

**ELK TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
September 3, 2012**

The Elk Township Board of Supervisors 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

No public comment.

ADMINISTRATIVE ACTION/PRESENTATIONS/CORRESPONDENCE

TJA Properties LLP Agricultural Conservation Easement Agreement of Sale

Pal Durborow stated that TJA Properties (TOJO Mushrooms) has come to an agreement with the county for the agricultural conservation easement sale. The Township's share of the easement purchase price is \$454,784 plus \$8,307.85 for incidental costs.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board agreed to sign the TJA Properties LLP Agricultural Conservation Easement Agreement of Sale. The vote was unanimous.

The Bluffs at Big Elk Creek, LLC Improvement Impound Account Release #6

Pal Durborow referred to The Bluffs at Big Elk Creek Release #6 in the amount of \$6,438.14 for reimbursement of legal, engineering, and snow removal costs.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board approved The Bluffs at Big Elk Creek, LLC Improvement Impound Account Release #6 in the amount of \$6,438.14. The vote was unanimous.

The Bluffs at Big Elk Creek Post Warranty Site Evaluation – URS Memo dated August 31, 2012

Pal Durborow referred to URS Corporation memo dated August 31, 2012 regarding The Bluffs at Big Elk Creek post warranty site evaluation. URS Corporation has advised that all construction related items appear to have been satisfied and they do not anticipate the need for further site work. The Board agreed to add the dedication of The Bluffs of Big Elk Creek to next month's agenda.

Amos & Sarah Kauffman Conservation Easement Settlement

Pal Durborow stated that the Township has received notice that the Kauffman conservation easement agreement of sale has been signed. The county is ready to move forward and expects to settle by the end of September. The Township's share of the easement purchase is \$143,940 plus \$3,730.88 for incidental costs.

Public Comment: John Croce asked if the deed restriction was removed.

Pal Durborow stated that the Kauffman's went had the sellers remove the deed restriction.

PennDOT Project for the State Road Bridge Replacement

Pal Durborow stated that the state would provide the State Road bridge replacement plans for the next the next meeting. The state will also provide a pdf copy of the plans for the Township's website. The Township has not yet received the start/finish timeframe for the project.

McCormick Taylor Detour Route for Chester County Bridge No. 26 - McCormick Taylor Correspondence dated August 17, 2012

Pal Durborow referred to McCormick Taylor correspondence dated August 17, 2012 regarding the detour route for Chester County Bridge No. 26 Camp Bonsul Bridge over Big Elk Creek. The county has retained McCormick Taylor to rehabilitate the bridge and the suggested detour route plan has been provided.

PennDOT Traffic Study Intersection of State and Hickory Hill Roads - PennDOT Correspondence dated August 6, 2012

Pal Durborow referred to PennDOT correspondence dated August 6, 2012 regarding the State and Hickory Hill Road intersection multi-way stop sign request. PennDOT conducted a traffic study at the intersection of State and Hickory Hill Road and analyzed crash data from 2007-2011. PennDOT determined that there is adequate site distance and approved the installation of additional signage. The Township installed the additional signage in July.

TJA Properties (TOJO Mushrooms) Preliminary Land Development Plan Water Availability and Impact Study

Pal Durborow stated that the Township Engineer met with the new hydro-geologist for TJA Properties (TOJO Mushrooms). The hydro-geologist has suggested detailed site-specific evaluations for the water availability and impact study. This would include the evaluation of existing wells on neighboring properties. To avoid any confusion among affected residents, Spence Andress has asked the Township's assistance with resident outreach. The Township Engineer has asked if the Board agrees with sending letters to the affected resident.

On a motion made by Estace Walters, seconded by Al Jezyk, the Board agreed to sending letters to residents affected by well evaluations for the TJA Properties (TOJO Mushrooms) water availability and impact study. The motion was unanimous.

Chester County Act 167 Stormwater Management Plan – URS Memo dated August 29, 2012

Pal Durborow referred to URS Corporation memo dated August 29, 2012 regarding the Chester County Act 167 Stormwater Management Plan August 3, 2012 meeting. The Township Engineer has asked the county to be more flexible with rural townships, to consider options for exempting agricultural structures, to provide further clarification for homeowners/applicants to understand requirements, and to raise the 1,000 square foot applicability threshold. The Township must adopt an ordinance consistent with Act 167 within six months of DEP approving the county's plan.

Keep Pennsylvania Beautiful Illegal Dump Survey 2012 Final Report Chester County

Pal Durborow referred to the Keep Pennsylvania Beautiful Chester County Illegal Dump Survey 2012 Final Report. The report identifies one Elk Township site at Barren and Chrome Roads as an illegal dumpsite. Pal stated that the Board tries to keep this site clean but it is difficult.

Southern Chester County Emergency Medical Services, Inc. Correspondence dated August 1, 2012 - 2013 Funding

Pal Durborow referred to Southern Chester County Emergency Medical Services correspondence dated August 1, 2012 requesting funding of \$9,761 for 2013. This number is based on .1 mils of assessed value and is a decrease from last year.

Oxford Area Regional Emergency Management Point of Dispensing (POD) Volunteers Needed & Informational Meetings Scheduled

Pal Durborow stated that Oxford Regional Emergency Management (OXREM) is looking for Point of Dispensing (POD) volunteers. OXREM has scheduled POD volunteer informational meetings for September 25th, 26th, and 27th at Penn's Grove Middle School Auditorium.

Chester County Planning Commission Correspondence dated August 6, 2012 Pennsylvania Natural Heritage Program Natural Heritage Inventory of Chester County

Pal Durborow referred to Chester County Planning Commission correspondence dated August 6, 2012 regarding the Pennsylvania Natural Heritage Program (PHNP) Natural Heritage Inventory of Chester County. The program receives funding to inventory biological resources and will be in Elk Township sometime next year.

Chester County Health Department News Release #32 – CCHD Confirms First Case of West Nile Virus for 2012

Pal Durborow referred to Chester County Health Department News Release #32 confirming the first case of West Nile Virus for 2012 in West Nottingham Township.

Oxford Area Recreation Authority May/June Reports & Minutes

Pal Durborow referred Oxford Area Recreation Authority May and June Reports/Minutes. The Authority reports that the annual audit cost \$6,000.00 and that two bids were received for parking, trails and playground. The Authority is dropping the playground equipment bid and will re-bid.

Uniform Construction Code Permit Exceptions for Detached One-Family Dwelling Accessory Structures Less Than 400 Square Feet – Elk Township Ordinance No. 2010-03 Enacted November 1, 2010

Pal Durborow stated that the Uniform Construction Code does not require a permit for detached accessory structures less than 1,000 square feet. The Township lowered this to 400 square feet in 2010 with Ordinance No. 2010-03. Tom Lowry has advised that the 400 square foot minimum is too tight. The Board agreed to look into whether the 400 square foot minimum should be increased.

Public Comment: John Croce asked if this would apply to a shed.

Pal Duroborow stated that the shed would have to follow setback requirements.

Application/Permit to Hunt in the Chrome Barrens Conservancy 2012/2013 Season

On a motion made by Estace Walters, seconded by Al Jezyk, the Board approved thirty-five (35) Permits to Hunt in the Chrome Barrens Conservancy for the 2012/2012 Season. The vote was unanimous.

STAFF REPORTS

Secretary's Report

On a motion made by Estace Walters, seconded by Albert Jezyk, the August 6, 2012 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 September, 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: \$232.61

Planning Commission

Pal Durborow referred to the August Planning Commission Meeting Minutes stating that Ken Crossan was present representing Anna Yerkes; the Planning Commission recommends approval of the Fisher subdivision including waivers; and the Planning Commission questions whether to make minute adjustments to the Zoning Ordinance or to first align ordinances with the comprehensive plan.

Zoning Hearing Board

No action.

Building Report

Pal Durborow referred to the August Monthly Building Report stating ten inspections were performed; twenty-two inquiries were received; and three Building Permits were issued.

Zoning Report

Pal Durborow referred to the August Monthly Zoning Report stating a complaint was received regarding the operation of a produce stand.

Roadmaster

Roadmaster Estace Walters referred to the August Roadmaster report stating he weed eated and cleaned the stop signs at Hickory Hill and Elk Mills Road and at Barren and Chrome Road; he picked up trash on Barren Road; he cut a tree of the wires on Camp Bonsul Road; and Dave Harlan should start tar and chipping on Old Forge Road this month.

Post Office Committee

No report.

Historic Commission

Pal Durborow stated that the Historic Commission held their historic bus tours last Saturday. There were two full bus tours, one with twenty people and the other with eighteen people. Pal moderated one of the tours and Mary Gruber moderated the other tour. There were lots of photos on display along with the old voting booths. The historic tours went very well.

OLD BUSINESS

The Bluffs @ Big Elk Creek

Estace Walters stated that he received a call from prospective buyers in The Bluffs of Big Elk Creek. The prospective buyers questioned whether Homeowners Association membership was mandatory because of septic systems. Pal Durborow stated that it was probably in the deed or the Homeowners Association Declarations.

Springlawn Road

Al Jezyk stated that limbs were cleaned out of the Springlawn Road Trail.

NEW BUSINESS

No new business.

PUBLIC COMMENT

John Groce asked that PennDOT be notified of the bad dip on Strickersville Road. Estace Walters stated that he would follow-up.

John Groce stated that there is trash on Route 472 towards Peacedale Court. Estace Walters stated that he would follow-up.

John Groce asked if the Board talked with the Solicitor about Peacedale Court. Pal Durborow stated that Estace will contact State Representative John Lawrence and that the Township Solicitor will send a packet to Harrisburg. The Board will need to decide whether to take dedication and will need to review liability issues. The previous meeting with PennDOT was disappointing. PennDOT's estimate was \$510,000 but they gave no specifications to the contractor. The contractor included things in the estimate that did not make sense.

Meeting Adjourned at 7:45 PM.

Respectfully Submitted,

Terri Kukoda
Secretary/ Treasurer