

April 10, 2013

The regular meeting of the Honey Brook Township Board of Supervisors was called to order at 6:30 p.m. Supervisors Joe Fenstermacher, John McHugh, and Lew Wertley were present, as was Township Administrator Antoinette Antonini and Township Engineer Michael Reinert.

John McHugh announced he was serving as chairperson for the meeting as Joe Fenstermacher was under the weather.

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

**Consent agenda.**

Minutes of the March 13<sup>th</sup> regular meeting; bills/receipts; treasurer’s report. Motion by Lew Wertley, seconded by Joe Fenstermacher, to approve the consent agenda. All in favor. Motion carries.

**Treasurer’s Report as of April 30, 2013**

Assets--Gen Fund	956,762	General Fund Receipts	\$188,511.08								
Assets--Cap Reserve	975,222	General Fund Expenditures	\$70,002.71								
Assets--Op Reserve	350,163	Cap Reserve Receipts	\$25,993.69								
Assets--State Fund	215,244	Cap Reserve Expenditures	\$62,587.02								
Assets--Land Pres	1,322,490	Op Reserve Receipts	\$52.86								
<b>Total Assets</b>	<b>\$3,819,882</b>	Op Reserve Expenditures	\$0.00								
<table border="1" data-bbox="232 1150 805 1314"> <thead> <tr> <th colspan="2"><b>Assets in Restricted Account</b></th> </tr> </thead> <tbody> <tr> <td>Gen Fund--Recreation</td> <td>59,732</td> </tr> <tr> <td>Gen Fund--Hlth Reimb</td> <td>9,578</td> </tr> <tr> <td>Land Pres Fund</td> <td>1,322,490</td> </tr> </tbody> </table>		<b>Assets in Restricted Account</b>		Gen Fund--Recreation	59,732	Gen Fund--Hlth Reimb	9,578	Land Pres Fund	1,322,490	State Fund Receipts	\$201,797.34
<b>Assets in Restricted Account</b>											
Gen Fund--Recreation	59,732										
Gen Fund--Hlth Reimb	9,578										
Land Pres Fund	1,322,490										
Liabilities--Gen Fund	140,594	State Fund Expenditures	\$0.00								
Liabilities--Cap Reserve	1,021,023	Land Pres Fund Receipts	\$39,201.67								
Liabilites--Op Reserve	0	Land Pres Fund Expenditures	\$47,644.74								
Liabilities--State Fund	145,538	<b>Sinking Fund (Loan)</b>									
Liabilities--Land Pres	2,093,929	Assets	\$17,311								
<b>Total Liabilities</b>	<b>\$3,401,085</b>	Liabilities	\$4,209,976								
Equity--Gen Fund	816,168	<b>Land Preservation (Loan)</b>									
Equity--Cap Reserve	-45,801	Assets	\$1,648.76								
Equity--Op Reserve	350,163	Liabilities	\$1,498,351.00								
Equity--State Fund	69,706										
Equity--Land Pres	-771,439										
<b>Total Equity</b>	<b>\$418,797</b>										
<b>Less Restricted Acct</b>	<b>-711,708</b>										
<b>Working Capital</b>	<b>\$1,130,505</b>										

**Departmental Reports.**

### **Park & Recreation Committee---**

Teresa Mauchline gave the report for the committee, which met on March 21<sup>st</sup>. Items discussed included the tennis camp with Lee Heller to take place in July and a kickball camp for 5<sup>th</sup>-8<sup>th</sup> graders with Deb Oldham during summer afternoons. There will be announcements forthcoming about Pickle Ball. A golf clinic will also take place in July & August at Umble Park using tennis balls for a fee of \$5/child.

The raised garden beds will be discussed later in the meeting. Mary Kay Peterson, coordinator for the raised bed project for the Chester County Food Bank (CCFB), spoke briefly about the program, which was started in 2009. Currently there are somewhere around 150 gardens with 500 beds raising food for the pantry. There are 45 schools within the network as well and Honey Brook would be first municipality to participate. The CCFB provides the soil, seeds, seedlings, tech support, and the beams.

### **Roads Department---**

Don Johnson noted that the road crew completed their sweeping early thanks to good weather. He noted that the Township had a request for different signage at Birdell & Beaver Dam Roads. When those roads flood during rain events, the road crew or fire company flips signs down & puts up cones & barriers. He noted that any time the fire company or Township needs to retrieve a car out from a flood situation, the driver will be billed for the expenses incurred. A sign stating "Roads Subject To Flooding" would be an option for the Board to consider.

Don Johnson also noted that at Umble Park, there are now batting cages behind field 3. He stated the Township has "No Parking" signs, which will be installed to avoid damage in that area.

Joe Fenstermacher asked Don Johnson what he thought of the contractor Independence. Don Johnson stated there has been inadequate material provided for past projects and did not think highly of them. The portion of Route 10 resurfaced by Independence last summer is already breaking up.

### **Administration---**

Toni Antonini reported meeting with a PA Department of Environmental Protection (PA DEP) appointed representative last week. The Township has been granted \$7500 worth of a DEP designated consultant for assisting in enacting the impending mandatory Act 101 recycling ordinance.

### **Planning Commission (PC)---**

#### **Mobile Home Park Property Maintenance Code.**

Mike Reinert, Township Engineer, noted that the PC discussed this recommendation by the code officer at their last meeting. He is finishing up the annual inspections of the Mobile Home Parks (MHP) and is issuing citations against one park in particular for unsafe conditions. Currently, he is utilizing the MHP ordinance for enforcement, however if there were a property maintenance code adopted, there would be additional violations cited. The Township has the option of adopting a Township-wide property

maintenance code as part of the Uniform Construction Code (UCC) or amending the MHP ordinance. The Planning Commission also mentioned the possibility of a rental unit program in lieu of a Township wide property maintenance code.

Joe Fenstermacher stated he would like to see Honey Brook Township adopt a township-wide code with enforcement being reactive not proactive. Lew Wertley asked what the options were and how to proceed. Mike Reinert stated if the Board so chose, it could enact a property maintenance code for just the MHP's by way of an amendment to that ordinance or amend the UCC ordinance to enact it Township wide. The Board suggested that a draft be prepared for a Township wide adoption of the property maintenance code for review and recommendation by the Planning Commission.

### **Code Enforcement---**

#### **Continued Zoning Complaints --- 135 Mount Pleasant Road.**

This property owner was reported as having posted what could be considered offensive material. The Township's Zoning Ordinance does prohibit vulgar or obscene signage. The Codes Officer is ready to move forward with enforcement and requested approval to proceed with citations given it was a nude photo. Usually the township would allow 30 days to remove the signage but he feels this is a different category. The Board agreed with the suggestion of the code officer to proceed with enforcement as recommended.

### **Announcements.**

Toni Antonini announced that the newsletter is going out soon. It is being printed will be placed as an insert to the Tri-County. Copies will also be available at the Honey Brook Community Library, Turkey Hill, & here at the Township administration office.

The next Park & Recreation meeting is being moved to May 12<sup>th</sup> because of Election day on May 21<sup>st</sup>. The change will be advertised.

### **Open Forum.**

None.

### **Business.**

John McHugh announced that the order of the agenda would be changed to permit discussion of the farms up for grant consideration first.

**Approve/not approve TPN #22-4-66 and 22-4-3 to the Challenge Grant Program.**  
**Approve/not approve TPN #22-7-62 and 22-7-50.1 to the Challenge Grant Program.**  
**Approve/not approve TPN #22-4-4.1 (40%) 1<sup>st</sup> Headwaters Application.**

Chip Jones from the Brandywine Conservancy addressed the Board to present the three farms to the Board for acceptance to the Challenge Grant Program. 22-2-46/22-4-3 is a 93-acres dairy farm on Todd Road. It is up for a 50% matching grant, such as most farms are that are talked about in Land Preservation. 22-7-62/22-7-50.1 is an 88.4 acre farm on Long Lane. Again, this farm is up for a 50/50 grant proposal. Lastly, 22-4-4.1 is a

unique farm that John Goodall will talk about further. It is a 70 acre farm on Welsh Road. This is up for a 60/40 grant proposal (60 from other sources, 40 from the township). Feel these farms are good candidates for land preservation funds.

John Goodall, also from the Brandywine Conservancy, stated that Long Lane is located off Pleasant View Rd. If the farm on Long Lane is approved, it would fill in the “donut hole” of surrounding farms already proposed. He also stated that if the Todd Road farms is approved, it would result in a contiguous piece of preserved land totaling five farms and 370 acres. Approval of the Long lane farm would make a contiguous piece of preserved land totaling five farms for 320 acres. Last one is contiguous to the Todd Road farm, which would then make the contiguous piece of land 7 farms totaling 760 acres.

Joe Fenstermacher stated he knew there were 1<sup>st</sup>- and 2<sup>nd</sup>-quality farms. Are these 1<sup>st</sup> quality farms?

John Goodall stated yes, Honey Brook Township prioritized farms and open areas for first consideration and that these farms meet that criterion.

John McHugh made a motion to approve all three farms for the challenge grant program. There being no second, the motion died.

Joe Fenstermacher made a motion to approve all three farms with the condition that they agree to a 5-year payout instead of a lump sum. There being no second, the motion died.

John Goodall noted that the 5-year payout is usually how the agreements are drawn up.

Joe Fenstermacher stated he would like to know up front that the farmers would accept the 5-year payout.

Discussion was had regarding the pros and cons of lump sum and 5-year payout as was the Land Preservation funds.

Lew Wertley stated that every month we look at having too much money and now we have opportunity to close on some farms. He stated he wouldn't want to put that condition on them.

These are good farms, and the farmers are committed to program. They are seeing land values at half of what they were seeing five years ago. We have always gone to the farmer to work installments and that they can take a lump sum from the other sources. But if there is a like-kind exchange (purchase of another farm), they would need the money up front. To date, we've been understanding about that.

John McHugh stated that the farmer can come back & request a lump sum even if initially offered a 5-year payout.

Joe Fenstermacher asked if the township stipulates only a 5-year payout, what are the chances we'd lose the farms?

John Goodall stated that the 5-year payout is there, with no interest. The farmers understand that that payout extends the buying payout for brother farms. But sometimes they need the money earlier to, say, build a barn.

John McHugh stated that the township had stipulated in the past to insist on a 5-year payout and it lost one farm just up the road here. The only way could have approved that one is by coming close to edge. It has been done before.

John Goodall stated that for the three farms being talked about, one might ask for an accelerated payout because of acquiring an adjacent farm, but others have been fine with the 5-year payout.

A woman asked how would the township know if they'd be getting enough EIT for the three farms.

John Goodall stated that the EIT amount coming in has been very constant. We've been conservative in our numbers with the economy the way it is but the EIT has been steadily coming in.

The woman asked if the township would still have to come up with the money.

John McHugh stated that, no, the money is there. It would just make it more difficult if something else came along. The \$600,000 is payment for the loan plus the farm installment payments.

John Goodall stated that they go to the farmer first to get them excited about the program. Tonight is about asking for approval so he can do that.

John McHugh asked if the township stipulated installments, would that jeopardize farmers' involvement?

John Goodall stated that it wouldn't stop there necessarily. The farmer can come back with their answer for what they are requesting.

Sam Fisher stated that the farmers want to work together, but if they want to get another farm to preserve they want the money up front.

John McHugh stated if a farmer wants to purchase another farm, then they may also pursue the land preservation program for that new farm.

Sam Fisher stated that he'd overheard a strawberry patch farmer saying if there's free money out there, he was going to get it. They think the money's growing on trees.

John McHugh stated that there might be some people trying to take advantage, but the goal is to protect land from development use.

Sam Fisher stated that it seemed to him that the taxpayers are being a bank to loan money to farmers.

John Goodall stated if the farmer is doing a like-kind exchange, then it can be seen as more land preserved. It's two sides of same coin. I see what you're saying, but the land is still preserved.

Lew Wertley made a motion to approve all three farms for the challenge grant program with no conditions to payout. There being no second, the motion died.

Joe Fenstermacher made a motion to accept all three farms for the challenge grant program with the stipulation that they take the 5-year payout, stating that since the loan money has already been spent, this is more fiscally sound and in trying to look ahead 5 years, this is the best way to go.

He then asked John Goodall if the farmers receive the money from the County all at once.

John Goodall stated that they have a choice.

Joe Fenstermacher stated that that does give the farmers a nice option.

There being no second, the motion dies.

John McHugh made a motion, seconded by Joe Fenstermacher, to approve TPNs #22-4-66/22-4-3 and TPNs #22-7-62 and 22-7-50.1 to the Challenge Grant Program as usual but that the farm at TPN #22-4-4.1 must agree to a 5-year payout. John McHugh and Joe Fenstermacher approve. Lew Wertley opposed. Motion passes

**Authorize/not authorize awarding of bids to lowest responsible bidder.**

Joe Fenstermacher made a motion, seconded by Lew Wertley to authorize awarding of equipment, diesel fuel, sealcoat and stone to lowest bidder. Blacktop was awarded to

second lowest bid due to lowest bid vendor supplying inadequate materials and service in the past. All in favor. Motion passes.

**Grant/not grant Poplar Realty extension request to July 22<sup>nd</sup>, 2013---Tabas Tract.**

Joe Fenstermacher made a motion, seconded by Lew Wertley, to grant Poplar Realty an extension to July 22<sup>nd</sup>, 2013. All in favor. Motion passes.

**Lanchester Landfill Waiver/Deferral Request – Chapter 20 Stormwater Management Ordinance.**

Mike Reinert stated that the Township has an ordinance for stormwater, however it does not consider all types of uses, specifically a landfill for compliance with some of the requirements. For example, water recharge of runoff on a landfill application is not favorable, however is required by the ordinance. The Township has allowed the landfill to utilize the PADEP requirements as a guideline in the past and this deferral request memorializes what we've been doing in the past for stormwater control.

Lew Wertley made a motion, seconded by Joe Fenstermacher, to grant the Chapter 20 Stormwater Management Deferral request using the Landfill's current date of expected closure. All in favor. Motion passes.

**Authorize/not authorize advertisement of Ordinance 165.**

Mike Reinert stated that this ordinance was discussed at last month's meeting. The Chester County Planning Commission endorses the Township's amendment and believes them to be reasonable. This authorization is to advertise the Board's taking action on Ordinance 165 at the next Board of Supervisors meeting.

Lew Wertley made a motion, seconded by Joe Fenstermacher, to authorize advertisement of Ordinance 165. All in favor. Motion passes.

**Grant/not grant Honey Brook Golf Club waiver request.**

Mike Reinert stated that this waiver was reviewed and recommended for approval by the Township Planning Commission. Technicon received building plans for an addition to the existing clubhouse, which is mostly an enclosure of their current porch. They are having issues with weather such that they cannot use the porch to its fullest extent in the summertime. By definition of the project, the applicant would need to do a Land Development plan, however the applicant is requesting a waiver of that requirement due to the minimal impact of the project.

Tom Piersol, of the Honey Brook Golf Club, stated that it would be an additional 66 square feet. Lew Wertley stated that this is a commercial property and the Township requires Land Development for commercial properties. He did not feel a hardship has been demonstrated. John McHugh asked what the impact would be if the Board were to grant the waiver. Lew Wertley stated his concern was related to the precedent being set. Mike Reinert stated that this type of waiver has been done very rarely during his tenure in the Township. In those cases, the applicants were simply redefining space for their current operation for efficiency. Donna Horvath, of the Golf Club, stated that they have

enough septic capacity, they are expanding only into 6 feet of garden space, and they have services on site already.

Lew Wertley asked what the hardship was that they didn't have to go through land development. Donna Horvath stated that they have a loft to serve customers that just cannot be used. The enclosure would bring them downstairs to where they could serve them better. Tom Piersol stated they started this process a couple of months ago and want to start construction soon. Time and cost are a major factor in this project.

Joe Fenstermacher made a motion, seconded by John McHugh, to grant the Honey Brook Golf Club a waiver from land development. John McHugh and Joe Fenstermacher approve; Lew Wertley abstains. Motion passes.

**Authorize/not authorize Caernarvon Water Authority Hydrant Agreement.**

Lew Wertley made a motion, seconded by Joe Fenstermacher, to authorize the Caernarvon Water Authority Hydrant Agreement. All in favor. Motion passes.

**Authorize/not authorize Park & Recreation Committee Raised Garden Beds.**

Lew Wertley made a motion, seconded by Joe Fenstermacher, to authorize the Park & Recreation Committee Raised Garden Beds. All in favor; motion passes.

**Discussion of website---Nxtech Inc.---Parkesburg webmaster---check into 2 or 3 other municipal websites for possible options.**

Toni Antonini stated that this topic has come up several times. The administration is requesting look into more user-friendly website software, to have a restructured website set up by an outside vendor who would also maintain it, or for a one-time website setup with the township administration trained on updating it.

Lew Wertley stated he had made a top-10 website program list. The Board needs to decide if they want a website done in-house or out-of-house. If in-house and done before the end of year, he could do the installation. If outsourced, then it can be done for \$2500 a year.

Toni Antonini stated that some website content needs more frequent changeover. It needs to be updated frequently but the township needs to have a user-friendly program (not HTML) that can be done in-house so as not to rely on an outside source to make the small changes.

Lew Wertley stated that he could set up a non-live site for Toni to work with, then if she likes it, she can go forward with using it.

**Final Open Forum.**

None.

Lew Wertley announced that there was an accident at Rte. 322 & Birdell Rd. on Sunday, April 7. He stated he would like to contact PennDOT about getting the speed limit dropped there. The current speed limit is 55 mph from the Sunoco tanks to Cambridge Rd. All the way from the township line into Downingtown and north from Honey Brook to Ephrata it's 45 mph or lower. The amount of traffic along the corridor justifies that. He stated he would like to work together with Toni to get this project rolling.

Joe Fenstermacher stated he agrees

There was general agreement among the Board to proceed.

**Upcoming Meetings:**

April 18<sup>th</sup> – Park & Recreation Committee (7:00 pm)

April 25<sup>th</sup> – Planning Commission Regular Meeting (7:00 pm)

May 8<sup>th</sup> – Board of Supervisors Regular Meeting (6:30 pm)

Motion by Lew Wertley, seconded by Joe Fenstermacher, to adjourn the meeting. All in favor. The meeting adjourned at 7:52 pm.

Respectfully submitted,

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Kristy J. Deischer-Eddy  
Recording Secretary