

UPPER OXFORD TOWNSHIP
OCTOBER 10, 2022

Upper Oxford Township Board of Supervisors held their regular monthly meeting at the township building, 1185 Limestone Road, Russellville, on Monday, October 10, 2022 at 7:00 P.M.

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

OTHERS: Janet and Howard Robinson Karl Herr
Karen and Bill Hovis Chris Hauser
Megan and Patrick Woodward Bill Beers

The meeting was called to order by the Chairman, Scott Rugen. After the Salute to the Flag, Howard Reyburn led in prayer.

PUBLIC COMMENTS – Megan and Patrick Woodward discussed with the Supervisors the problem occurring on Old Limestone Road regarding thru traffic going too fast over the speed humps. Mr. Woodward brought in some car/truck parts that flew off a vehicle when it was going over the speed humps. The Woodwards informed the Board that it was not safe for the children to be playing in the streets because of the speeding cars and trucks. They questioned whether or not the speed limit could be reduced and wondered why there was no warning signs of the speed humps. The speed limit is presently 30 MPH. Supervisor Fleischmann stated that by doing a speed study, the speed limit could also be increased. The Board informed the audience that our engineer is working on a plan for the water pooling in that area and will also look into painting something on the roads warning of the speed humps ahead. Additionally, they will discuss with the Road Master if a “no thru traffic” sign could be placed on the road.

MINUTES – Motion was made by Charles Fleischmann, seconded by Howard Reyburn and carried to approve the September 12, 2022 Minutes and the September 26, 2022 Work Session Minutes as written.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

CHRIS HAUSER – Mr. Hauser was present to discuss with the Supervisors his subdivision/add-on plan which calls for a non-building lot. After attending the recent Planning Commission meeting, Mr. Hauser was encouraged to file for a conservation plan. Mr. Hauser stated to the Board that he has voluntarily entered into an agreement with the Alliance for the Chesapeake Bay which required him to establish and maintain a buffer at his stream and that he is on the waiting list with the NBRCS to receive a plan. He understands that his existing riparian buffer would be sufficient and would be grandfathered in and is seeking a waiver from our Riparian Buffer Ordinance which would be a hardship on him. Discussion was held on computing the average width of what a buffer width should be. The Supervisor feel that they will need to seek guidance from the Solicitor and Engineer. The Supervisors stated that they cannot grant waivers for zoning ordinances but will take his request into consideration and seek guidance on this matter. Mr. Hauer was encouraged to contact Team Ag, Red Barn or Chester County Conservation District regarding a conservation plan. Mr. Hauser stated that CREP does not meet our Riparian Buffer ordinance.

HOWARD AND JANET ROBINSON – Mr. and Mrs. Robinson are planning to erect a home on the top of their hill on their 67-acre farm. A Planning Module has been forwarded to DEP for approval. An engineered Storm Water Plan is required. The Robinsons are seeking a waiver from doing the Storm Water Plan and do not understand why they are required to put in such a large trench which will be approximately 5 ft x 28 ft x 73 ft. Supervisor Rugen informed them that the calculations are set by Pennsylvania Law and that the Board does not have the authority to grant a waiver on the Storm Water Ordinance. Supervisor Rugen suggested that they check with their engineer to see if his calculations are correct. Karl Herr stated that he thought that the governing body had the right to modify

the Ordinance. The Supervisors do not recall seeing anything about that. William Beers mentioned that when the amended Storm Water Ordinance is adopted, the calculated amounts will be increased by 50 percent.

HOWARD AND JANET ROBINSON - STORMWATER OPERATION AND MAINTENANCE AGREEMENT – Motion was made by Charles Fleischmann, seconded by Scott Rugen and carried to approve and sign the Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement between Howard S. and Janet E. Robinson and Upper Oxford Township.

Reyburn – Yea Rugen – Yea Fleischmann – Yea

RESOLUTION #5 – 2022 – was discussed by the Supervisors. This Resolution establishes the process and procedures by which taxpayers may seek a waiver of late payment penalties for real estate taxes as set forth in Act 57 of 2022 which amends the local tax collection law. After discussion, correction was made in the second paragraph changing the work “desire” to “desires”.

Motion was made by Charles Fleischmann, seconded by Howard Reyburn and carried to adopt Resolution #5-2022 as amended.

Reyburn – Yea Rugen – Yea Fleischmann – Yea

ENGINEER – Supervisor Rugen read the engineer’s report for the month.

ZONING – The zoning report was reviewed by the Supervisors. William Beers, Zoning Officer discussed with the Supervisors the situation of the junk yard on Muddy Run Road. Bill stated that the Township had a Court Order at one time but never followed through. Bill will discuss this with our Solicitor.

ROADS – Supervisor Rugen read the road master’s report for the month.

GRIST MILL – the Township applied for a grant thru Chester County for American Rescue Funds for Grist Mill. We did not make the first round but our application is still in review.

RETROFIT – Kimble Road at Turners Pond – the Conservation District was not awarded the grant money needed.

PAYMENT OF BILLS – Motion was made by Howard Reyburn, seconded by Charles Fleischmann and carried to approve the payment of bills in the amount of \$49,494.41 from the Open Space Fund and the payment of \$65,121.79 from the General Fund.

Reyburn – Yea Rugen – Yea Fleischmann – Yea

OLIVER HEATING – are having their 4th Annual Heat for the Holidays program. This program is designed to donate and install heaters for families in need in the local area during the holiday season. Letters can be written to Oliver Heating nominating families. We will post this on our web site.

FUNDING FOR CLASSES – will be discussed at our budget meeting.

AGRICULTURAL PRESERVATION – LARRY and HELEN JOHNSON – this will be a lump sum payment in the amount of \$68,453.10. Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve and sign the Agreement for Sale and Purchase of an Agricultural Conservation Easement to the County and a Local Government Unit Jointly in Perpetuity.

Reyburn – Yea Rugen – Yea Fleischmann – Yea

Motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to approve and sign the Funding Agreement to Purchase an Agricultural Conservation Easement.

Reyburn – Yea

Rugen – Yea

Fleischmann – Yea

OLD BUSINESS

Armstrong Cable TV – pending with Solicitor
Verizon Cable – pending with Solicitor
Comcast Cable TV – pending with Solicitor
Fee Schedule – Zoning Officer is working on this
High Tunnel Ordinance – Scott is looking for samples

DE STORAGE - The letter from Chester County Planning Commission is incorrect regarding its comments on public water. The Secretary will contact Glenn Bentley regarding this. The property is serviced by on site water.

FRANCHISE FEES – was discussed briefly and how other townships charge their fees.

ADJOURNMENT – There being no further business, motion was made by Scott Rugen, seconded by Charles Fleischmann and carried to adjourn at 9:30 P.M.

Respectfully submitted,

Jane Daggett
Secretary