

**ELK TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
November 1, 2010**

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

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

ADMINISTRATIVE ACTION/PRESENTATIONS/CORRESPONDENCE

Ordinance No. 2010-02 Nuisance Ordinance Prohibiting Storing or Accumulating Inoperable Motor Vehicles, Garbage, Refuse or Rubbish, Regulating Growth of Grass, Weed, Noxious Weed or Vegetation

Pal Durborow gave an overview of the proposed Nuisance Ordinance. There was no public comment.

On a motion made Estace Walters, seconded by Al Jezyk, the Board enacted Ordinance No. 2010-02 Nuisance Ordinance Prohibiting Storing or Accumulating Inoperable Motor Vehicles, Garbage, Refuse or Rubbish, Regulating Growth of Grass, Weed, Noxious Weed or Vegetation. The vote was unanimous.

Ordinance No. 2010-03 UCC Amendment Providing Permit Exemption for Accessory Structures Less Than 400 Square Feet

Pal Durborow stated that a Public Hearing was held prior to the Board Meeting. Pal gave an overview of the proposed UCC Amendment Ordinance and noted that the Department of Labor and Industry has approved the ordinance. There was no public comment.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board enacted Ordinance No. 2010-03 UCC Amendment Providing Permit Exemption for Accessory Structures Less Than 400 Square Feet. The vote was unanimous.

Ordinance No. 2010-04 Street Excavation Ordinance Requiring Permits for Street Excavation; Requiring Submittal of Plats/Surveys and Marking of Location for Underground Utilities

Pal Durborow provided an overview of the proposed Street Excavation Ordinance. There was no public comment.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board enacted Ordinance No. 2010-04 Street Excavation Ordinance Requiring Permits for Street Excavation; Requiring Submittal of Plats/Surveys and Marking of Location for Underground Utilities. The vote was unanimous.

Earned Income and Net Profits Tax Ordinance Public Hearing Notice for November 29, 2010 at 6:30 PM - Enacts Same Tax as Previously Imposed; Conforms with Act 32 of 2008)

The Public Hearing for the Earned Income and Net Profits Tax Ordinance is scheduled for November 29, 2010 at 6:30 PM. The ordinance enacts the same tax as previously imposed and conforms with Act 32 of 2008.

Union Fire Company No. 1 - 2011 Agreement

Pal Durborow referred to the Union Fire Company No. 1 2011 Agreement in the amount of \$24,765.42. The amount due is based on the 2010 real estate valuation for Elk Township. The Board agreed to table this issue until the December meeting.

Chester County Planning Commission Correspondence dated 10/22/10 - Review of Subdivision & Land Development Ordinance Amendment

Pal Durborow referred to Chester County Planning Commission correspondence dated October 22, 2010 reviewing the proposed Subdivision and Land Development Ordinance Amendment. The Commission recommends adoption of the proposed amendment.

Chester County Planning Commission Correspondence dated 10/22/10 - Review of Zoning Ordinance Amendment

Pal Durborow referred to Chester County Planning Commission correspondence dated October 22, 2010 reviewing the proposed Zoning Ordinance Amendment. The Commission recommends that the Township consider the Commission's comments before acting on the proposed amendment.

Proposed 2011 Budgets – General Fund, State Fund, Open Space Fund

The proposed 2011 Budgets are available for public inspection. The proposed budgets are as follows: General Fund Budget \$304,570; State Fund \$55,251; and Open Space Fund \$545,500.

Kauffman Challenge Grant Program Application - Request for Reimbursement of Appraisal Fee

Pal Durborow stated that the Township Solicitor confirmed that the Township is not permitted to refund the Kauffman appraisal fee. Melanie Hesse stated that the Brandywine Conservancy feels that the Act permits the refund. Pal Durborow stated that the Board would not act against the Township Solicitor's advice. Al Jezyk stated that the Board sympathizes with the Kauffmans, and that hopefully these things will be caught before applications are made.

Springlawn Road Trail – Uniform Firearms Act

Pal Durborow stated that the firearm language was removed from the Springlawn Road Trail sign as advised by the Township Solicitor. John Groce asked about the removal of the trail closed signs. Pal stated that the signs will be put back for antler season.

Oxford Area Recreation Authority Report & Minutes

Pal Durborow referred to the September Oxford Area Recreation Authority Report & Minutes.

STAFF REPORTS

Secretary's Report

On a motion made by Estace Walters, seconded by Al Jezyk, the October 4, 2010 Board of Supervisors Meeting Minutes were approved with a correction to John Groce's name on Page 2. The vote was unanimous.

Treasurer's Report

On a motion made by Al Jezyk, seconded by Estace Walters, the Bills to be Paid for November, 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: \$678.62

Planning Commission

Pal Durborow referred to the October 2010 Planning Commission Minutes stating that the Commission reviewed the final version of Act 247 and of the Oxford Region Municipal Comprehensive Plan scenic map of Elk Township.

Zoning Hearing Board

No activity.

Zoning Officer

Pal Durborow referred to the October Zoning Officer Report stating that two permits were issued; sixteen (16) inspections were performed; and twenty-four (24) inquiries were received.

Roadmaster

Roadmaster Estace Walters referred to the October Roadmaster Report stating that the Township truck was inspected; he went over all the work in the Township with Hank; Glen Hope Road, Riesler Road, Hickory Hill Road, and Elk Mills Road were patched; and Schoolhouse Road was paved.

Post Office Committee

Pal Durborow referred to the September 30, 2010 Post Office Committee Quarterly Report showing a starting balance of \$13,317.21, income of \$916.00, expenses of \$1,392.66, and ending balance of \$12,840.55.

Historic Commission

No report.

Open Space Committee

Pal Durborow referred to the October 19, 2010 Open Space Report providing an update on the Committee's activities. The Committee has provided a draft letter from the Board of Supervisors to the Chester County Commissions. Estace Walters agreed to speak to one of the Commissioners about the lack of open space funding.

OLD BUSINESS

No Old Business.

NEW BUSINESS

Oxford Area Historical Society

The Oxford Area Historical Society will present a plaque to the Township on November 16th at 7:00 PM at the Presbyterian Church.

PUBLIC COMMENT

Linda Luker thanked the Board for enacting the Nuisance Ordinance.

There was comment that the intersection of Kings Row Road and Route 472 needs to be trimmed, and that there is overgrowth on Covered Bridge Lane.

John Groce asked about the agreement requiring closure of the Springlawn Trail. Pal Durborow stated that the agreement requires closure due to hunting.

Meeting adjourned at 8:10 PM.

Respectfully Submitted,

Terri Kukoda
Secretary/ Treasurer