

Board of Supervisors Minutes
April 9, 2012

The regularly scheduled meeting was opened at 7:00 P.M. on Monday, April 9, 2012.

Roll call was taken and present were Gary C. Elston, Chairman, David L. Mast, Vice Chairman and member Nelson R. Beam. Others present were April Barkasi, engineer, Frank M. Newhams, zoning officer and Michael Gill, solicitor (sitting in for Kristin S. Camp).

Chairman Elston called for public comment on tonight's agenda, since there wasn't any comment he continued with the meeting.

Minutes - March 12, 2012. Noting that there was an extra word on page 2, last paragraph, Mr. Mast made the motion to approve the minutes as written, Mr. Beam made the second. Motion carried by a vote of 3-0.

The **Treasurer's Report** was approved until further audit. Balances were as follows:

General Fund – Money Market:	\$1,188,936.34
General Fund – Checking:	2,856.50
General Fund – EMS	6,530.65
State Fund – Money Market:	221,018.37
State Fund – Checking:	4,252.85
PLGIT Regular	536.32
PLGIT- Recreational	284.87
Open Space	12,575.15
Act 209	1,890.52
Certificate of Deposits:	
National Penn Bank	126,376.04
Capital Reserve	127,742.71
New Truck	48,157.32
Elverson Ambulance	30,648.25
TVFD	30,648.25

Audience:

Craig Hafer from Twin Valley Soccer Club: Mr. Hafer was here regarding the possibility of adding additional fields to the existing soccer field. Mr. Mast and Ms. Barkasi went out and confirmed that that two small fields can be made on the main field by turning the existing field. However their interest is more in having additional fields to play on, presently they use our field mainly for practice. Increasing or adding to the fields would infringe on other park activities. Since this is a community park we offer activities

not just soccer by using more land for additional soccer fields would limit other uses. Mr. Hafer understood and is looking into what to do with the goals out of season.

Harry Schlimme: He will wait as he is on the agenda and will wait until New Business is discussed.

Victor Kelly - Commonwealth Engineers: Representing the Hammell-O'Donnell Business Park. Honey Brook Township revised Act 537 will include this southern section of the township but the Northwestern Chester County Municipal Authority will not go forward without an Inter-Municipal Agreement. We had tabled the franchise water agreement last month as the section that is to be included has not been approved.

- Mr. Gill is going to see if there is an Inter-Municipal Agreement that we can use.
- Regarding the water franchise, since this is industrial use Mr. Kelly feels that public water is needed. PUC will only grant what the township requests. Discussion ensued on what parcels should be included. The board felt that the subdivision plan and the Dolores Colona and Wenco Properties, LLC should be included if they desire. A letter will be sent to Aqua America that water is to be supplied to only the three properties.
- Dedication of the road was discussed. Mr. Gill didn't feel it necessary to take dedication. Very few business parks have dedicated roads. Mr. Kelly asked if we weren't going to take dedication of the road would we still want sidewalks. The board agreed that sidewalks on one side would be required. Ms. Barkasi noted that even if the road isn't dedicated it would still have to be built to our specifications.
- The intersection of Chestnut Tree Road and Horseshoe Pike (Route 322) configuration and alignment Phase I was discussed. Traffic will trigger traffic light installation.

Stephen Guthan, 15 Woods Road: A permit for a shed was issued by the township and Mr. Guthan put in a driveway and parking area for his equipment by the shed. There was no storm water or Erosion and Sediment Controls put in place. The placement of the shed violates the buffer zone and the driveway has disturbed wetlands. Mr. Guthan built a garage with living quarters on top of the garage. Mr. Guthan agreed to abandon the living quarters when a new house was built. Since he built the garage a new Zoning Ordinance was adopted with new regulations. Because of the required buffer zone there may be issues with his proposed placement of another dwelling. The issue of him parking his equipment and basically using the property to store his equipment goes beyond the scope of work allowed in a Category II for Home Occupations. Mr. Guthan was told that there was no need to come to a conclusion this evening. That our solicitor, zoning officer and engineer will discuss this and determine what, if any, violation to approve.

Reports:

Frank Newhams gave the Zoning Report. He reviewed permits issued for the month.

Nelson Beam gave the **Planning Commission Report**. The sketch plan for Merle Stoltzfus and the Hammell -O'Donnell Business Park were discussed at this meeting.

Road Report. Mr. Sautner had some questions on the Road Inspection Report. He asked that a letter be sent to Mr. Scheifele at 1660 Little Conestoga Rd regarding the pine tress. This letter will give Mr. Scheifele 30 days to trim his pine trees to an elevation to ensure safe site distance if not completed within the 30 days the township will trim the pines.

Recreation Report given by Mr. Mast. Two new picnic tables for the pavilion, a new grill, a new tennis net and new bases for ball field have been acquired for the park.

We have not received the paper work from DCNR regarding the grants but it is expected soon.

Mr. Mast will put an ad in the Lancaster Farming paper asking for bids on the disc mower to be opened on May 14, 2012.

Mr. Mast will also find a company to repair the cracks on the tennis courts.

Historical Report given by Susan Ward. There will be a special meeting on Thursday, May 3, 2012 at 10:00 P.M. with representatives from PennDOT, Board of Supervisors and our legislative representatives seeking funds for the stonewall repairs through out our township.

New Business:

Hazardous Waste Ordinance: Mr. Gill reviewed the exhibits, and a brief description of the ordinance.

Chairman Elston called on any public comment regarding this ordinance.

Motion: Mr. Beam made the motion to adopt Ordinance No. 115 - 2012 Hazardous Waste Ordinance, this was seconded by Mr. Mast. Motion carried on a vote of 3-0.

Bensinger - Storm Water Waiver for driveway on Lammey Road. Storm water to be completed with building permit for home. Mr. Mast made the motion to grant the waiver for storm water for the driveway, this was seconded by Mr. Beam. Vote carried unanimously, 3-0.

Harry Schlimme: Isabella Road property. Storm water Management and Erosion and Sedimentation Control Review. The reviewed letter dated Mach 21, 2012 from Cedarville Engineering Group, LLC and the plan submitted by Witman Engineers and Consultants was reviewed and discussed. A more accurate plan is needed before Ms.

Barkasi can complete the review of the plan. It was suggested that Mr. Schlimme contact his engineer and have him prepare a corrected plan that meets our Storm Water Ordinance requirements. Noting that this corrected plan can generate additional comments. Ms. Barkasi also requested that because of the soils she would like to witness the testing of the infiltration system and requests 72 hours notice.

Ford Property, 11 Fairview Rd: Investigation to determine if earth disturbance to wetlands and hydric soils has taken place. Mr. Newhams has been out to the property and a representative from Ms. Barkasi's firm was also at the property. The investigation shows there may be a violation of the buffer zone, illegal fill being used, and grubbing has taken place and no Erosion and Sediment Controls in place. Chester County Conservation District will be notified. There are also multiple accessory buildings in place. A Cease and Desist letter will be sent.

Two properties will have Cease and Desist Orders in violation of the Property Maintenance Ordinance will be filed:

- Clark/Cazillo at 101 Church Rd, Elverson, PA 19520
- Alan and Lisa Shingle 277 Killian Road, Honey Brook, PA 19343

The variance for **Randall and Rita Delibero** was approved by the Zoning Hearing Board. The Board of Supervisors did not see the hardship with this variance and feel to protect the integrity of our ordinance the will appeal the Zoning Hearing Board's decision.

Motion: Chairman Elston made the motion to appeal the decision for Randall and Rita DeLibero for the variance that was granted on March 22, 201 by the West Nantmeal Zoning Hearing Board. This was seconded by Mr. Beam.

A roll call vote was taken on the motion, Mr. Elston, yes, Mr. Mast, No, Mr. Beam, yes. Vote 2-1 Our solicitor will file the petition by April 21, 2012.

Fire Contract with Glenmoore Fire Company. The submitted contract needed some typographical errors changed the date for payment needed updating. Mr. Gill will have Ms. Camp revise the existing contract and have it for approval at our May meeting.

Resolution No. 180, Prevailing Wage Resolution was approved and adopted on a motion made by Mr. Mast, seconded by Mr. Beam. Motion carried by a vote of 3-0.

Regarding the maintenance contract for the new copier we purchased last December. After reading the contract our solicitor felt that we have the right to ask to be billed at the rate that was quoted at the time of the sale and that we are under no obligation to pay the

\$395.00 maintenance fee as requested by Rothwell Equipment. However, Mr. Gill suggested that we reevaluate that option in 2013.

Mr. Gill suggests that an Enforcement Notice be sent to Mr. Guthan at 15 Woods Road. regarding the shed, impervious surface stones and Home Occupation.

Isabella Road widening and resurfacing was discussed. Our engineer suggests a Unit Cost Bid as we are not sure what the cost will be for this endeavor.

Mr. Gill, Ms. Barkasi and Mr. Newhams left at 10:35 P.M.

Bills were paid as listed on the Bills to be Paid list on a motion made by Mr. Mast, seconded by Mr. Beam. Motion carried 3-0.

General Fund	\$47,880.48
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James Stoltzfus will be asked if he would like to attend the convention on May 6, 2012.

With no further business to discuss, adjournment took place at 10:55 P.M. on a motion made by Mr. Mast, seconded by Mr. Elston. Motion carried unanimously by a vote of 3-0.

Respectfully submitted,

Susan L. Ward, Secretary