

June 12, 2013

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

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

**Announcements.**

**Resignation.** Joe Fenstermacher announced that Lew Wertley had sent a letter resigning his position as Supervisor and as Emergency Management Officer for the Township effective immediately

John McHugh made a motion, seconded by Joe Fenstermacher, to accept Lew Wertley's resignation. All in favor; motion carries.

Joe Fenstermacher made a motion, seconded by John McHugh, for Joe Fenstermacher to serve as Emergency Management Officer. All in favor; motion carries.

**Consent agenda.**

Minutes of the May 8 regular meeting; bills/receipts; treasurer's report. Motion by John McHugh, seconded by Joe Fenstermacher, to approve the consent agenda. All in favor; motion carries.

**Treasurer's Report as of May 31, 2013**

Assets--Gen Fund	1,290,860	General Fund Receipts	\$227,701.05
Assets--Cap Reserve	1,025,812	General Fund Expenditures	\$101,722.72
Assets--Op Reserve	350,275		
Assets--State Fund	429,370	Cap Reserve Receipts	\$26,004.12
Assets--Land Pres	183,944	Cap Reserve Expenditures	\$1,224.00
Assets--Land Pres Fund	1,233,816		
Total Assets	\$4,514,078	Op Reserve Receipts	\$53.54
		Op Reserve Expenditures	\$0.00
Assets in Restricted Account			
Gen Fund--Recreation	48,048		
Gen Fund--Hlth Reimb	6,513		
Land Pres	1,417,760	State Fund Receipts	\$59.24
		State Fund Expenditures	\$0.00
Liabilities--Gen Fund	194,929		
Liabilities--Cap Reserve	1,045,446	Land Pres Fund Receipts	\$128,819.40
Liabilities--Op Reserve	0	Land Pres Fund Expenditures	\$27,664.03
Liabilities--State Fund	145,538		
Liabilities--Land Pres	2,093,929	Sinking Fund (Loan)	
Total Liabilities	\$3,479,843	Assets	\$17,316
		Liabilities	\$4,209,976
Equity--Gen Fund	1,095,930		
Equity--Cap Reserve	19,634	Land Preservation (Loan)	

Equity--Op Reserve	350,275	Assets	\$0.00
Equity--State Fund	283,832	Liabilities	\$1,498,351.00
Equity--Land Pres	-676,170		
Total Equity	\$1,034,235		
Less Restricted Acct	-628,122		
Working Capital	\$1,662,357		

## **Departmental Reports.**

### **Park & Recreation:**

Therese Mauchline reported on the committee's last meeting. She conveyed the thanks expressed by Lee Heller to all who went to and participated in the Memorial Day Parade. Kickball starts next Wednesday with 28 participants. The raised beds are in & the plants are starting to grow. Nobody else has stepped up to help with its maintenance; Lee Heller and the Mauchline family are still the only ones helping to maintain them.

The Twin Valley Little League is still having trouble with parking during games. Don Johnson stated that he thought the current parking lot is maxed out as it currently stands for stormwater management/impervious cover.

### **Roads:**

Dir. of Public Works, Don Johnson reported that starting the week of June 24<sup>th</sup> the Roads Department will begin the Poplar Road project. On the 26<sup>th</sup> or 27<sup>th</sup> they will grind half of the road (from Rte. 10 towards R-V industries), then sealcoating will begin within 2 weeks after that. All of this is weather-permitting.

John McHugh asked if the overgrown weeds at the intersection of Beaver Dam Road and Hillbrook Drive could be taken care of.

### **Administration:**

Toni Antonini reported that she is still working with the Department of Environmental Protection (DEP) consultant with the drafting of the Recycling Ordinance as well as the comp plan agreement.

### **Planning Commission:**

Mike Reinert, Township Engineer, reported that meetings are taking place with Tel Hai for Phases III & IV regarding water and sewer. Their final plan was reviewed by the PC at their last regular meeting. Other items are on the agenda to be discussed later in the meeting.

### **Code Enforcement:**

Mike Reinert reported that the conditional use application and fee has been received for the kennel located at 520 Beaver Dam Road. Joe Fenstermacher made a motion, seconded by John McHugh, to advertise the conditional use hearing for the kennel at 520 Beaver Dam Rd. All in favor; motion carries.

## **Open Forum.**

Dick Reeder, Tel Hai, wanted to bring to everyone's attention that Lew Wertley had served the Township for over 10 years on the Planning Commission, the Comprehensive Plan committee, and as Supervisor.

**Business.**

**Conditional Use Hearing—22-7-72; Lanchester Properties, Change of Use.**  
Joe Fenstermacher called the hearing to order at 6:42.

Sigmund Fleck represented the Township as Solicitor.

A court reporter was on hand to record the proceedings.

The hearing was suspended at 6:58 and will be continued at the next supervisor's meeting due to insufficient information being provided by the applicant. The record will remain open.

**Public Hearing Ordinance #165-2013 (Zoning Ordinance amendments; wireless telephone communication facility; sets standards for keeping of animals; sets limit for guest stays in bed and breakfast, SALDO amendment; set standards for sketch plan submission requirement as well as other documents).**

Joe Fenstermacher announced that the public hearing was open for the above ordinance at 7:00 pm.

Mike Reinert read the top portion of the ordinance in detail. The main reason for the amendment was due to the State's recently passed act pertaining to wireless collocation. This amendment would bring the local regulations into accordance with the State act. In addition, incidental amendments were also proposed to clarify existing requirements.

Bob Witters, Tel Hai, asked if there was some ordinance on the books for gas lines and pipelines. Solicitor Sigmund Fleck stated that federal government has jurisdiction over pipelines, not local municipalities.

Seeing no more questions, Joe Fenstermacher closed the public hearing at 7:07 p.m.

**Approve/not approve Ordinance #165-2013.**

John McHugh made a motion, seconded by Joe Fenstermacher, to adopt Ordinance #165-2013. All in favor; motion carries.

**Support/oppose/take no position---22-4-70; Swampy Hollow, Jonas & Lizzie Stoltzfus.**

Brian Nagle, of MacElree Harvey, spoke on behalf of applicant. He was accompanied by Mr. Vic Kelly, P.E., Commonwealth Engineering. A rural occupation has been on the premises since 2008 consisting of welding & assembly of woodchippers. In 2010, the type of business changed and consists now of welding of trailers & vehicle beds. A map

of the site and pictures were projected on the screen. The applicant is petitioning for zoning relief for the expansion of the business.

Brian Nagle stated that the variances being requested are for the expansion of the building and to increase to a maximum of 12 employees (rather than 6). Mr. Nagle noted that the Rural Occupation requirements allow two buildings on site; the applicant is requesting a third. The applicant is also requesting a variance to allow a 47' front yard setback versus the required 100'.

The applicant has also requested a special exception for outdoor storage (if necessary). There is outdoor storage currently on the site. The applicant has also requested an alternative use variance to allow manufacturing in the Agricultural district.

Joe Fenstermacher asked if the applicant would require more outdoor storage than is being used at present should the expansion be done. Mr. Kelly noted the outdoor storage is screened from street and is in the back of the building. This is the reason for the proposed expansion into front yard setback. Mike Reinert asked for clarification of the special exception request since it is qualified as being "if necessary". Reading from the ordinance, he then asked if a special exception had been granted previously for the outdoor storage. Brian Nagle stated he was not sure but it is there now and has been for several years; it seems that this entitles the applicant to the outdoor storage that is there now.

Mike Reinert asked if the landowner was member of the LLC who operated the business. Brian Nagle stated that the sons of the landowner were the principals of the LLC, however the landowner was not part of the LLC.

Mike Reinert summarized the options for the Board. Brian Nagle noted that the standard for granting the variances being requested are "dimensional" and are of a lower standard. Discussion ensued between Mr. Fenstermacher & Mr. McHugh.

Joe Fenstermacher stated that he had attended the Planning Commission (PC) meeting on this topic. He stated that the Township has typically in the past had a position of no position, except in the instance where children are involved. This type of facility provides training over & above what a typical Amish child would receive. He wanted it to be noted that potentially six Amish children could benefit from this type of facility.

John McHugh is looking to take no position, but is not opposing the application either.

Joe Fenstermacher made a motion, seconded by John McHugh, to support the application of 22-4-70, Swampy Hollow, Jonas & Lizzie Stoltzfus. All in favor; motion carries.

Mike Reinert asked if the Board would like the Zoning Officer to attend the ZHB and the Board confirmed he should attend.

Bob Witters, Tel Hai, stated that he had heard Joe Fenstermacher's speech to the PC and thinks it's demeaning to portray the Amish as poorly educated and not able to get work. It's a lifestyle that they have chosen and he respects them for that. Saying that they need help to get by is not a reason to bend the rules of the Township. Joe Fenstermacher stated that making the possibility of someone's advancement was discussed with Amish beforehand and had their approval. Bob Witters stated that his opinion is that it's not a fair characterization to say the Amish are just getting by.

**Approve/not approve 22-8-69; Living God Lutheran Church Stormwater Management Waiver request.**

Mike Reinert noted that this is for a 50'x24' pavilion on the premises. Under Chapter 20, stormwater management, an engineered plan and calculations must be submitted. The original Land Development plan required compliance with peak rate standards, however the requirements for groundwater recharge & water quality were not in place at the time of land development application. The applicant is asking for a waiver of the full stormwater management plan and engineered calculations provided the stormwater planning was completed under the land development and included considerations of church improvements in the design.

John McHugh made a motion, seconded by Joe Fenstermacher, to waive the stormwater management submission. All in favor; motion carries.

**Appoint/not appoint Tracey L. Olsen Planning Commission member term to expire 12/31/2015.**

John McHugh noted that Tracey's name has come up as a possible replacement for Lew on Board of Supervisors. If she is appointed to the Planning Commission (PC) and later accepts the Supervisor position, she could then resign her PC appointment.

John McHugh made a motion, seconded by Joe Fenstermacher, to appoint Tracey L. Olsen to the Planning Commission for the member term to expire 12/31/2015. All in favor; motion carries.

Joe Fenstermacher stated that anyone who is interested in finishing out Lew's term can get their information to Toni Antonini, Township Administrator. Citizens have 30 days under the law to do so to be considered.

John McHugh asked clarification on the procedure if no decision was reached within 30 days. Would the Vacancy Board member then step up? Toni Antonini advised yes, the

vacancy board member would break any ties if the Board could not come to a majority decision on appointment.

**Approve/not approve Vision Partnership Grant Contract/Agreement.**

Toni Antonini noted that this establishes funding, the criteria, and the timeframe for obtaining grant money for Landscapes II of Chester County.

John McHugh made a motion, seconded by Joe Fenstermacher, to approve the Vision Partnership Grant Contract/Agreement. All in favor; motion carries.

John McHugh thanked Dick Reeder for his work on the last Comprehensive plan.

**Final Open Forum.**

Bob Witters, Tel Hai, asked for clarification on the process for replacing Lew Wertley. If nobody is chosen in 30 days, the Vacancy Board steps in. Alex Rahn will do what, then—recommend? Take over himself?

Toni Antonini advised that he would break the tie if there is no consensus by the current two board members to appoint. Solicitor Sigmund Fleck confirmed this.

Joe Fenstermacher noted that Tracey Olsen has agreed to fill in, but anyone else who wants to be considered for the position should make their wishes known.

Charles Mellott stated that he had applied for a permit regarding a consumer-scale display of fireworks. It is up to the Supervisors to grant permission.

Sigmund Fleck asked for confirmation as to whether or not this was just for a local display permit. Charles Mellott stated yes, and that last year, Lew Wertley called the fire marshall and the state to check it out and he got a permit signed. Last year there was a nice turnout of about 80 in attendance. Toni Antonini, Township Administrator noted that the Township needed to know what kind of fireworks would be used and that the Township needed input from the fire chief at the Honey Brook Fire Company. Charles Mellott provided the type of fireworks as well as a copy of his driver's license for identification.

Solicitor Sigmund Fleck stated that his recommendation is to take a look at what's been submitted and look at the ordinance. John McHugh asked Charles Mellott if he had posted a bond last year. Charles Mellott said no, and that in his belief only the commercial grade of fireworks needs a bond.

Toni Antonini noted that there was not feedback from the fire chief yet.

Sigmund Fleck stated that the Supervisors should wait to hear from the fire chief, who may want to follow up with Charles Mellott. The chief should submit his recommendation in writing, addressed to the Board.

Sigmund Fleck stated that if it's regarding the standard of health, safety, and welfare, then it's up to the Board's discretion to make the decision. Joe Fenstermacher stated that the Board is looking for the blessing of the fire chief.

Toni Antonini clarified that the continuance of the conditional use hearing for 22-7-72, Lanchester Properties Change of Use, will be at the next Board meeting on July 10, 6:30 pm. This announcement serves as the required public notice.

**Upcoming Meetings:**

- June 17<sup>th</sup> --- Zoning Hearing Board (7:30 pm)
- June 20th – Park & Recreation Committee (7:00 pm)
- June 27<sup>th</sup> – Planning Commission Regular Meeting (7:00 pm)
- July 10<sup>th</sup> – Board of Supervisors Regular Meeting (6:30 pm)

Motion by John McHugh, seconded by Joe Fenstermacher, to adjourn the meeting. All in favor. The meeting adjourned at 7:51 pm.

Respectfully submitted,

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Kristy J. Deischer-Eddy, Recording Secretary