

Board of Supervisors Minutes  
April 11, 2011

The regularly scheduled meeting for April 11, 2011 was opened at 7:00 P.M. by Chairman Elston. Roll call was taken and present were:

Gary C. Elston  
David L. Mast  
Nelson R. Beam

Others present were Kristin S. Camp, April M. Barkasi and Frank Newhams.

Chairman Elston called for public comment on tonight's agenda, there was no comment from the audience so he continued with the meeting.

The Minutes from the March 14, 2011 meeting were approved by on a motion made by David Mast after noting a typographical error on page 2, paragraph 5 the word hand should be handle. With that correction noted the second was made by Mr. Beam. Motion carried unanimously.

The Treasurer's Report was reviewed and approved until further audit, balances were as follows:

General Fund - Money Market:		769,332.85	
General Fund - Checking:		2,809.07	
General Fund - EMS		4,992.27	
State Fund - Money Market:		114,289.96	
State Fund - Checking:		4,241.76	
PLGIT Regular		536.05	
PLGIT Recreation		284.79	
C.D.'s			
DNB First	150,000.00	National Penn	125,000.00
Capital Reserve	126,409.91	Glenmoore Fire	42,012.95
New Truck	47,654.53	Elverson Ambulance	30,328.27
TVFD	30,328.2		

Audience:

Mr. Dean Carlson, Wyebrook Farm: Mr. Carlson plans to operate a retail store to sell the products raised on his farm. His idea is to sell the products to the public not only in raw form but he would like to serve food and beverages while people shop. Our solicitor feels that this use would be permitted under Section 703.3 and Section 703.4 of our zoning ordinance. Mr. Carlson is aware that the Chester County Health Department has strict regulations and he has been working with them. Our Zoning officer will let Mr. Carlson know what requirements are necessary from us (i.e. Mechanical permits) as

agricultural uses don't require permits but with the commercial elements this will have to be looked into further.

Michael Kerr- Lippitt and Killian Roads: Mr. Kerr brought along his SEO Mr. Russell Losco to explain the type of sewage that he may plan to use on his lot (s). Mr. Losco explained how the Evapotranspiration (ET) wastewater system works. Presently there are 5 of these systems in the state of Pennsylvania, with none being in Chester County. Mr. Losco handed out literature on the system. Ms. Barkasi pointed out that in our Act 537 this Evapotranspiration system is not an approved method or alternate and someone would have to pay to include this system in our ordinance. Mr. Kerr would not answer any legal questions without his lawyer present. The Board is not comfortable with the system that they are proposing and decided that nothing can be done until a plan is submitted and a variance is requested as presently he has a non-conforming corner lot that doesn't meet the acreage and may not meet the set-back requirements. These items need to be addressed prior to dealing with the sewage issue. A Zoning Hearing application will be mailed to Mr. Kerr tomorrow.

Ernest, Roberta Horvath: 950 N. Manor Road, Honey Brook, PA 19344 and son Andrew Horvath: The Horvath's are very upset that a fence permit was issued to their neighbors. When they appeared before the board in March they were told that a variance had been filed and they left thinking that there was going to be a hearing. They then learned that the Hassis's were given a permit for their fence. They are very disappointed as both Mr. and Mrs. Horvath have cardiac issues and it has been a difficult 5 months. Our solicitor confirmed that the zoning letter sent in February did not cite any zoning section and in her legal opinion the citation could not be defended at a zoning hearing. She stated that this is clearly a private property issue and the township should not be involved in property disputes. She advised the Board to request Mr. Newhams to issue the permit once the Hassis's met the survey requirements in our Zoning Ordinance. This went to the courts and some relief was granted by the courts. The township did suggest that the Horvath's install their own driveway which they are in the process of doing that as they have received a HOP from PennDOT.

Stan Stubbe- Pennsylvania Outdoor Lighting: Mr. Stubbe was asking for a letter to the IDA Board to control light pollution in the area that encompassing the Hopewell Big Woods area. **Motion:** Mr. Mast made the motion to authorize the letter that Mr. Stubbe requested, this was seconded by Mr. Beam and motion carried unanimously in favor of the motion.

#### Reports:

Mr. Newhams gave the Zoning Report.

- Mr. Kennedy at 136 Barneston Road wants to build a garage but is having difficulty in meeting the setbacks and placement requirements.

- 759 N. Manor Rd: Information was received that there are rats at this property and trash is being buried in the back yard. It was decided that the people who issued the complaint should come into township office and speak with Mr. Newhams as Mr. Newhams was out to the property next door and did not see any problems.
- The Dan Elston permit was issued

French Creek Village: Last year Adam Brower for E.B. Walsh & Associates presented a request to for a revision to the approved subdivision to allow ten lots that were approved as attached dwellings to be converted into single family detached dwellings. This was approved with conditions at our December 13, 2010 meeting. They have since found that they are having difficulty in placing the single homes on the lots. Ms. Barkasi thought that Mr. Brower would be in attendance at tonight's meeting but since he isn't this was tabled. This will require a revision to their Land Development Plan.

Frank Newhams left at 8:08 P.M.

Chairman Elston skipped to the item under New Business, Professional Services Agreement. Ms Camp had sent us a form that we thought we could use for our Stormwater Ordinance but we have since discovered that we have an application for stormwater applications to allow fees to be collected for services. We will forward a copy of this for Ms. Camp to review. Ms Camp then left at 8:24 P.M.

Roads: Bob Sautner gave the Road Report. Road inspection has been completed and he has the list of what needs to be done. It was decided that the self contained sweeper will be rented for \$300 a day. Rental company is local and Mr. Sautner can pick it up. Our road sweeper is going in for repairs.

The bill from Beiler Paving was discussed. The original cost for this job was \$7,975.00. We paid half of the invoice as the job was not done right when they did the paving last year. Beiler Paving said they would come back (they agreed that the job needed to be completed correctly) in the spring. They came out in March and did the job but submitted an additional invoice for the work. The Board was in agreement that we would pay the other half of the original proposal but since the work was not done correctly the first time they saw no reason why the township should be charged additionally for an error on their part.

Honey Brook Township will be contacted to see who does their road line painting.

Recreation:

DCNR Grant: Ms. Barkasi has been working on the DCNR grant for our park. A discussion ensued on what we need regarding new equipment and how to make our existing playground equipment safer.

**Motion**: Chairman Elston made the motion go forward with the DCNR Community Conservation Partnership Program (CCPP) and to have Susan Ward sign the Resolution and all documentation for the DCNR Grant. This was seconded by Mr. Mast. Motion carried unanimously in favor of the motion.

April Barkasi left at 8:55 P.M.

Hammell- O'Donnell Subdivision: Has requested a year extension for their review on the subdivision plan. **Motion**: Chairman Elston made the motion to grant the request to extend the review period by one year to coincide with our April 9, 2012 meeting date. This was seconded by Mr. Mast. Motion carried.

Bills were paid as listed on a motion made by Mr. Mast, seconded by Chairman Elston.

General Fund	\$24,802.72
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With not further business to conduct, motion to adjourn was made by Mr. Mast at 9:26 P.M., this motion was seconded by Chairman Elston. Vote 3-0, motion carried.

Respectfully submitted,

Susan L. Ward, Secretary.