

March 13, 2013

The regular meeting of the Honey Brook Township Board of Supervisors was called to order at 6:33 p.m. Supervisors Joe Fenstermacher and John McHugh were present, as was Township Administrator Antoinette Antonini and Township Engineer Michael Reinert. Supervisor Lew Wertley was absent.

In the interest of time, Corporal Atkinson of the State Police gave a report that would otherwise have been given in the Open Forum. The police handled 67 calls in the Township, mostly minor incidents, among them one burglary, three crashes, five thefts. There were 88 calls in January. This represents a drop in the number of calls from previous months.

Dick Reeder, Tel Hai, said he heard that someone had been molesting a woman. This would have been the late afternoon or early evening of Friday, March 1st.

Corporal Atkinson stated that he would check into.

Dick Reeder said he'd heard someone in a teal car was taken away and the car left there.

Corporal Atkinson stated he did not know off top of his head of this incident but typically, the police do not leave cars involved in a crime at the crime scene; they would have them towed.

Consent agenda.

Minutes of the January 30th Workshop: John McHugh made a motion, seconded by Joe Fenstermacher, to approve the January 30th Workshop minutes. All in favor. Motion carries.

Minutes of February 13 regular meeting; bills/receipts; treasurer's report; Motion by John McHugh, seconded by Joe Fenstermacher, to approve the consent agenda.

Bob Witters, Tel Hai, asked about the assets in the Land Preservation Fund of \$1.2 million.

Joe Fenstermacher stated that if the farmers sign contracts to take money in installments, they're bound by that. When we say total liabilities, we're making an assumption that all the farmers would collect all funds at once. We have actually \$800,000. But when they do the math here in the report, they'll show the total amount committed, not the amount paid out over time.

John McHugh gave an example: Let's say there's \$500,000 over 5 years, then we've committed that money to that farmer. We have a commitment to pay that over time, so by year 3 we might have to take \$100,000 from current revenue. If the farmer wants to change the terms of payout, he can go to the Land Preservation Committee and request a change, Land Pres makes a recommendation to the Board and they approve or not approve the change. This keeps track of all monies.

Therese Mauchline, Secretary, Park & Recreation Committee reported that the Committee is asking the Board for a donation to the trail the Elementary School is building. The original plan was to go from the school to the library and all around the school grounds. Now, they are planning the trail in phases. The committee is recommending the Township donate \$500 to the effort.

John McHugh made a motion, seconded by Joe Fenstermacher, to donate \$500 to the trail being built at the Elementary School. All in favor. Motion carries.

The Parks & Recreation Committee would also like to see two raised garden beds here at the Township facility. All materials would be provided from the Chester County Food Bank. The Township would need volunteers to help plant, water, weed, and harvest the gardens.

Joe Fenstermacher stated that it's a great idea, but the Board just wants more information before making a decision.

Dir. Public Works Don Johnson:

Advertisement for road materials bids is being placed so as to award bids at April Board meeting. The sweeping developments of excess cinders will take place in the next few weeks.

Open Forum.

Rob McMinimee, Twin Valley Little League: his manager dropped off information asking for approval to replace and relocate sound system at the James A. Umble Memorial Park.

Joe Fenstermacher stated that he knows in the past there had been disagreements with some neighbors regarding sound & light. It should go to the Park & Recreation Committee first to investigate the situation.

Rob McMinimie stated that there isn't time for that. The League wants the new system for opening day on April 6. They are doing the work themselves, beginning March 23.

Joe Fenstermacher stated that that is not the point; the point is he is not sure if the Board could legally proceed with approval or not.

Don Johnson stated when he was on the Board, there were problems with complaints from the neighbors; they had to point the speakers to the ground and only use at a certain volume under certain time restrictions.

Rob McMinimee stated the League is looking at possibly hosting tournaments twice this year, one for a tournament in May with the American Legion program, and a district tournament in June. We don't use the P.A. system every weekend. But we do need people to be able to hear. That's why we want to place the speakers on the building so that everyone can hear.

Toni Antonini asked if the sound system was replaced in the spot it is now, would people not be able to hear.

Rob McMinimee stated that was correct.

Don Johnson asked if the League could do a temporary system for the day?

Rob McMinimee stated that was done before, but that it had been donated.

After further discussion, John McHugh stated he recalled there were comments from Township residents about light & noise from the fields.

Joe Fenstermacher stated he wanted to look into this further before he approves it.

John McHugh asked if Don's suggestion to have a temporary setup would be amenable.

Rob McMinimie stated he did not have access to a portable/temporary system.

Joe Fenstermacher stated if the Board goes forward with approving this, and an investigation turns up information that requires you to take the new speakers down, or the Township receives complaints, it would be at your cost. Would you agree to that?

Rob McMinimie stated Yes, he would agree to that.

Bob Witters, Tel Hai, stated that it sounds like the Township doesn't have an ordinance with regard to noise. Maybe it's time for that.

Joe Fenstermacher stated that the Township does have an ordinance with regard to noise but that he recalls there were specific agreements made with the neighbors about the park.

Don Johnson stated that the Township has had requests for lights, but the neighbors didn't want that because they did not want games going on until midnight and the park closes at dark.

Sam Fisher mentioned that the Borough line is not far and those residents may also have an issue.

Joe Fenstermacher stated he thought they'd made a pretty fair agreement with everybody. Does it sound fair?

Rob McMinimie stated that it was fair.

In accordance with Resolution 2-2012, it was announced that the meeting was being filmed by Scott Stilson of 275 Vincent Drive.

Scott Stilson noted that he is filming on behalf of the Honey Brook Fresh Air Fund, which would like to offer door prizes at Board meetings. We might want to take \$5 or \$10 as entries; it would draw more people in to meetings.

Joe Fenstermacher stated it can be looked into. Toni will need to check with the Township Solicitor.

Bob Witters, Tel Hai, expressed his thanks to Don Johnson for fixing a large pothole on Birdell Rd.

John McHugh stated his thanks to the Roads Department for all their good work.

Business.

Approve/not approve Resolution 2-2013 Towing designee

John McHugh made a motion, seconded by Joe Fenstermacher, to approve Resolution 2-2013, Towing Designee. All in favor. Motion carries.

Appoint/not appoint Dick Reeder Zoning Hearing Board (ZHB).

Dick Reeder asked when the appointment would take effect. (there being a Zoning Hearing scheduled for March 25th, he did not feel comfortable taking sit immediately)

Joe Fenstermacher stated the appointment can take effect April 1st.

John McHugh made a motion, seconded by Joe Fenstermacher, to appoint Dick Reeder to the ZHB effective April 1st, 2013, to fill Jim Fagan's remaining term. All in favor. Motion carries.

Appoint/not appoint Janet Heinis Zoning Hearing Board (ZHB) Alternate.

John McHugh noted that Janet is a resident of Knob Hill, responsible for Harmony Day. She is also active in Relay for Life and has kept up with the activities of community.

John McHugh clarified that as an alternate, they may participate in discussions but do not have voting powers unless a member is unable to attend.

John McHugh made a motion, seconded by Joe Fenstermacher, to appoint Janet Heinis as ZHB Alternate. All in favor. Motion carries.

Authorize/not authorize Township Solicitor to send letter to owner of "Parcel A" Lakeview Estates Re: maintenance of stormwater management facilities.

Mike Reinert stated that this item was relevant to an earlier question. Mr. Reinert referenced a letter sent to the Board from Technicon dated February 28, 2013 recommending the Township Solicitor John Good to send a letter to the owner of Parcel A in the Lakeview Estates Subdivision near Struble Lake. The owner of Parcel A has not

been maintaining the stormwater management basins on the property. Don Johnson did go out last year and do some minimal work to clear pipes for drainage, however more substantial work is needed.

Joe Fenstermacher asked Scott Stilson what he had done maintenance wise on one of the two basins. Scott Stilson stated he has seeded a basin so there would be no erosion and cleared some debris.

Mike Reinert stated that the letter from the Solicitor would ask the owner to comply with recommended work to be done as noted in his February 28th letter, and if they do not, then the Township could go in to do the complete work and invoice or lien the property.

John McHugh asked if the parcel was purchased by auction. Mike Reinert stated yes.

Joe Fenstermacher stated he was a little fearful that the Township might end up owning by default an unworkable piece of property. John McHugh stated that some have approached the owner to ask if he could donate it to the State Fish & Boat Commission. Joe Fenstermacher stated that the Fish & Boat Commission doesn't want it. The shape of it is two globs joined by a small strip of land, with drainage basin on the globs. Only \$600 was paid for it at auction. We might end up owning it.

Mike Reinert stated that that might be a discussion for another day. The focus at the moment is on getting the stormwater management maintenance handled in some fashion because the entire development is controlled by the basins on Parcel A.

John McHugh made a motion, seconded by Joe Fenstermacher, to authorize Township Solicitor John Good to send letter to owner of "Parcel A" Lakeview Estates as suggested by the Township Engineer in his letter of February 28, 2013. All in favor. Motion carries.

Authorize/not authorize Ordinance #165---miscellaneous amendments of the SALDO and Zoning Ordinance to be forwarded to Chester County Planning Commission for review and comment per Act 247.

Mike Reinert stated that the proposed draft Ordinance was presented to the Board as a result of discussions with the Township Planning Commission regarding various topics. The main reason for the amendment was the result of a new State law regulating wireless broadband known as the "Wireless Broadband Collocation Act". In order to bring our existing ordinances into compliance with the new State regulation, various amendments to the zoning ordinance were necessary, which are reflected in the draft. John Good has reviewed the draft and stated he was satisfied with the wording of the changes.

Other changes are also proposed in the same amendment, specifically to Section 1602.D regarding allowed maximum number of animals on a property. The current ordinance does not address the age of animals that count against this maximum, however the proposed draft is suggesting animals of 6 months or less in age would not count towards the number of allowed animals to allow for a weaning period. Finally, wording

clarification is proposed for the Subdivision And Land Development Ordinance (SALDO) to address requirements for sketch plan submissions.

Joe Fenstermacher asked if the 6 months time frame was a State requirement. Mike Reinert stated that it is a recommendation based on research of horses specifically, which are related to a recent enforcement issue. Joe Fenstermacher stated that there are a lot of other animals besides horses and whether it could be increased to possibly a year. John McHugh stated that that was a good idea. This gives time for the owner to decide to keep or sell the animal.

Dick Reeder, Tel Hai, asked if the new State Act includes wireless towers. Mike Reinert stated yes. The other requirements in the existing ordinance would remain except as noted in the amendment. Isolation distances for setbacks for example would still comply as noted in the existing ordinance.

John McHugh made a motion, seconded by Joe Fenstermacher, to authorize ordinance #165---miscellaneous amendments of the SALDO and Zoning Ordinance to be forwarded to Chester County Planning Commission for review and comment per Act 247 with the lone change to increase the weaning period to one year from six months as discussed. All in favor. Motion carries.

Announcements.

Joe Fenstermacher announced that the French Creek Iron Tour event will be passing through our area on Sunday, June 9, 2013. The Township has a copy of the route.

Final Open Forum.

Bob Witters, Tel Hai, noted that there had been a proposal to build a Dollar Store. Is that project still alive? Mike Reinert noted that he hadn't heard anything further from them and no formal plans have been submitted.

John McHugh announced that he has scheduled dates for town hall meetings. These are not official township meetings. These will be announced in the newsletter.

Toni Antonini stated there had been no "all in favor, motion carries" for approving the consent agenda.

John McHugh made a motion, seconded by Joe Fenstermacher, to approve the Consent Agenda. All in favor-Motion carries.

Upcoming Meetings:

March 19th ---Land Preservation Committee (6:30 pm)

March 21st – Park & Recreation Committee (7:00 pm)

March 25th --- Zoning Hearing --- Yarnall 22-2-8 (7:30 pm)

March 28th – Planning Commission Regular Meeting (7:00 pm)

April 10th – Board of Supervisors Regular Meeting (6:30 pm)

Motion by Joe Fenstermacher, seconded by John McHugh, to adjourn the meeting. All in favor. Motion carries. The meeting adjourned at 7:26 pm.

Respectfully submitted,

Kristy J. Deischer-Eddy
Recording Secretary