

November 13, 2013

The regular meeting of the Honey Brook Township Board of Supervisors was called to order at 6:36 p.m. Supervisors Joe Fenstermacher, John McHugh, and Tracy Olsen were present, as was Township Engineer Michael Reinert.

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 October 9th; bills/receipts; treasurer’s report. Motion by John McHugh, seconded by Tracy Olsen, to approve the consent agenda. All in favor. Motion carries. Joe Fenstermacher noted there were some statements to be corrected.

Treasurer’s Report as of October 31, 2013

		October		
Assets--Gen Fund	\$1,227,511.11		General Fund Receipts	\$91,059.07
Assets--Cap Reserve	\$1,017,715.61		General Fund Expenditures	\$224,495.86
Assets--Op Reserve	\$350,507.35			
Assets--State Fund	\$245,681.24		Cap Reserve Receipts	\$25,968.81
Assets--Land Pres (working)	\$235,243.92		Cap Reserve Expenditures	\$0.00
Assets--Land Pres Fund	\$1,093,981.69			
Total Assets			Op Reserve Receipts	\$41.67
			Op Reserve Expenditures	\$0.00
Assets in Restricted Account			State Fund Receipts	\$30.29
Gen Fund--Recreation	\$51,652.28		State Fund Expenditures	\$9,845.48
Gen Fund--Hlth Reimb	\$7,441.28			
Land Pres	\$1,329,225.61		Land Pres Fund Receipts	\$37,826.54
			Land Pres Fund Expenditures	\$27,674.78
Liabilities--Gen Fund	\$174,467.35		Sinking Fund (Loan)	
Liabilities--Cap Reserve	\$1,075,372.00		Assets	\$17,327.52
			Liabilities	
Liabilites--Op Reserve	\$0.00		Land Preservation (Loan)	
Liabilities--State Fund	\$145,538.45		Assets	\$0.00
Liabilities--Land Pres	\$975,775.00		Liabilities	\$1,498,351.00
Total Liabilities				
Equity--Gen Fund	\$1,053,043.76			
Equity--Cap Reserve	-57,656			
Equity--Op Reserve	\$350,507.35			
Equity--State Fund	\$100,142.79			
Equity--Land Pres	\$353,450.61			
Total Equity	\$1,799,488.12			
Less Restricted Acct	\$405,102.89			
Working Capital	\$1,394,385.23			

Departmental Reports.

Park & Recreation Commission (PRC): Secretary Therese Mauchline was not present so Supervisor John McHugh reported there had been discussion with Honey

Brook Borough about creating a skateboard park. Some crops remaining to be donated from the Township's raised bed garden for the Chester County Food Bank.

The work on the baseball field fence located in Umble Park has not been completed.

Roads: Roadmaster Don Johnson stated the Township's truck that was refurbished is back and in service. \$60,000 was spent for the refurbishment, but a new truck would have cost \$140,000.

Joe Fenstermacher stated that Don Johnson is doing really well in extending the life of older equipment.

John McHugh stated that from comments he had heard, the line painting looks good. Don Johnson stated that the work was done by Alpha Space out of York, same as last year.

Administration: Joe Fenstermacher noted Toni's absence tonight and in the office was due to recent surgery, asking that everyone keep her in prayers for a speedy recovery.

Land Preservation Committee (LPC): Co-Chairperson Chip Jones reported next week on Tuesday, November 19, 2013, will be the last LPC meeting for the year. The annual farmer's breakfast will be the third Tuesday in January, January 21, 2014.

NOTE: Invitations will be sent out to Honey Brook farmers to attend and several presentations provided on farm preservation topics will be presented.

Planning Commission: Onlot sewage public education meeting to be held December 12. Township Engineer Mike Reinert stated that there will be speakers present who will give educational presentations for those that have on-lot sewage systems. This is the first step prior to adopting an Ordinance regulating the maintenance of the onlot sewage systems in the Township in the near future.

Joe Fenstermacher stated that he has received calls from residents asking whether or not the Township would be doing inspections of on-lot sewage systems. He stated that the Board is reactive. The Township is required by the State to pass the Ordinance. As far as inspections go, the Board will ask residents to self-certify their on-lot sewage systems.

Code Enforcement: nothing to report.

Open Forum

Joe Fenstermacher introduced Sue Verdegem and Joe Swartz from Tel Hai, whom the Board had asked to come and speak to the voluntary tax agreement, a subject that is difficult to understand.

Sue Verdegem, Chief Financial Officer of Tel Hai, stated that this agreement is between Tel Hai and the three taxing entities. The basis for the agreement is that an organization have federal tax-exempt status as a 501 c(3) as a senior care provider. Sales tax & Real Estate tax exemptions need to be qualified--there are tests that need to be met. The federal & state corporate tax are driven by two regulations: Act 55 & Hospital

Utilization Process (HUP). We have to meet the requirements every 5 years to demonstrate our being in compliance. Most notably, we must be free from the objective of profit. Tel Hai has always been exempt from sales tax. In 1983, we first went to the Township, Chester County, & Twin Valley School District and put together an agreement that Tel Hai make a payment in lieu of taxes to those entities.

Joe Fenstermacher asked how that amount was determined--a formula or an arbitrary number.

Sue Verdegem stated that it's negotiated between the parties.

Joe Fenstermacher stated that it sounds like an arbitrary number.

Sue Verdegem stated that the Payment in Lieu of Tax was done for first time in 1999 where part of Tel Hai was taxed at 35% of the millage rate, part was taxed at the full rate, and part was not taxed. That was made by lawyers in a room coming up with a fair number.

Joe Fenstermacher stated if there were numbers based on logical summations...

Joe Swartz stated that it is a negotiation system.

Sue Verdegem stated that the approval for sales tax is either a "yea" or a "nay". But that same testing is what is used with calculating real estate tax. Once we got the sales tax exemption and show that we meet HUP and Act 55 requirements, then we can ask the other taxing authorities, "what should we pay?"

Joe Swartz stated that it's an agreement between what the Board thinks is fair for us to pay and what we think is fair given our benefit from the community. If we cannot come to an agreement then we will go through the courts for arbitration.

Sue Verdegem stated that the Personal Care part of Tel Hai is exempt, the Apartments & Commons building is partially exempt, and full tax is paid on the Day Care and some of the parcels that are not yet built on.

Joe Fenstermacher stated that this is something completely new and unknown.

Sue Verdegem stated that the agreement had been for 15 years.

John McHugh stated that it was Boards in the past that last discussed it.

Joe Fenstermacher asked how they made out with the school board?

Sue Verdegem stated this was one agreement with all three entities.

Tracy Olsen asked if Tel Hai would have to go before all three entities at once or separately?

Sue Verdegem stated she was not sure how will be this time but last time they went before all three entities at once. Supervisors were not present but the solicitor was and reported back.

A man in attendance asked if the agreements covered escalation over the 15-year period.

Sue Verdegem stated that the millage increase is paid as millage increases.

Joe Fenstermacher stated that the Administrator who is not here would normally explain this to us and asked if they would speak to the two items on our business agenda as to why we should authorize those.

Sue Verdegem stated that Tel Hai qualifies for tax-exempt bonds for expansion. There are several entities they could go through. Tel Hai wants to go with Dauphin for the StoneCroft expansion. The \$9 million is for Woods Edge, which is already in place. This is authorizing on the dates to change as to when money is due back.

Joe Fenstermacher asked how that was advantageous.

Joe Swartz stated that the resolution just says the Township is okay with this setup. Part of the statute is to get municipal approval. There is no obligation on the Township's part.

Lorraine Louie, of Shoreline Drive, asked how long this process took 15 years ago and how much decision-making is given to the solicitor.

John McHugh stated that John Good doesn't make the decision; he merely represents the Township.

Lorraine Louie stated that the township residents need to be more aware of this process.

Joe Fenstermacher stated that the Board was looking to get the information out to people in the newsletter so that those types of questions can be answered. We can say to someone with a similar question that there is an explanation on the website or in the newsletter.

John McHugh stated that the Board is trying to be more transparent and to get information out there. We know that the website desperately needs to get updated. Items in the newsletter will be exactly like what's on the website, knowing that not everyone has internet access.

Joe Fenstermacher stated the Board will discuss whether or not the same format that was used before will be used this time.

Business.

Authorize/not authorize adoption of Resolution 03-2013 to authorize the Tel Hai Retirement Community to utilize Tax Exempt Financing up to \$50 million dollars from the Dauphin County General Authority.

John McHugh made a motion, seconded by Tracy Olsen, to authorize adoption of Resolution 3-2013. All in favor. Motion carries.

Authorize/not authorize adoption of Resolution 04-2013 to authorize the Tel Hai Retirement Community to utilize Tax Exempt Financing up to \$9 million dollars from the North Lebanon Township Municipal Authority.

John McHugh made a motion, seconded by Tracy Olsen, to authorize adoption of Resolution 4-2013. All in favor. Motion carries.

Open Forum.

None.

Joe Fenstermacher suspended the regular Board meeting at 7:05 p.m. in order to conduct the following hearing.

Public hearing Ordinance 168-2013—Poplar Road Speed Limit 35 mph.

Mike Reinert stated that this is the ordinance to regulate speed limit on Poplar Road. An engineering study was done and this hearing was publicly advertised. To enforce the recommended speed specified in the study, this Ordinance needs to be passed.

Dick Reeder, of Tel Hai, asked what the speed limit is presently. Mike Reinert stated that at present, there is no posted speed limit, which then assumes a 55 mph speed limit.

A man in attendance asked if that meant any unposted road has a speed limit of 55 mph. Mike Reinert stated that if the road is not within a defined residential district, the speed would be 55 mph.

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

Business (continued).

Adopt/not adopt Ordinance 168-2013—Poplar Road Speed Limit 35 mph. John McHugh made a motion, seconded by Tracy Olsen, to adopt Ordinance 168-2013. All in favor. Motion carries.

Authorize/not authorize 2014 Budget for advertisement. John McHugh made a motion, seconded by Tracy Olsen, to authorize the 2014 Budget for advertisement. All in favor. Motion carries.

Authorize/not authorize Pleasantview Welding extension. Mike Reinert stated that this request is for the land development plan that the Planning Commission is reviewing. They are asking for 6-month extension for review of the plan to delineate wetlands and obtain approval from the Department of Environmental Protection (DEP).

Tracy Olsen made a motion, seconded by John McHugh, to authorize the Pleasantview Welding extension. All in favor. Motion carries.

Authorize/not authorize Cambridge Mennonite Church expansion extension.

Mike Reinert stated that this request is similar to the previous one, asking for more time to prepare information for their Land Development Plan.

John McHugh made a motion, seconded by Tracy Olsen to authorize the Cambridge Mennonite Church expansion extension. All in favor. Motion carries.

Authorize/not authorize advertisement of continued Conditional Use Hearing for Levi Kauffman, TPN 22-10-44.4 for December 11, 2013 at 6:30 pm at the Honey Brook Township Building. Mike Reinert stated he had talked with John Good and since a new review letter was to be issued on this matter, he suggested we readvertise the hearing.

Joe Fenstermacher asked what the impact of the recent kennel Ordinance would have on this matter. Mike Reinert stated that a lot of the previous requirements have been removed but the conditional use requirement still stands.

Tracy Olsen made a motion, seconded by John McHugh to authorize advertisement of the continued Conditional Use Hearing for Levi Kauffman. All in favor. Motion carries.

Authorize/not authorize advertisement of Sewage Public Education Meeting for Thursday December 12, 2013 at 6:30 pm at the Honey Brook Township Building, followed by Town Hall Meeting at 7:30 pm. John McHugh made a motion, seconded by Tracy Olsen, to authorize the advertisement of the Sewage Public Education Meeting and Town Hall Meeting. All in favor. Motion carries.

Final Open Forum.

Lorraine Louie, of Shoreline Drive, asked if advertising hearings in the newspaper was really necessary.

Joe Fenstermacher stated that it is a requirement to have hearings advertised in the newspaper.

John McHugh stated there has been some discussion on this matter among members of the Pennsylvania State Association of Township Supervisors (PSATS) as to whether or not newspaper advertising is the best way in this modern era of websites.

Lorraine Louie stated she brought it up in an effort to save the Township money.

Joe Fenstermacher stated that point was valid and that the Board agrees the website would be a good forum for announcements. Even though it's the law to have it in the newspaper, redundancy doesn't hurt.

John McHugh stated that currently the Township uses the Daily Local News for advertisements of hearings. Can the announcements be in just one or in multiple publications?

Joe Fenstermacher stated he had asked that very question two or three times and has not yet gotten a sufficient answer.

Naomi Fenstermacher, of Cambridge Road, stated that a lot of people that are in Honey Brook Township do not get the Tri-County Courier. So that's why the Daily Local News was chosen.

John McHugh stated that the topic would be a good item for a future agenda in 2014 as to what is the best advertising channel.

Upcoming meetings:

Nov. 14 -- Parks and Recreation (7 pm)

Nov. 19 -- Land Preservation (6:30 pm)

Nov. 21 -- Planning Commission Regular Meeting (7 pm)

Dec. 11 -- Board of Supervisors Regular Meeting (6:30 pm)

Dec. 12 -- Public Education Meeting on On-lot sewage system Maintenance (6:30 pm)

Dec. 12 -- Town Hall Meeting (7:30 pm)

Mike Reinert stated that there would not be enough attendance to conduct a workshop for the Planning Commission in November.

Motion by Joe Fenstermacher, seconded by John McHugh to adjourn the meeting. All in favor. The meeting adjourned at 7:16 pm.

Respectfully submitted,

Kristy J. Deischer-Eddy
Recording Secretary