township was alerted to a public notice in the Chester County Press stating that SBA Towers, IX, LLC was

proposing to build a 153-foot monopole communication tower at 4271 Newark Road. The township received a letter from Sara Levy, who Frances said she told that the township was opposed to the tower. Blair Fleischmann reported that a letter was sent from the Historic Commission voicing their concerns over the affect the tower would have on our historic values. Upper Oxford Township will forward a letter to the FCC stating that this property is not zoned for the proposed use. The Township Solicitor will also forward a letter to SBA Towers attorney notifying them that the property proposed is not zoned for towers.

PAYMENT OF BILLS – Motion was made by Charles Fleischmann, seconded by Howard Reyburn and carried to approve the payment of bills in the amount of \$45,705.94 from the General Fund.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

SAW MILL ROAD – The secretary checked with the post office and she was informed that it did not matter if Saw Mill Road was spelled two words or one word.

ENGINEER REPORT – The Supervisors will reach out to the township engineer requesting him to provide the Supervisors with a monthly report of his activities.

ZONING HEARING BOARD ALTERNATE MEMBER – was discussed. The alternate member should also attend the zoning hearing. Nathan King is our alternate member. We will follow up with him to see if he is still interested or if he is moving out of the township.

PLANNING COMMISSION MASTER PLANNER COURSE – Scott Rugen attended two out of three classes and will finish up in May. Scott suggested that the township pay the cost of all three courses (\$455.00) for any zoning hearing member or planning commission member that wants to attend. We should include this in our next year's budget.

UNION FIRE COMPANY CONTRACTS- Scott gave an update on the fire company and ambulance contracts. The next meeting will be held June 23<sup>rd</sup>. The fire company is lacking volunteers and would like to have two full time employees with benefits. The fire company has had a change in leadership. The township would like more involvement if we must fully fund the Fire Company and ambulance. The ambulance contract is also based on millage. Charlie checked with other municipalities on proposed funding schemes based on calls, population and housing. It was also noted that SCCMedic 94 is unionized and has a union leader representing them.

HARRIS DRIVEWAY – a letter was received from Cedar Knoll regarding Mr. Harris driveway. Due to an oversight by Cedar Knoll Builders a revised "as built" plans were forwarded to the township engineer, but not to the zoning officer when the building permit was applied for. The Supervisors discussed this deviation from the plans with the township solicitor who deemed it OK. The township will notify Cedar Knoll and have them file new "as built" plans at the Recorder of Deeds Office. Mr. Harris and his sister will also need to resolve the 50' right of way on the original driveway.

ZONING HEARING BOARD – The Zoning Hearing Board rendered a final decision on the Beiler property on Newark Road. Certain restrictions were agreed to by the applicant such as limiting trucks, screening buffers, idle trucks, routine maintenance and allowing renters in home. The Board of Supervisors will delay making a statement or challenge until they receive a copy of the official decision.

NATIVE PLANT LIST – The Brandywine Conservancy is proposing to review ordinances regarding native plant lists and bringing them up to date. Discussion was held if we will join with the Oxford Regional Planning. Motion was made by Charles Fleischmann, seconded by Scott Rugen and carried agreeing to join with Oxford Regional Planning to have Brandywine Conservancy review our native plant list and give us recommendations or modifications to our zoning and the only cost would be for modification to do on a regional basis.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

FRANCHISE CONTRACTS - Discussion was held regarding having the surrounding townships as a group have the Oxford Regional Planning negotiate the franchise cable contracts with Comcast, Armstrong and Verizon. The Supervisors agreed to review our current contracts. If we are not pleased with the contracts as part of the region we can do our contracts individual. The Secretary will give Charlie the termination dates of our contracts.

FEMA FLOOD PLAIN MAPPING – This will be discussed at the next work session.

GLENVILLE ROAD/FEMA LETTER – Howard stated that he received information from Ricky Railing regarding his correspondence with FEMA requesting an extension on work to be performed on the Glenville Road. Scott will draft a letter to FEMA and include this information.

WATERMARK ROAD BRIDGE – Glen Lacey forwarded information to Charlie regarding a company that works on restoring bridges. Charlie will reach out to Julie Bowers regarding the Watermark Road bridge and her ideas regarding potentially restoring the bridge.

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

Respectfully submitted,

Jane Daggett  
Secretary