

December 11, 2013

Joe Fenstermacher announced at 6:31 p.m. that the regular Board meeting would begin after the Conditional Use hearing. Supervisors Joe Fenstermacher, John McHugh, and Tracy Olsen were present, as was Township Engineer Michael Reinert and Administrator Toni Antonini.

The hearing was turned over to Solicitor John Good.

**Conditional Use hearing—TPN #22-10-44.4---Kennel.** The hearing was transcribed by a court reporter.

John McHugh made a motion, seconded by Tracy Olsen, to approve the conditional use of 22-10-44.4 as a kennel subject to the conditions which were read by Joe Fenstermacher. All in favor. Motion carries.

John Good then opened the **public hearing Ordinance 169-2013—Zoning Amendments; Retail Uses, Rural Occupation, Street Line.** The hearing was transcribed by a court reporter. The items being amended were read aloud by Township Engineer Mike Reinert.

There were no questions from those present. Joe Fenstermacher closed the public hearing at 6:36 p.m.

**Adopt/not adopt Ordinance 169-2013— Zoning Amendments; Retail Uses, Rural Occupation, Street Line.**

Tracy Olsen made a motion, seconded by John McHugh, to adopt Ordinance 169-2013. All in favor. Motion carries.

The regular meeting of the Honey Brook Township Supervisors was then opened by Chairman Joe Fenstermacher at 6:37 p.m.

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 November 13<sup>th</sup>; bills/receipts; treasurer's report. John McHugh noted there were some changes in the copies out for the public. Motion by John McHugh, seconded by Tracy Olsen, to approve the consent agenda. All in favor. Motion carries.

### **Treasurer's Report as of 11/30/2013**

		<b>November</b>		
Assets--Gen Fund	\$1,242,244.00	General Fund Receipts	\$131,868.00	
Assets--Cap Reserve	\$1,017,828.00	General Fund Expenditures	\$102,898.98	
Assets--Op Reserve	\$350,546.34			
Assets--State Fund	\$245,708.57	Cap Reserve Receipts	\$25,963.20	
Assets--Land Pres (working)	\$310,769.00	Cap Reserve Expenditures	\$3,998.36	
Assets--Land Pres Fund	\$1,094,068.00			

## Total Assets

### Assets in Restricted Account

Gen Fund--Recreation	\$51,658.03
Gen Fund--Hlth Reimb	\$2,328.31
Land Pres	\$1,404,838.08

Liabilities--Gen Fund	\$192,159.00
Liabilities--Cap Reserve	\$1,075,372.00

Liabilites--Op Reserve	\$0.00
Liabilities--State Fund	\$145,538.45
Liabilities--Land Pres	\$1,528,681.00

### Total Liabilities

Equity--Gen Fund	\$1,050,085.00
Equity--Cap Reserve	-57,544
Equity--Op Reserve	\$350,546.34
Equity--State Fund	\$100,170.12
Equity--Land Pres	-\$123,842.92
<b>Total Equity</b>	<b>\$1,319,414.54</b>

<b>Less Restricted Acct</b>	<b>-\$72,184.89</b>
<b>Working Capital</b>	<b>\$1,391,599.43</b>

Op Reserve Receipts \$38.99

Op Reserve Expenditures \$0.00

State Fund Receipts \$27.33

State Fund Expenditures \$17,780.90

Land Pres Fund Receipts \$91,391.00

Land Pres Fund Expenditures \$27,666.00

### Sinking Fund (Loan)

Assets \$17,329.45

Liabilities

### Land Preservation (Loan)

Assets \$0.00

Liabilities \$1,498,351.00

## Departmental Reports.

**Park & Recreation:** Joe Fenstermacher stated there was no December meeting for this committee.

**Roads:** Roadmaster Don Johnson stated that there were a lot of hours put in by the Public Works department since Sunday and there will be more to come this weekend.

**Administration:** Toni Antonini stated that Judge Cabry, who would be swearing in a supervisor at the Reorganization meeting in January, had asked if that meeting could be at 6:00 p.m. on Jan. 6. The supervisors agreed among themselves that the meeting could take place at that time.

**Planning Commission:** Nov. 21, 2013 meeting minutes. Mike Reinert stated he had nothing to add.

**Code Enforcement:** Mike Reinert stated that there was nothing new to report. Brandywine Terrace mobile home park is still in the court process, as the owner did not show at the hearing. Citations will be issued by the zoning officer.

**Land Preservation:** Chip Jones stated that the committee had met in November. There are two parcels the committee has recommended for preservation on tonight's agenda. The first property is on Compass Road; the second one is on Given Road. The next meeting is on January 21<sup>st</sup> for the annual breakfast meeting, with the meeting starting at 8 a.m. followed by breakfast at 9 a.m.

Joe Fenstermacher thanked the committee for having their accounting numbers up to date.

Bob Witters, Tel Hai, asked what the values of the properties were. He also wanted to know what the total value of all preserved land was.

Chip Jones stated that the amounts he has are estimated. For the first property, approximately \$135,000 of Township money will be paid; for the second, the total value is approximately \$182,000, of which half is the Township's share of the cost.

Joe Fenstermacher stated that there was now a spreadsheet that was understandable which outlines all the monies spent on land preservation since day one.

### **Announcements.**

**Certificates of Appreciation** – Paula McGiness and Joe Beiler; cake and coffee to be served after the meeting. Joe Fenstermacher stated that the Township is tonight recognizing Paula, for many years of service as Director of the Honey Brook Community Library and to the community. Also, Joe Beiler is being recognized for his service to the Township as an employee for 34 years.

**Public On-Lot Sewage Management Education Meeting & Town Hall Meeting** – Thursday, December 12<sup>th</sup> at 6:30 p.m. at the Township Administration Building. Joe Fenstermacher stated that he had received a dozen calls about this meeting and the upcoming ordinance. He stated he had sent a letter to the editor that the state (DEP)Department of Environmental Protection is requiring that there be an ordinance.

Joe Fenstermacher stated that there is a resident who has written his own on-lot sewage ordinance which will be presented at the Planning Commission meeting next week.

Mike Reinert announced that the Planning Commission meeting was moved up a week due to the Christmas holiday. Also, the public meeting being held tomorrow night is not discussing the ordinance but is an educational meeting about on-lot sewage system maintenance. The ordinance will be discussed at the Planning Commission meeting on the 19<sup>th</sup>.

**Anticipate a demonstration of the new Township website** at the January 6<sup>th</sup> Board of Supervisors meeting. John McHugh stated there would be a presentation to show what the new website will look like so that any input from those attending the meeting could be included by the site's launch in February. The Township Supervisors want to make sure that website is current, up to date, and is something to rely on. The newsletter will reflect the information on the website. It will have the same URL ([www.HoneyBrookTwp.com](http://www.HoneyBrookTwp.com)).

Joe Fenstermacher said **“Thank you” to Tim Perry for his assistance with the website over the last 6 months.** He helped get the content current as well as having offered suggestions.

**Honey Brook Township will celebrate 225 years in 2014 (1789-2014);** request Park & Recreation Committee to suggest event to celebrate this anniversary. John

McHugh stated that he hopes that businesses will celebrate the anniversary as well. 2014 is also the 225<sup>th</sup> anniversary of the United States Constitution.

**Thank you to Naomi Fenstermacher, Alana McHugh, and Jennifer McConnell, Technicon Enterprises** for their assistance with Township operations over the last few months. Joe Fenstermacher stated that Toni Antonini had some serious health issues which she is recovering from and wanted to thank these folks for keeping the administration office running in her absence. He also recognized her for job well done.

**Tracy Olsen stepping down from Planning Commission.** John McHugh asked Tracy Olsen if she wished to serve as an alternate. Tracy stated that there would still be an open seat, even after hers is replaced. Joe Fenstermacher asked for volunteers to contact the Administration Office.

Joe Fenstermacher made motion, seconded by John McHugh, to appoint Tracy Olsen to the Planning Commission as an alternate. All in favor. Motion carries.

**Business.**

**Appoint/not appoint Joe Fenstermacher to Planning Commission (PC).**

John McHugh asked if a supervisor could serve on the Planning Commission. Mike Reinert stated there could be, but only one. John McHugh asked whether or not Tracy Olsen could serve as an alternate if Joe Fenstermacher was a member of the PC. Mike Reinert stated that question would be best answered by the solicitor. John McHugh made a motion, seconded by Joe Fenstermacher, to rescind the appointment of Tracy Olsen as an alternate to the PC. All in favor; motion carries.

John McHugh made a motion, seconded by Tracy Olsen, to appoint Joe Fenstermacher to the PC. All in favor. Motion carries.

**Adopt/not adopt Fiscal Year (FY) 2014 Budget.** Bob Witters, Tel Hai, asked how the 2014 spending level compared to 2013 and also asked if the tax rate would change. Joe Fenstermacher stated that spending will not increase; in fact, it could decrease due to some public works savings, which the Roadmaster would explain. The tax rate will not change.

Don Johnson stated that the Township has a 1993 Mac truck with 91,000 miles on it which was due for replacement. Instead, the dump body was replaced, it received new hydraulics and a plow, was repainted, and received new tires. The Township spent \$60,000 versus \$140,000, which is the cost of a new truck. The Township will do the same on some other equipment over next couple of years and only replace the equipment that's absolutely necessary to replace.

John McHugh made a motion, seconded by Tracy Olsen, to adopt the FY2014 budget. All in favor; motion carries.

**Authorize/not authorize awarding of contract for redesign of the Township Website to DG Design in the amount of \$2,875.00.** John McHugh announced that this

is the firm which was recommended for awarding of the contract to build the website, and provide training and any other enhancements needed.

Joe Fenstermacher made motion, seconded by Tracy Olsen, to authorize awarding of the contract to redesign the Township Website to DG Design in the amount of \$2,875.00. All in favor. Motion carries.

**Authorize/not authorize increase Supervisor compensation per the Pennsylvania State Association of Township Supervisors (PSATS) recommendation of maximum \$2,500/year.** Joe Fenstermacher stated that the Township has always gone with the PSATS recommendation. John McHugh stated that the guideline for Class B Townships recommends this amount.

Toni Antonini stated that the guideline recommended raising of the compensation amount four or five years ago. Joe Fenstermacher stated that the Township didn't raise the amount at that time.

Bob Witters, Tel Hai, asked what the current compensation amount was.

Joe Fenstermacher stated it was \$1,500.00 currently. He stated that should this be authorized, the current Board of Supervisors is not eligible for this rate until they are up for re-election. With the next person elected to an open seat, the new rate would take effect.

Bob Witters then asked if it's possible to have a Board whose members had different compensation rates. Joe Fenstermacher stated yes, that's the case.

John McHugh made a motion, seconded by Tracy Olsen, to authorize Supervisor Compensation to a maximum of \$2,500.00 per year. All in favor. Motion carries.

**Discussion changing start time of Board of Supervisors meetings from 6:30 p.m. to 7:00 p.m.** Dick Reeder, Tel Hai, asked why this was being considered. John McHugh stated that the supervisors would like to have all meetings at the same time eventually. The Land Preservation Committee (LPC) was asked to change their meeting time a few years ago, but two farmers on the committee requested they keep the LPC meeting time at 6:30.

Joe Fenstermacher recommended that the item be tabled until the next meeting. He asked those in attendance what they would prefer.

One gentleman stated that since he is retired it didn't matter to him but that 7:00 seemed to be more reasonable for people with full time jobs.

John McHugh stated that some people are finishing dinner at 6:30.

Paula McGiness stated she had become accustomed to the 6:30 time.

Bob Witters stated he did not have an objection to the change; it is not a big deal for him.

Dick Reeder asked if more people would come for a 7:00 meeting time. A few years ago it was changed from 5:30 to 6:30 so that more people would come.

John McHugh mentioned that one person recently came to a Board of Supervisors meeting at 7:00 because she thought that was the start time based on other Township committee meetings.

John McHugh made a motion, seconded by Tracy Olsen, to change the meeting time of the Board of Supervisors regular meetings to 7:00 pm. All in favor. Motion carries.

**Approve/not approve Tax Parcel #22-9-19.1 (57.6+ acres) Challenge Grant.**  
Chip Jones stated that the Township share will be 50%.

John Goodall stated that for the two farms already approved which are closing this week, the Township is only putting in 34% instead of 50% because other funding sources were found for the other 16%. The Brandywine Conservancy is always looking to get funding from other sources.

John McHugh asked what the current balance is.

Chip Jones stated the Township's total contribution will be \$135,000.

Joe Fenstermacher asked if that was to be paid out in a lump sum or to be deferred.

Chip Jones stated the payout would be over 5 years' time. The first year's payout will be approximately \$27,000.

John Goodall stated that the inclusion of the first farm in preserved land would create 10 contiguous farms of 167 total acres. Inclusion of the second farm would also create 10 contiguous farms with over 700 total acres of land. These masses of preserved land was the goal of the Township.

There was discussion on Land Pres funds and farms currently approved amongst the Board and the audience.

Joe Fenstermacher stated that there was also a discussion of decelerating the Open Space EIT amount over time.

John McHugh stated there are other ways to preserve land---the TDR program (Transferable Development Rights) has not seen much activity; also, farmers donating the value of their easements is also something to encourage.

John McHugh made a motion, seconded by Tracy Olsen, to approve Tax Parcel #22-9-19.1 for the Challenge Grant. All in favor. Motion carries.

**Approve/not approve Tax Parcel #22-4-46 and 22-4-48 (79.8+ acres) Challenge Grant.** Joe Fenstermacher asked if the payout would be a 50/50 split. John Goodall stated it would be.

John McHugh made a motion, seconded by Tracy Olsen, to approve Tax Parcel #22-4-46 & 22-4-48 for the Challenge Grant. All in favor. Motion carries.

John McHugh asked if it would be more accurate to put *Chester County* Challenge Grant.

Chip Jones stated that, yes, we could.

John McHugh asked about the Headwaters Program---is that a 40/60 split?

John Goodall stated that the Township would only put up 25% through the Headwaters Program for the one farm that has been approved.

The city of Wilmington, DE is interested in best management practices (BMP) to mitigate Agricultural practices because their entire watershed comes from the Brandywine River. Because of that, the success of land preservation in Honey Brook Township, and the EIT earmark for land preservation, Chester County has created a new program only for Honey Brook Township for preservation monies of \$1 million dollars, with a 25% township/75% county split. The county did this in recognition of Honey Brook Township's efforts.

John McHugh asked if there was any other money available.

John Goodall stated that the Conservancy is always looking for funding from other sources and he found 16% from an organization in upstate NY, since we're The Highlands, a critical water regeneration area. The Conservancy is also pursuing some funding in Philadelphia, telling the story of Honey Brook's preservation success.

**Grant/not grant request to modify approved building envelope/conservation easement on Lot 3 of Baron Hills Farm Subdivision, Lloyd King, Tax Parcel # 22-11-35.2.** Mike Reinert stated that Lloyd King was present. This is a 28-acre parcel on Gooseberry Lane, part of the Baron Hills Subdivision. The approval had a number of declarations & restrictions in exchange for waivers. It restricted the parcels to a 3-acre area for building, in order to preserve the tree cover.

The applicant is proposing to construct a single-family dwelling (SFD) outside of this building envelope area. Mike Reinert stated that solicitor John Good had advised that the Board of Supervisors could modify the restrictions, requiring a new set of plans to be drawn up.

The plan was approved in late 2007/early 2008.

Joe Fenstermacher asked Lloyd King if he was aware of the restrictions when he purchased the property.

Lloyd King stated he did not know, as that was not on the deed.

Joe Fenstermacher asked Lloyd King what would he say to his neighbors if they wanted to know why he was building outside of the building envelope. Joe Fenstermacher stated he will oppose the request because he doesn't think it's fair to the neighbors.

Troy Stacey, who did the subdivision, stated that the engineers stuck these building envelopes on the plans but there was no reason for where they put them.

Mike Reinert stated he disagreed, because the zoning ordinance did not allow for any subdivision on that tract and the attorney was part of the process for drawing up the agreement and restrictions.

Troy Stacey stated it was not on the plan as to how much woodland would have to be left in terms of acreage.

Mike Reinert stated it was approved by Troy Stacey's attorney, referencing the plan, and Troy Stacey signed the plan agreeing to it.

Joe Fenstermacher stated it was his understanding that the restriction was done to preserve the woodland. I try to help everyone I can, but if the neighbors come to us and ask for the same thing, how can the Board not give it to them if we gave it to you?

Lloyd King stated he did not understand why he cannot go back further into the woods to build the home.

Joe Fenstermacher stated the building envelopes were there to preserve the woodland.

Troy Stacey thought that the 3-acre envelope could be anywhere on the land.

Mike Reinert stated that from the agreement, lots 2, 3, and 4 could not clear any land for more building.

Tracy Olsen asked if the building envelopes were placed where the land was already clear.

Mike Reinert stated that is why the building envelopes were placed where they were.

John McHugh made a motion to not grant Lloyd King's request to modify the approved building envelope/conservation easement on Lot 3 of Baron Hills Farm Subdivision, Tax Parcel # 22-11-35.2, seconded by Tracy Olsen. All in favor. Motion carries.

**Approve/not approve Conditional Final Plan Approval for Henry Zook Subdivision/Land development.** Roger Fry spoke on behalf of applicant, who was in attendance. The site map was shown on screen for all to see. Roger Fry stated that Henry Zook is proposing that Tract C on the map be transferred to his father and that Tract B, now owned by the father, be transferred to the son. The site currently has a welding business for the manufacture of farming equipment. There is a lot of machinery outside of the current building. The applicant is proposing a new building in the rear of the property to expand the operation. The review has been completed. The applicant is awaiting word of the amount of escrow to put up. The only other administrative item is the sewer planning. Since the plan does not propose to increase the number of people on site, the applicant will not need more sewer capacity.



Mike Reinert stated that TEI did issue a review letter, which indicated the applicant is only down to administrative issues. The Planning Commission had suggested landscaping, which is now included on the plan and has recommended conditional final approval.

Joe Fenstermacher asked how the December 2 review letter impacts the one from November 15.

Mike Reinert stated that the November 15 letter was for reference. It included a list of items to address, and the December 2 letter merely condenses the items which needed addressing based on the latest plan submitted.

Tracy Olsen made a motion, seconded by John McHugh, to approve conditional final plan approval for the Henry Zook Subdivision/Land Development based on the TEI review letter of December 2. All in favor. Motion carries.

### **Open Forum.**

Bob Witters, Tel Hai, asked when the 7:00 pm start time for Board of Supervisors meetings would take effect.

Toni Antonini stated it would start in February, as the January meeting is at 6:00 pm.

### **Upcoming meetings:**

- December 12<sup>th</sup>-- Public On-Lot Sewage System Education Meeting, 6:30 pm, followed by Town Hall meeting
- Dec. 19<sup>th</sup>-- Planning Commission Regular Meeting (7:00 pm)
- January 6<sup>th</sup>-- Board of Supervisors Reorganization/Regular Meeting (6:00 pm)
- January 9<sup>th</sup>-- Planning Commission Workshop (7:00 pm)

Dick Reeder asked if the meeting on 12<sup>th</sup> would be a question & answer format.

Joe Fenstermacher stated yes, it would.

Dick Reeder asked if there would be a presentation or not.

Mike Reinert stated yes, there would be, but the attendees will have the chance to ask questions.

Dick Reeder asked if the public would understand the intent of what the panel was presenting.

Mike Reinert stated that yes, they would.

Motion by Joe Fenstermacher, seconded by John McHugh, to adjourn the meeting. All in favor. The meeting adjourned at 7:41 p.m.

Respectfully submitted,

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Kristy J. Deischer-Eddy  
Recording Secretary