

**ELK TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
July 5, 2011**

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 and Estace Walters. Supervisor Albert Jezyk, Jr. was not present.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

ADMINISTRATIVE ACTION/PRESENTATIONS/CORRESPONDENCE

Resolution No. 2011-08 Disposition of Township Records in Accordance with the Records Retention Schedule of the Municipal Records Manual Approved on December 16, 2008

On a motion made by Estace Walters, seconded by Pal Durborow, Resolution No. 2011-08 Disposition of Township Records in Accordance with the Records Retention Schedule of the Municipal Records Manual Approved on December 16, 2008 was adopted conditioned upon Township Solicitor approval of the Resolution. The vote was unanimous amongst Supervisors present.

Executive Session July 5, 2011

Pal Durborow stated that an Executive Session was held with the Township Solicitor and Township Engineer prior to tonight's meeting. Items discussed at the Executive Session included Tony D'Amico's request that all activity associated with the TOJO Mushroom project be suspended.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – URS Correspondence dated June 10, 2011 Regarding TOJO Mushrooms Preliminary Land Development Plan

Pal Durborow provided an overview of URS correspondence dated June 10, 2011 reviewing the TOJO Mushrooms Preliminary Land Development Plan dated December 4, 2010 Last Revised May 11, 2011.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – Tony D'Amico Correspondence dated June 17, 2011 Regarding Proposed To-Jo Mushroom Farm

Pal Durborow referred to Tony D'Amico correspondence dated June 17, 2011 requesting that all activity associated with the project be suspended, an up-to-date escrow accounting be provided, and that the Board take action on the review extension and waiver requests.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – Township Correspondence dated June 24, 2011 Regarding TOJO Mushrooms Preliminary Land Development Plan

Pal Durborow referred to Township correspondence dated June 24, 2011 to Anita D'Amico providing the balance of the escrow account for the TOJO Mushrooms project.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – Subdivision/Land Development Plan Agreement to Extend Requirements of the PA Municipalities Planning Code Section 508 (53 P.S. 10508)

On a motion made by Estace Walters, seconded by Pal Durborow, the Board accepted the TOJO Mushrooms (TJA Properties) Preliminary Land Development Plan Agreement to Extend Requirements of the PA Municipalities Planning Code Section 508 (53 P.S. 10508). The extension will run through and include the date of December 12, 2011. The vote was unanimous amongst Supervisors present.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – Waiver Requests to the Elk Township Subdivision and Land Development Ordinance and Post Construction Stormwater Management Ordinance

Pal Durborow read aloud the recommendations from Page 16 and Page 17 of URS correspondence dated June 17, 2011 for the TOJO Mushrooms waiver requests, and referred to Elk Township Planning Commission June 15, 2011 Meeting Minutes recommending waivers with URS conditions.

On a motion made by Estace Walters, seconded by Pal Durborow, the Board granted TOJO Mushrooms a waiver of Section 513.G of the Elk Township Subdivision & Land Development Ordinance conditioned upon compliance with the following as noted on Page 16 of URS correspondence dated June 15, 2011: The driveways are designed to handle the wide turning radii of the WB-67 and proper drainage ditches along the driveways are provided; and the waiver is subject to approval of the driveways by Penn DOT. The motion was unanimous amongst Supervisors present.

On a motion made by Estace Walters, seconded by Pal Durborow, the Board granted TOJO Mushrooms a waiver of Section 519.C.3.A of the Elk Township Subdivision & Land Development Ordinance conditioned upon compliance with the following as noted on Page 16 of URS correspondence dated June 15, 2011: URS attendance at a pre-construction meeting with the contractor to establish contingencies for E&S activities and temporary stabilization as may be required due to delay in stabilization; and a note to this effect being added to the E&S plans. The motion was unanimous amongst Supervisors present.

On a motion made by Estace Walters, seconded by Pal Durborow, the Board granted TOJO Mushrooms a waiver of Section 519.C.7 of the Elk Township Subdivision & Land Development Ordinance conditioned upon compliance with the following as noted on Page 17 of URS correspondence dated June 15, 2011: URS attendance at a pre-construction meeting with the contractor to establish contingencies for E&S and related activities as may be required due to the extent of disturbance and probably incidence of high seasonal or perched water tables in the project area; and a note to this effect being added to the E&S plans. The motion was unanimous amongst Supervisors present.

On a motion made by Estace Walters, seconded by Pal Durborow, the Board granted TOJO Mushrooms a waiver of Section 4.3.6 of the Elk Township Post Construction Ordinance. The motion was unanimous amongst Supervisors present.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – Union Fire Company Correspondence received June 23, 2011

Pal Durborow read aloud Union Fire Company No. 1 correspondence received June 23, 2011 requesting that TOJO Mushrooms be allowed to install a roadway from Mt. Olivet Road to the lower side of the hay storage area for fire fighting purposes.

TOJO Mushrooms (TJA Properties LLP) Preliminary Land Development Plan – Union Fire Company Correspondence received July 5, 2011

Pal Durborow read aloud Union Fire Company No. 1 correspondence received July 5, 2011 recommending that the TOJO Mushrooms facility follow the 2009 National Fire Code requirements for roadway widths and building access, and that KNOX Lock Boxes be used at the main entrance and entrance gates.

Union Fire Company Correspondence dated June 21, 2011 - Emergency Aero Medical Services

Pal Durborow read aloud Union Fire Company No. 1 correspondence received June 23, 2011 requesting written permission in order make adjustments to the Helicopter stream.

On a motion made by Estace Walters, seconded by Pal Durborow, the Board granted Union Fire Company No. 1 permission to make adjustments to their stream in the CAD of helicopters as follows: Pennstar2, Lifenet61 and Medivac3. The vote was unanimous amongst Supervisors present.

Estate of Virginia R. Gregg Receipt and Release for Final Distribution of Estate

Pal Durborow referred to the Receipt and Release for the \$382.36 final distribution of the Virginia R. Gregg estate.

Peacedale Court Subdivision - Township Correspondence dated June 9, 2011 Regarding Speed Study Request

Pal Durborow referred to Township correspondence dated June 9, 2011 to Penn DOT requesting a speed study be performed on Route 472/Lewisville Road from the 100 Block to the 1600 Block.

2011/2012 Roadwork Material & Equipment Rental Bid Packages

Pal Durborow stated that the 2011/2012 Roadwork Material & Equipment Rental bids have been advertised and are due on August 1, 2011.

Gary & Vivian Stacy Correspondence dated July 5, 2011

Pal Durborow referred to Gary & Vivian Stacy correspondence dated July 5, 2011 requesting that Elk Township share in the cost for removing hedges/trees and replacing with a privacy fence on the property line shared with the Lewisville Post Office. The Board agreed to consult with the Township Solicitor.

STAFF REPORTS

Secretary's Report

On a motion made by Estace Walters, seconded by Pal Durborow, the June 6, 2011 Meeting Minutes were approved. The vote was unanimous amongst Supervisors present.

Treasurer's Report

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

Tax Collector

Real Estate: \$2,088.40

Planning Commission

Pal Durborow referred to the June Planning Commission Meeting Minutes recommending the TOJO Mushrooms waivers with URS conditions, and stating that the Planning Commission reviewed changes to the TOJO Mushrooms plan and the History Commission will discuss the plan's impact on the existing structure.

Zoning Hearing Board T-Mobile Northeast LLC Variance Hearing for Co-location on Existing Tower at 170' Elevation UPI #70-3-3 253 Mt. Olivet Road

The Zoning Hearing Board Attorney has not yet scheduled the T-Mobile Northeast LLC Variance Hearing for co-location on existing tower at 170' elevation UPI #70-3-3 253 Mt. Olivet Road.

Zoning Officer

Pal Durborow referred to the June Zoning Officer Report stating that six inspections were performed, twenty inquiries were received, and two permits were issued.

Roadmaster

Roadmaster Estace Walters referred to the June Roadmaster Report stating that a hole on Rogers Mill Road and Elk Mills Road was repaired, he called the state again about several issues, and he washed the Township truck. Estace stated that he sprayed Brick Meetinghouse Road and he needs to get the project list together.

Post Office Committee

Pal Durborow referred to the Post Office Committee July 5, 2011 Quarterly Report reflecting a starting balance of \$13,723.42 and ending balance of \$14,707.43.

Open Space Committee

No report.

OLD BUSINESS

Chrome Barrens Preserve

Pal Durborow stated that he rode areas of the Chrome Barrens Preserve and that the parking lot needs to be opened up, stones need to be installed to stop ATV's, signage needs to be installed, and access needs to be controlled. Pal stated that the Board might need to send a letter to the Nature Conservancy about insurance.

NEW BUSINESS

No new business.

PUBLIC COMMENT

No public comment.

Meeting Adjourned at 7:45 PM.

Respectfully Submitted,

Terri Kukoda
Secretary/ Treasurer