

**ELK TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
April 6, 2009**

The Elk Township Board of Supervisors Meeting convened at 7:00 PM at the Elk Township Building, Lewisville, PA. The following Supervisors were present: Palmer Durborow, Estace Walters and Albert Jezyk, Jr.

**PUBLIC COMMENT ON AGENDA ITEMS**

There was no public comment.

**ADMINISTRATIVE ACTION/PRESENTATIONS/CORRESPONDENCE**

**Chuck Freese – Avon Grove Regional Emergency Management**

Chuck Freese provided a brief history of Avon Grove Regional Emergency Management (AGREM), which was formed in 2000 and represents the Avon Grove School District. AGREM has temporarily removed its equipment from the Dougherty farm radio tower due to the pending subdivision. Chuck requested confirmation that the radio tower would remain on the property so that AGREM may renew its FCC license. Pal Durborow stated that the cell tower was to remain but that the status of the radio tower is not known. The Township will need to confirm if the tower is located on open space or private space.

**Ordinance No. 2009-02 Imposition of Tax Certification Fee**

Pal Durborow read aloud Ordinance No. 2009-02 authorizing the Tax Collector to provide tax certifications and charge a fee of \$10.00 for each certification.

Public Comment – Mark Plaughter asked for the amount paid in 2008 for Tax Collector commission and hourly wages. The Township Secretary will provide the requested information. Linda Luker asked to what does the Ordinance apply. Pal Durborow explained that the Ordinance applies to requests for Real Estate Tax Certifications, which are usually from mortgage companies.

There were no additional questions or comments on Ordinance No. 2009-02.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board enacted Ordinance No. 2009-02 Imposition of Tax Certification Fee. The vote was unanimous.

**Ordinance No. 2009-03 Cable Television Ordinance**

Pal Durborow read aloud Ordinance No. 2009-02 authorizing the entering into of a Franchise Agreement with Armstrong Utilities, Inc. to construct, install, maintain and operate a cable television, internet and telecommunication system, the specific terms of which, agreeable to both parties, shall be memorialized in said Agreement.

Public Comment – Linda Luker asked what does non-exclusive mean. Pal Durborow explained that non-exclusive means that the Township may enter into similar agreements with other companies.

There were no additional questions or comments on Ordinance No. 2009-03.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board enacted Ordinance No. 2009-03 Cable Television Ordinance. The vote was unanimous.

**Resolution No. 2009-08 Agricultural Security Area Tax Parcel #70-4-1 Harnish Property**

On a motion made by Estace Walters, seconded by Al Jezyk, the Board adopted Resolution No. 2009-08 Agricultural Security Area Tax Parcel #70-4-1 Harnish Property. The vote was unanimous.

**2008 Annual Audit & Financial Report**

The 2008 Annual Audit & Financial Report has been completed and advertised as required.

**2009-2010 Roadwork Labor & Material Bids**

The Board will tour the roads to determine projects for the 2009-2010 Roadwork Labor & Material Bids.

**The Bluffs at Big Elk Creek**

Pal Durborow referred to URS Corporation correspondence dated March 5, 2009 outlining items that need to be addressed prior to dedication. Mike Berquist asked if pressure could be put on the Developer. The Board will consult with Sam McMichael regarding the timeframe for the Developer to address outstanding items.

**2009 Chester County Transportation Improvements Inventory**

Pal Durborow referred to Chester County Planning Commission correspondence dated March 13, 2009 requesting input on existing and new transportation projects. The Board will provide input prior to the April 29<sup>th</sup> deadline.

**Workshops: PSATS Economics Stimulus Funding/LTAP Risk Management & Tort Liability**

The Township Secretary will attend the PSATS Economics Stimulus Funding and the LTAP Risk Management & Tort Liability workshops.

**Chester County Health Department Release #7**

Pal Durborow referred to Chester County Health Department Release #7 promoting National Public Health Week and free water testing on April 6<sup>th</sup> thru April 9<sup>th</sup>.

**Township Roadside Cleanup Day**

The Township Roadside Cleanup Day is scheduled for April 18<sup>th</sup> at 9:00 AM.

**EXECUTIVE SESSION**

The Board of Supervisors Meeting was temporarily adjourned at 7:41 PM at which time the Board held an Executive Session for discussion of legal issues. The Executive Session ended at 8:02 PM at which time the Board reconvened the Board of Supervisors Meeting.

## **STAFF REPORTS**

### **Secretary's Report**

On a motion made by Estace Walters, seconded by Albert Jezyk, the March 2, 2009 Board of Supervisors Meeting Minutes were approved. The vote was unanimous.

### **Treasurer's Report**

On a motion made by Estace Walters, seconded by Al Jezyk, the Bills to be Paid for April, with the exception of Roadmaster Payroll, were approved. The vote was unanimous.

On a motion made by Al Jezyk, seconded by Pal Durborow, the Bill to be Paid for Roadmaster Payroll was approved. Estace Walters abstained from the vote.

### **Tax Collector**

Real Estate:       \$8,680.33

### **Planning Commission**

Pal Durborow referred to the March Planning Commission Meeting Minutes stating that there was discussion about the Frank Tipton property.

### **Zoning Hearing Board**

The TJA Properties (TOJO Mushrooms) Zoning Hearing has been postponed indefinitely. The hearing will be advertised and adjacent property owners notified when rescheduled.

### **Zoning Officer**

Pal Durborow referred to the March Zoning Officer Report stating that three (3) Building Permits were issued; Informal Persuasion items include speaking to several property owners about junk cars; On-going projects include The Bluffs at Big Elk Creek, various home projects, various inquiries concerning zoning, codes, etc.; and Reports include Chester County Building Permit Report and Department of Commerce Monthly Report.

Linda Luker asked if the International Property Maintenance Code would be enforced. Pal Durborow stated that the Township Solicitor has advised that the International Property Maintenance Code should have been enacted by Ordinance.

### **Roadmaster**

Roadmaster Estace Walters referred to the March Roadmaster Report stating that trash was picked up; he talked to Dave Harlan about the Township Building parking lot; Brian Carter dealt with one storm; and that the Board will need to ride the roads to figure out projects.

Estace thanked Brian Carter and his crew for their services during the winter season; and stated that he is looking into tar and chipping some Township roads.

Delbert Steele asked if patching would be done on Barren Road. Pal Durborow sated that the Barren Road will be looked at on April 18<sup>th</sup>.

Robert Gregg asked how long the Glen Hope Road covered bridge would be closed. Pal Durborow stated that the county has advised that the bridge may be closed until the end of April.

**Post Office Committee**

Pal Durborow referred to the March Quarterly Post Office Committee Report noting a starting balance of \$15,584.09, income of \$1,374.00, expenses of \$1,983.69, and an ending balance of \$14,974.40.

**Historic Commission**

No report.

**Open Space Committee**

Melanie Hesse stated that the Open Space Committee is hosting a Public Meeting on April 28<sup>th</sup> at 7:00 PM to discuss land preservation. The meeting will be advertised and letters sent to property owners of parcels over ten acres.

**OLD BUSINESS**

**Elk Creek Farm – Old Forge Road**

Pal Durborow stated that large vehicles are tearing up the fence along Old Forge Road at Elk Creek Farm. The Board will look into installing a guardrail on Old Forge Road.

**PennDOT Winter Traffic Service Agreement**

The Board agreed to contact PennDOT to request additional funding for plowing the roads per the Winter Traffic Service Agreement.

**Township Building**

The Board is getting quotes for painting the ceiling in the Township Building.

**NEW BUSINESS**

No new business.

**PUBLIC COMMENT**

Linda Luker asked if the ordinance requires shelter for horses. Pal Durborow stated that the Zoning Officer would need to advise on this issue.

Meeting Adjourned at 8:25 PM.

Respectfully Submitted,

Terri Kukoda  
Secretary/ Treasurer