

Board of Supervisors Minutes
June 13, 2011

Chairman Elston opened the regularly scheduled Board of Supervisors meeting on Monday, June 13, 2011 at 7:00 P.M.

Roll call was taken and present were all three supervisors, Gary C. Elston, David L. Mast and Nelson R. Beam. Others present were Frank Newhams, zoning officer April Barask, engineer and Kristin Camp, solicitor

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

Opening of Bids:

Proof of advertising was supplied by the Daily Local News for the two days, May 27th and June 2, 2011 that the bid to oil and chip Yoder Road was advertised.

No. 1: Asphalt Industries, Inc. Chester, PA- 10% Bid Bond
\$1.44 sq yd total price \$19,493.23

No. 2: Martin Paving, Inc. Lititz, PA - 10% Bid Bond
\$1.43 sq yd total price \$19,357.91

No. 3: AMS, Center Valley, PA - Cashier's Check
\$2.24 sq yd total price \$30,322.88

Motion: Mr. Mast made the motion to award the bid, as advertised, to oil and chip Yoder Road to Martin Paving, Inc. who was the lowest bidder. This was seconded by Mr. Beam, motion carried by unanimous vote.

Minutes: Mr. Beam had a question on page 4 of the May Minutes. His question involved exactly what the Deeds boys (Kelcy and Christian) can and should do because of their age. We will need to check their birthdates to make sure they are older than 16 if not they will need working papers. **Motion:** Mr. Mast made the motion to approve the May 9, 2011 Minutes as written, Mr. Beam made the second, motion carried unanimously.

Treasurer's Report: After reviewing the report it stands approved until further audit. Balances are as follows:

General Fund - Money Market:	872,895.25
General Fund - Checking:	2,811.09
General Fund - EMS	15,060.26
State Fund - Money Market:	178,247.03

State Fund - Checking:		4,243.54	
PLGIT Regular		536.05	
PLGIT Recreation		284.81	
Certificate of Deposit:			
DNB First	150,000.00	National Penn	126,376.04
Capital Reserve	126,409.91	Glenmoore Fire	42,012.95
New Truck	47,654.53	Elverson Ambulance	30,328.27
TVFD	30,328.27		

Audience:

Ronald Gilbertson, 154 Bollinger Road, Elverson, PA : Showed a subdivision plan from 1972 for E.K. Fisher showing a 50 ft ROW to Creek Road. In 1992 this property was re-subdivided into what is now his 10 acre lot. the 1992 Subdivision did not show the 50 ft ROW. At that time of the 1972 subdivision there were only two homes using this ROW. Presently, there are 4 homes using this access, Mr. Gilbertson would be the fifth person to use this driveway. Our solicitor said that this is private property issue all the township can determine is on the 1992 subdivision if Mr. Gilbertson's property had access to Creek Road. Mr. Gilbertson said the surveyor made a mistake and didn't include the ROW however he did have his deed corrected to show that he was allowed to use the ROW. Ms. Camp reiterated that private rights are not the concern of our board we can only determine if at the time that Mr. Gilbertson's home was built how many homes were permitted on one driveway (ROW).

Michael Hochwind, 2871 Creek Road, Elverson, PA: Who is the last property on this ROW and is the fee simple owner and his father Bill Hochwind, were here to dispute Mr. Gilbertson's claim to use the ROW. Ms. Camp explained that the only issue that the township can rule on is whether the ordinance allowed when Mr. Gilbertson built his home the rest is between the two owners and is a private land dispute. She will research the ordinances and will report back to the supervisors. Mr. Gilbertson and Mr. Hochwind both asked to be copied on her ruling.

Jeanettee Hassis, 940 N. Manor Rd, Honey Brook, PA 19344: She had two issues to discuss. Back in February of this year she applied for a Zoning Hearing. She was told later that the hearing was not needed but her \$800.00 check that accompanied the application was never returned.. Where is her check? The township never received a copy of the Zoning Hearing application so it is assumed that Jon Malsnee's office still had the check. Ms. Camp asked if Ms. Hassis ever formally withdrew her application, she had not, so Ms. Camp felt that they were probably holding the check until that was received. However, the secretary will contact Mr. Malsnee's office to confirm that they have the check and if they have the check ask to have it returned.

Ms. Hassis second question is that she e-mailed Ms. Camp and never received a reply. Ms. Camp said that Mr. Newhams answered her question in his e-mailed. The e-mail

was regarding the 5 ft setback in Section 904, she felt was required when her neighbor installed his fence. Mr. Newhams answered her e-mail stating that Section 904 (Q) was for new construction and that Section 905 (A thru D) which would apply in this situation makes no mention of a required setback from the property line. on existing properties.

Ms. Hassis stated that since the driveway has been installed they are getting water from the neighbors (Horvath's) property. Mr. Newhams feels that once the area has been stabilized this will no not be a problem. However, he and Ms. Barkasi will look at this on Wednesday of this week.

Reports:

Frank Newhams gave the Zoning Report. All that is left to be done on Erica Pratt's house is the signing of the NPDES permit. The Matherson's on Green Hollow Rd, have moved back into their home which had to be vacated after the bad storm last June damaged their home. Mr. Elston has received another call regarding the Alenovitch's property on Pumpkin Hill. Mr. Newhams will investigate further.

Two Storm Water Waiver Requests:

Baker/Rastovsky, 2459 Creek Rd, Elverson, PA: **Motion:** M r. Mast made the motion to approve the Stormwater waiver for Baker/Rastovsky, seconded by Mr. Beam. Motion carried unanimously.

Thomas and Krista Piombino, 726 N. Manor Rd, Elverson, PA: **Motion:** Mr. Elston made the motion to approve the Stormwater waiver for Mr. and Mrs. Piombino, this was seconded by Mr. Mast. Motion carried unanimously.

Planning Commission Report: The reduced split in reimbursement for the VPP Grant was discussed. **Motion:** Mr. Beam made the motion to apply for the Vision Partnership Program Grant to amend our SALDO with a reduced amount for this project. 60% from the county with the township paying 40%., Mr. Mast made the second and the motion carried unanimously in favor of the motion.

The board, Ms. Camp, Ms. Barkasi, Mr. Newhams and Susan Ward reviewed the suggested changes gathered over the last month from different meetings. Ms. Camp will put them in an amendment and forward to the Board to be discussed at the next meeting.

Ms. Barkasi has visited the Kolbeski property on Heathrow Drive. A neighbor has taken roof leaders and directed them to the neighbors property instead of Yoder Road. This causing excessive water to come the adjoining property. A letter will be sent to the neighbor advising him to redirect the flow of water to Yoder Rd.

Malone-Bensinger driveway permit is approved.

9:04 P.M. April Barkasi, Kristin Camp and Frank Newhams left.

Road Report: Bob Sautner gave the Road Report. When asked about the ages of the summer help Mr. Sautner said both were over 16 years old and gave a synopsis of the type of work that he has them doing. He plans to have them work on the jogging trail. Holes on Isabella and Lammey Road will be filled.

Recreation Report: David Mast gave the Recreation Report. Concrete bumpers were discussed to keep the grass from being turfed. He will meet with Mr. Sautner to determine where the quoit and horse shoe pit should be placed.

Susan Ward gave the Historical Commission Report.

Lammey Subdivision: Motion: Mr. Mast made the motion to grant the request for a 90 day extension to review the Lammey subdivision that was requested by their engineer, Mr. William Witman. This was seconded by Mr. Elston. Motion carried by a vote of 3-0.

On Demand Energy has given us prices on different suppliers for electric. PP&L has had a sharp increase as of June 1, 2011. Mr. Beam felt we should go for an extended time of 24 months rather than just a year. We will go with Supplier A (name not given by On Demand Energy) for 9.10 per KWH. Prices change daily so this rate expired at 5:00 P.M. today. But we will still go with them if it is determined that there is no sign up charge and the price is in the 9.10 range.

Resolution No. 177 in Support of Growing Greener was approved and signed on a Motion made by Mr. Elston, seconded by Mr. Beam, Motion carried 3-0.

Bills were paid as listed on a motion made by Mr. Beam, seconded by Mr. Mast. Vote carried 3-0.

General Fund -	\$20,299.45
General fund - EMS	\$31,639.00

Motions:

Mr. Beam made the motion to authorize the purchase of a new pole saw, this was seconded by Mr. Elston. Vote 3-0

Mr. Mast made the motion to authorize the purchase of a scanner for the office, this was seconded by Mr. Elston. Vote 3-0.

With no further business to discuss, adjournment took place at 9:45 P.M. on a motion made by Mr. Mast, seconded by Mr. Beam. Motion carried unanimously.

Respectfully submitted,

Susan L. Ward, Secretary