ELK TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
May 1, 2017

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

PUBLIC COMMENT ON AGENDA ITEMS
There was no public comment.

ADMINISTRATIVE ACTION/PRESENTATIONS/CORRESPONDENCE
Carey Bresler, Director of Oxford Public Library; Oxford Library Correspondence dated 4/12/17
Al Jezyk read aloud Oxford Library correspondence dated April 12, 2017 acknowledging the Township's generous contribution. Carey Bresler, Director of the Oxford Public Library, thanked the Township for its support and provided an overview of the library's services.

Jim George stated that the library's staff is always friendly and the library is very organized.

Executive Session 4/11/17 w/Township Solicitor
Al Jezyk announced that the Board held an Executive Session on April 11, 2017 with the Township Solicitor to discuss dog barking issues and snow removal complaints, unleashed dogs in Springlawn Road Trail, and Peacedale Court.

Dog Barking Complaint (Gregg Miller); Draft Dog Barking Ordinance
Al Jeyzk stated that he is not in favor of adopting a dog barking ordinance and the Township Solicitor has provided a case showing this is a private nuisance issue.

Public Comment: Gregg Miller stated that he spoke with Representative Lawrence, everything points to the Board, and it is clearly within the decibels. Gregg asked if the Board will enforce the ordinance.

Al Jezyk responded that it is difficult because of decibels and he feels this is a private nuisance issue.

Jim George responded that the Township Solicitor has advised that this is a private nuisance issue and should be pursued legally. The Board does not want to enact an ordinance that can't be enforced.

Public Comment: Milt Rudy stated that if the Township passes an ordinance and a judge says no, then the private remedy might be jeopardized.

Jim George stated that if it ends in District Court, there would be lots of evidence for a personal lawsuit. The Board does not want to enact a dog barking ordinance but will look at lowering the number of dogs allowed.

Estace Walters stated that spoke with a kennel owner concerned about limiting the number of dogs.

Jim George stated that the Board has a memo from the Township Solicitor with case law to summarize for Mr. Miller.

Public Comment: Suzanne Dougherty asked if the Board has a definite decision.

Al Jezyk responded that the Board is still looking at this issue and talking with the Township Solicitor.

Township E-mail/Complaints Policy
Al Jezyk stated that the Township Solicitor has advised that there be a written policy for e-mail complaints. The Board will follow-up with the Township Solicitor if necessary.

Concord Land Planners & Surveyors Inc. Correspondence dated 4/20/17 Re: George Robert Gregg & Carolyn Mildred Gregg Subdivision Plan – SALDO Section 301.A.1 Waiver Request (Consideration of Plan as a Minor Plan)
Al Jezyk read aloud Concord Land Planners & Surveyors, Inc. correspondence dated April 20, 2017 requesting a waiver from the Elk Township Subdivision and Land Development Ordinance Section 301.A.1 to allow for consideration of the plan as a "Minor Plan".

On a motion made by Jim George, seconded by Estace Walters, the Board granted a waiver from Elk Township Subdivision and Land Development Ordinance Section 301.A.1 for the George Robert Gregg & Carolyn Mildred Gregg Subdivision Plan. The vote was unanimous.

"Planning Module Component 1 for C. Mildred Gregg Subdivision" (latest revision 3/24/17)
Al Jezyk stated that the "Planning Module Component 1 for C. Mildred Gregg Subdivision" has been signed by Chester County Health Department and Township Planning Commission, and the Township Engineer has advised that all outstanding issues have been addressed. After the Board approves and signs the module, it will be forwarded to PA DEP for review/approval.

On a motion made by Jim George, seconded by Estace Walters, the Board approved the "Planning Module Component 1 for C. Mildred Gregg Subdivision" (latest revision 3/24/17). The vote was unanimous.

"On-Lot Sewage Management Agreement"; "Stormwater Best Management Practices (BMP's) and Conveyance Operation and Maintenance Agreement" (between George Robert Gregg and the Estate of Carolyn Mildred Gregg as Landowners and Elk Township
On a motion made by Jim George, seconded by Estace Walters, the Board agreed to sign the "On-Lot Sewage Management Agreement" and "Stormwater Best Management Practices (BMP's) and Conveyance Operation and Maintenance Agreement" between George Robert Gregg and the Estate of Carolyn Mildred Gregg (Landowners) and Elk Township. The vote was unanimous.

George Robert Gregg & Carolyn Mildred Gregg Preliminary/Final Two Lot Subdivision Plan Dated 8/19/14 Latest Revision 3/24/17; AECOM Correspondence dated 4/19/17
Al Jezyk stated that the Township Engineer has advised that all review comments have been addressed except the legal documents for dedication of the additional right-of-way.

Lancaster Home Builders Lots 1 & 3 – AECOM Correspondence dated 4/24/17
Al Jezyk stated that the Township Engineer has advised that there are still a few review comments to be addressed.

Draft Floodplain Ordinance
Al Jezyk stated that the Township Engineer is working on the draft floodplain ordinance and will coordinate FEMA's approval. The deadline for enacting the ordinance is September 27th.

Public Comment: Donna Ellingsen asked when will it be ready for review.

Al Jezyk responded that he is not sure but the Township Engineer is working on it.

ASA 7-Year Review; Chester County Agricultural Land Preservation Board Correspondence dated 4/11/17
Al Jezyk stated that the Township has received notification from the Chester County Agricultural Land Preservation Board that the Township's Agricultural Security Area (ASA) is due for its 7-year review. The process includes review and recommendations by the ASA Advisory Committee (3 farmers, 1 Township Supervisor, 1 Township resident) which the Township does not have. If the Township does not conduct the 7-year review, the ASA is deemed readopted without modification.

Public Comment: Milt Rudy asked what is the point of the 7-year review.

Al Jezyk responded that changes can be made to the ASA during the process.

Estace Walters explained that land in the ASA can go into easement programs.

Jim George suggested that the Board ask the Township Planning Commission's advice.

Stormwater Management Plan and Erosion & Sedimentation Control Plan dated 3/20/17 - Frances Duvall & Sandra Duvall-Wolfe UPI #70-3-40; Chester County Health Department Correspondence dated 4/26/17
Al Jezyk stated that Frances Duvall and Sandra Duvall-Wolfe have submitted a stormwater management plan to the Township for review and has submitted to Chester County Health Department an application for a drip micro-mound system sewage permit. The stormwater management plan and has been forwarded to the Township Engineer for review.

Agreement for Professional Plan Review Services Between Elk Township and Frances Duvall & Sandra Duvall-Wolfe
On a motion made by Jim George, seconded by Estace Walters, the Board agreed to sign the Agreement for Professional Plan Review Services Between Elk Township and Frances Duvall & Sandra Duvall-Wolfe. The vote was unanimous.

U.S. Board of Geographic Names Geographic Name Proposal Recommendation for Chrome Barrens
On a motion made by Jim George, seconded by Estace Walters, the Board approved the U.S. Board of Geographic Names recommendation to officially name the serpentine barrens areas as the "Chrome Barrens". The vote was unanimous.

Union Fire Company No. 1 Borough & Township Liaison Meeting 3/23/17
Al Jeyzk attended the Union Fire Company No. 1 Borough & Township Liaison Meeting on March 23, 2017 and provided an overview of the meeting. The meeting included questions about other fire companies covering, the audit getting out quicker, and why doesn't Ware Presbyterian pay more. Al explained that the fire company needs to do better with bookkeeping, money goes only for equipment, and boroughs and townships would like to sit in on meetings for new truck replacements.

2017/2018 Roadwork Equipment Rental, Aggregate & Blacktop Materials, & Snow Removal/Ice Control Bid Packets
The Board agreed to proceed with advertising the 2017/2018 Roadwork Equipment Rental and Aggregate & Blacktop Materials bid packets. Jim George will look over the Snow Removal/Ice Control Bid Packets

Governor Wolfe's Proposed Budget
The Board discussed Governor Wolfe's proposed budget that includes $25 per resident for State Police protection (cost to Elk Township of over $40,000). Estace Walters will call representative John Lawrence to express the Board's opposition.

Peacedale Court Dedication
The Board agreed to table authorizing the Township Solicitor to proceed with dedication negotiations for Peacedale Court. The Board would like further clarification on waiving title insurance and maintenance bond/agreement requirements.

Towne Square Engineering Correspondence dated 4/25/17 Re: TOJO Mushrooms NPDES Permit Application to DEP
Al Jezyk stated that ToJo Mushrooms has applied to Pennsylvania Department of Environmental Protection for a General NPDES (National Pollutant Discharge Elimination System) Permit.

TOJO Mushrooms Preliminary Land Development Plan Waiver Requests to the Elk Township Subdivision and Land Development Ordinance (SALDO)
Al Jezyk stated that the Township Engineer has no objections to ToJo Mushrooms waiver requests.

On a motion made by Jim George, seconded by Estace Walters, the Board approved the waiver requests of Sections 513.G (curbing at driveway entrances), 519.C.3.A. (stabilization of the site within 20 days), and 519.C.7 (maximum area disturbed by construction not to exceed 25% of the tract) to the Elk Township Subdivision and Land Development Ordnance. The vote was unanimous.

PC Member Appointment – Delbert Steele 4-year Term
On a motion made by Jim George, seconded by Estace Walters, the Board appointed Delbert Steele to the Elk Township Planning Commission for a 4-year term. The vote was unanimous.

STAFF REPORTS
Secretary's Report
On a motion made by Estace Walters, seconded by Jim George, the April 4, 2017 Board of Supervisors Meeting Minutes were approved.

Public Comment: Donna Ellingsen asked where is the Amish schoolhouse located.

Estace Walters responded that it is at the corner where the farm stand is located.

Treasurer's Report
On a motion made by Estace Walters, seconded by Jim George, the Bills to be Paid for May, with exception of Roadmaster Payroll, were approved. The vote was unanimous.

On a motion made by Jim George, seconded by Al Jezyk, the bill to be paid for Roadmaster was approved. Estace Walters abstained from the vote.

Tax Collector
April 2017: $6,203.78

Trail Coordinator
No report.

Planning Commission
April 2017: Stan Corbett in attendance to explain recent changes and improvements to JoJo Mushroom plan; PC's signed off on the Gregg plan; PC's reviewed the hearing request for a proposed Amish schoolhouse off Old Forge Road.

Zoning Hearing Board
Applications for Hearing submitted by Tim Siple for variance of Zoning Ordinance Section 601.A. and by John D. Coldiron (Consultant for owners Chirstian and Fannie Fisher) for variance of Zoning Ordinance Section 601.A & B. Applications have been forwarded to Attorney Oeste for scheduling hearings.

Public Comment: Donna Ellingsen asked what are the applications for.

Jim George responded that the Siple application is to split a residential house into two (2) apartments and the Coldiron application is for an Amish schoolhouse.

Building/Zoning Report
Two (2) zoning permits issued; one (4) building permits issued; no occupancy/demolition/sign permits issued; two (2) complaints received.

Roadmaster
Roadmaster Estace Walters reported that he took trash to the dump from Glen Hope Road, cleaned big tree branches off Hickory Hill and Old Forge Road, cut a tree back on Reisler Road, and had seventeen (17) volunteers help with clean-up day.

Estace stated that he had lots of help on clean-up day and thanked everyone that helped.

Estace reported that the State is looking at the Glen Hope Road pipe, is now saying July for the Reisler Road Bridge, is supposed to repave Route 472 from the Township line to the Township Building, and he talked with the State about various areas needing rip-rap and will call tomorrow about signs.

Al Jezyk stated that a few potholes need to be patched.

Estace stated that East Nottingham has started paving Mt. Olivet Road, and that the Board needs to look at the Township Building ramp and parking lot.

Historic Commission
No report.

Emergency Management Coordinator
Emergency Management Coordinator Stephen Roberts reported that OXREM conducted an informational session on Ready Chesco and will have a training session. Stephen will be at "First

Friday" in Oxford to hand out OXREM and Ready Chesco information. The Township can also send out an electronic newsletter to Ready Chesco subscribers.

Oxford Area Recreation Authority
April Report: OARA Pitch Hit and Run competition was a success; over 50) participants; 18 individuals have qualified to move to sectionals; various local sponsors contributed; event was free for all participants; all OARA board members took part in planning; winners will be recognized and presented with certificates at next OARA Board meeting.

OLD BUSINESS
Jim George stated that he seeded the grass area at the Township Building.

Public Comment: Jim Whitesel asked about the Zoning Hearing Board's decision.

Township Secretary Terri Kukoda responded that Attorney Oeste will mail the original decision for the Zoning Hearing Board members to sign, and copy of the signed decision will be mailed to Mr. Whitesel.

NEW BUSINESS
No new business.

PUBLIC COMMENT
No public comment.

Meeting adjourned at 8:40 PM.

Respectfully Submitted,

Terri Kukoda
Secretary/ Treasurer