

**ELK TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
September 2, 2008**

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**

There was no public comment.

**ADMINISTRATIVE ACTION/PRESENTATIONS/CORRESPONDENCE**

**Robert Hotchkiss, Jr. - Southern Chester County Emergency Medical Services**

Southern Chester County Emergency Medical Services (SCCEMS) Chief Executive Officer Robert Hotchkiss, Jr. gave a brief overview of the services provided by SCCEMS. Mr. Hotchkiss provided the Board with the Annual Call Report and presented a plaque recognizing the Township's support and funding over the last twenty-five (25) years.

**The Chester County Trauma Center Initiative**

Pal Durborow referred to correspondence dated August 12, 2008 regarding the Chester County Trauma Center Initiative. The goal of the Chester County Trauma Services Task Force is to educate county residents about the lack of a trauma center in Chester County.

**Resolution No. 2008-05 Building Permit Fee Schedule**

On a motion made by Estace Walters, seconded by Al Jezyk, the Board adopted Resolution No. 2008-05 Building Permit Fee Schedule. The vote was unanimous.

**Resolution No. 2008-06 Fee Schedule**

On a motion made by Estace Walters, seconded by Al Jezyk, the Board adopted Resolution No. 2008-06 Fee Schedule. The vote was unanimous.

**Frank Woolston Preliminary/Final Subdivision Plan dated November 6, 2006 Latest Revision January 25, 2008**

On a motion made by Estace Walters, seconded by Al Jezyk, the Board denied the Frank Woolston Preliminary/Final Subdivision Plan dated November 6, 2006 Latest Revision January 25, 2008 based on non-conformance to the following Ordinance Sections:

**Elk Township Zoning Ordinance of 2002, as amended:**

**Section 1301.C.8** requires a minimum clear sight distance for the proposed Lot 1 driveway accessing Hickory Hill Road of 350 feet. The plan does not conform. An analysis of site distance triangles in accordance with AASHTO standards and plan data indicates that the available site distances to the north and south of the proposed driveway are 300 feet and 105 feet respectively.

**Section 1102.G.1.a (4)** specifies yard area of residences to be a use by right within the Precautionary Slope District if the structure is not within 25 feet of said district. The plan has been revised to indicate precautionary slopes to be in excess of 25 feet from the proposed residence; however, this revision is inconsistent with plan topography and the methodology for computing precautionary slopes, as defined by Section 1102.E.4.a. Precautionary slopes defined by this standard render the proposed residence on Lot 1 in conflict with Section 1102.G.1.a(4).

**Section 1102.G.1.b (2)** specifies yard area of residences to be a use by right within the Prohibitive Slope District if the structure is not within 50 feet of said district. The plan has been revised to exclude shading for prohibitive slopes in the vicinity of the proposed driveway, which would violate this standard. The Applicant's engineer has noted that these slopes were artificially created approximately 8 years ago by the Township in an effort to control runoff onto Hickory Hill Road, and should not consequently be subject to the relevant zoning standard. The Zoning Ordinance provides no language to exclude prohibitive slopes in this condition.

**Section 1103.F.2.b.** requires exclusion of the replacement sewage system area for delineation of the requisite tree protection zone. The plan does not conform.

**Section 1301.B.2.a.** requires that the design of all sewage systems shall be subject to the approval of the Pennsylvania Department of Environmental Protection and the Chester County Health Department, as well as comply with all applicable regulations thereof. Neither agency has approved the plan.

**Section 1301.B.4.** requires stormwater management and sedimentation and erosion control to be in compliance with all Township, federal, state, and county provisions or requirements. No Chester County Conservation District correspondence has been submitted to indicate compliance with sedimentation and erosion control. The stormwater management facilities are not consistent with the applicable Pennsylvania Department of Environmental guidelines.

**The Elk Township Subdivision and Land Development Ordinance of 1989:**

**Section 518** requires that permanent concrete monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided. The plan indicates placement of concrete monuments only at 5 of the 7 corners and angle points. Furthermore, placement of a concrete monument at the southeast property corner is noted only if tree removal can be avoided.

**Section 701.c** requires that every applicant shall, as part of his application for approval of the plan, agree to pay to the Township of Elk such fees and expenses as said Township may be required to incur for the services of the engineer and/or inspector in investigation, tests and advising the Board in relation to the plan. The applicant has not paid review fees incurred by the Township for the services of the Township Engineer in advising the Board in relation to the plan.

The vote was unanimous.

**Sherry L. Buchanan Final Minor Subdivision Plan dated February 20, 2008 Latest Revision dated August 20, 2008**

On a motion made by Estace Walters, seconded by Albert Jezyk, the Board approved the Sherry L. Buchanan Final Minor Subdivision Plan dated February 20, 2008 Latest Revision August 20, 2008 conditioned upon Township Solicitor approval of the following documents:

1. Easement and Maintenance Agreements for the well and shared driveway.
2. Deed of dedication for the Camp Bonsul Road right-of-way.

The vote was unanimous.

**Roadwork Material Bids – Blacktop Material**

Pal Durborow stated that one (1) Roadwork Material Bid for blacktop material was submitted, which was from Independence Construction Materials.

On a motion made by Estace Walters, seconded by Albert Jezyk, the Roadwork Material Bid for Blacktop Material was awarded to Independence Construction Materials. The vote was unanimous.

**The Bluffs at Big Elk Creek Subdivision**

Pal Durborow referred to URS correspondence dated August 21, 2008 responding to concerns expressed by the Homeowners Association at The Bluffs at Big Elk Creek. Pal also referred to URS correspondence dated August 28, 2008 regarding road dedication. The Board agreed to authorize Stan Corbett to create a final punch-list of issues to be addressed prior to dedication.

**Fair Hill Estates Subdivision - Stormwater Inspection**

Township Alternate Engineer James Gade met on-site with the developer of the Fair Hill Estates Subdivision to evaluate drainage issues. The developer has agreed to take corrective action as outlined in Stantec's correspondence dated August 2, 2008.

**Fair Hill Estates Escrow Release Request #1 & Escrow Release Request #2**

Pal Durborow stated that the Township has received two (2) Escrow Release Requests for the Fair Hill Estates Subdivision.

**Chrome Barrens 2008/2009 Season Hunting Permits**

On a motion made by Estace Walters, seconded by Al Jezyk, the Board authorized the Township Secretary to issue fifty-five (55) Chrome Barrens Hunting Permits for the 2008/2009 hunting season.

**Agricultural Security Area Application/Harnish Property Tax Parcel 70-4-1**

Pal Durborow stated that an Agricultural Security Area Application has been received for property (Tax Parcel #70-4-1) owned by Raymond and Rhoda Harnish.

### **DCED Grant Closeout Report – HVAC**

Pal Durborow referred to the Department of Community and Economic Development (DCED) Grant Closeout Report for the heating and air conditioning system. This report is required under the grant contract and will be forwarded to DCED for approval.

### **DCED Grant Application – Parking Lot Re-paving**

The Township has applied for a DCED grant to re-pave the Township Building parking lot.

### **Township Building – Outdoor Lighting**

The Board agreed to request quotes to improve the outdoor lighting at the Township Building.

### **CCATO Fall County Convention**

On a motion made by Estace Walters, seconded by Al Jezyk, the Board authorized the Township Secretary and Board of Supervisors to attend the Chester County Association of Township Officials (CCATO) Fall County Convention.

### **STAFF REPORTS**

#### **Secretary's Report**

On a motion made by Estace Walters, seconded by Albert Jezyk, the August 4, 2008 Board of Supervisors Meeting Minutes were approved with a correction to the motions to approve Bills to be Paid for August and Roadmaster Payroll. The vote was unanimous.

#### **Treasurer's Report**

On a motion made by Pal Durborow, seconded by Estace Walters, 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: \$361.85

#### **Planning Commission**

Pal Durborow referred to the August Planning Commission Minutes stating that the Planning Commission approved the Buchanan Subdivision Plan.

#### **Zoning Hearing Board**

The TJA Properties, LLP (ToJo Mushrooms) Zoning Hearing will be continued on September 10, 2008 at 7:00 PM.

#### **Zoning Officer**

No report.

**Roadmaster**

Estate Walters referred to the August Roadmaster Report stating that a large tree branch was removed; patching was done on Camp Bonsul Road, Glen Hope Road and Hickory Hill Road; and the drain was repaired on Rocky Glen Road. Estate stated that he followed up with Mr. St. John about truck traffic on Old Forge Road.

**Post Office Committee**

No report.

**Historic Commission**

No report.

**Open Space Committee**

On a motion made by Estate Walters, seconded by Al Jezyk, the Board approved the estimate of \$1,000 for consulting services provided by Tara Tracy to the Open Space Committee. The vote was unanimous.

**Executive Session**

The Board held an Executive Session with the Township Solicitor to discuss various legal issues including the TJA Properties (TOJO) Zoning Hearing, the Road Opening Permit Ordinance, and a possible franchise agreement with Verizon.

**OLD BUSINESS**

No old business.

**NEW BUSINESS**

No new business.

**PUBLIC COMMENT**

No new business.

Meeting Adjourned at 7:50 PM.

Respectfully Submitted,

Terri Kukoda  
Secretary/ Treasurer