

Honey Brook Township Board of Supervisors

Meeting minutes February 11, 2015

The regular meeting of the Honey Brook Township Board of Supervisors was called to order at 7:06 p.m. Supervisors Tracy Olsen and John McHugh were present, as was Township Manager Antoinette Antonini and 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 the January 5th re-organization meeting and minutes of the January 5th regular meeting; bills/receipts.

Motion by John McHugh, seconded by Tracy Olsen, to approve the consent agenda. All in favor. Motion carries.

Treasurer's Report as of January 31, 2015

Assets--Gen Fund	\$1,320,224.27	General Fund Receipts	\$77,341.08
Assets--Cap Reserve	\$969,155.35	General Fund Expenditures	\$107,568.31
Assets--Op Reserve	\$350,576.54	Cap Reserve Receipts	\$25,943.20
Assets--State Fund	\$221,535.37	Cap Reserve Expenditures	\$0.00
Assets--Land Pres	\$237,865.83		
Assets--Land Pres Fund	\$906,765.50		
total land pres	\$1,144,631.33		
Total Assets	\$4,006,122.86		
		Op Reserve Receipts	\$34.58
		Op Reserve Expenditures	\$0.00
		State Fund Receipts	\$21.85
		State Fund Expenditures	\$15,837.71
		Land Preservation Receipts	\$23,068.50
		Land Preservation Expenditures	\$111,784.38
		Sinking Fund (Loan)	
		Assets	\$12,348
		Liabilities	\$3,911,314
		Land Preservation (Loan)	
		Assets	
		Liabilities	\$611,292.42

Assets in Restricted Account	
Gen Fund--Recreation	\$44,581.74
Gen Fund--Hlth Reimb	\$2,689.02
Land Pres Fund	\$237,865.83

Liabilities--Gen Fund	\$252,519.39
Liabilities--Cap Reserve	941,609
Liabilites--Op Reserve	\$150,000.00
Liabilities--State Fund	\$220,050.00
Liabilities--Land Pres	\$1,335,918.00
Total Liabilities	\$2,900,096.39
Equity--Gen Fund	\$1,067,704.88
Equity--Cap Reserve	\$27,546.35
Equity--Op Reserve	\$200,576.54
Equity--State Fund	\$1,485.37
Equity--Land Pres	-\$191,286.67
Total Equity	\$1,106,026.47

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Departmental Reports.

Roads: Don Johnson stated that the Roads Crew has been busy with several small storms; 400 tons of salt has been used on the Township roads so far. John McHugh asked how the Township supply looks for the rest of winter. Don Johnson stated that there's plenty of salt in stock at the suppliers this year, so there shouldn't be a shortage like there was last year.

Administration:

Toni Antonini stated that the annual audit is taking place next week. She will be out of the office the following week.

Land Preservation:

Chip Jones stated that the January meeting was a re-organization meeting, keeping the same chair/secretary and vice-chair as last year. Next meeting is March 17th.

Park and Recreation:

Therese Mauchline stated that the Park & Rec re-organization meeting took place on January 15th. Lee Heller is Chair; Therese Mauchline is secretary. She presented two motions by the committee to recommend Kelly Spracklin and Glenn Emery for appointment to the committee. Meeting times for the rest of the year will be moved to 7:30 pm (from 7:00) due to a conflict on the third Thursday of the month. Next meeting is February 19th at 7:30 pm.

Therese Mauchline stated that the Little League needs infield mix this year, probably two loads. The Little League fees have been set for the season. Summer activities will include tennis again; not sure about kickball yet. The committee is planning on having a summer camp for elementary kids to take the place of the one that used to happen at the Honey Brook Elementary Center (not being offered this year). There were discussions of perhaps having a basketball &/or baseball/softball clinic. Pickle Ball is still being organized by a group at Knob Hill. The Committee has tentatively set aside April 4 as the ribbon-cutting day for the newly-installed Born Learning Trail at the James A. Umble Memorial Park, in conjunction with an Easter Egg Hunt. The raised bed garden will be planted again this year, without Swiss Chard.

Planning Commission:

Mike Reinert stated that for the next meeting, there is a full slate of new plans to review. The PC will also be continuing the discussion for amendments to the landscape requirements in the SALDO. There is a PC workshop meeting on February 18th; the Brandywine Conservancy has drafted an updated comp plan for review.

Board of Supervisors.

Tracy Olsen announced that the Board is looking to appoint a supervisor to fill the seat left by Joe Fenstermacher, term to end December 31, 2015. Three candidates expressed interest--Travis Stacey, Tom Witman, and Chuck Bachman. Each introduced himself to those present. Tracy Olsen stated that there are 10 more regular Board meetings to finish out Mr. Fenstermacher's term. There is an election for a 6-year term this year. Petitions to run are due in at end of month.

Announcements.

Kristy Deischer-Eddy stated that the website announcements are now linked to Facebook, so announcements will post there at the same time they are posted on the website.

Open Forum.

Steven Hanley, Brandywine Preserve, asked what the Township can do to get the development's builder to complete the road dedication process. The last house was built 18 months ago, but Whitehorse Drive has not been dedicated to the Township.

Mike Reinert stated that he and the Township Roadmaster met with the developer in June/July 2014 and conducted an inspection of the development; identifying the necessary items to be completed or repaired before final paving could be done and the road offered for dedication. The written punchlist was provided to the developer in July 2014, however the developer did not complete the punchlist. Steven Hanley stated that was his understanding as well and asked what could be done, because the snow removal is a burden to the Homeowner's Association? Mike Reinert stated that the Township is not in a position to do the corrections for them unless the Board decides, with consultation from the Solicitor, to declare the developer in default.

Toni Antonini stated that the Township did communicate with the developer in September. Apparently there was a meeting last September and the Township informed them the same thing--the ball is in their court with punch list. John McHugh stated that it

was his personal experience that it took 18 months to get his road paved by the builder. He stated he wrote to the builder at that time, who then called the Township asking what to do.

New Business.

Grant/not Grant conditional final plan approval – Poplar Realty/Tabas Tract (Tax Parcel Number 22-8-52). Debbie Shulski, Esq. was present on behalf of the applicant Poplar Realty, along with Jon Tresslar from Boucher & James. Ms. Shulski noted that this final plan is similar to the preliminary plan that was conditionally approved by the Township in May 2014. The applicant is in the process of securing outside agency approvals and addressing their review comments. Ms. Shulski recognized the Township Engineer's review letter dated January 15, 2015 stating they would comply with all issues. The Planning Commission recommended conditional final plan approval based on compliance with the review letter.

Tracy Olsen asked if the applicant was open to possibly putting some type of rider in the Homeowner's Association contract that Township could take over the soccer field & open area at future time if it so chose. Debbie Shulski stated that if there was a note of continuing dedication (if the Township owned it) then that could be done. From a marketing standpoint, it's an issue with disclosures at the sale. There is no parking planned in those areas, either, so it's not clear how people would access those fields.

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John McHugh asked if the Homeowner's Association decided if they were not interested in taking care of the fields, could they approach the Township to offer them. Debbie Shulski stated that there's always the possibility that they could work with the Township in the future, but the applicant is not likely to commit to that at this time.

Tracy Olsen stated that it's one of the Township's goals to have more open space and recreation area in that part of Township. There are no immediate plans, but the Township would like to have the option in the future. Debbie Shulski stated that the applicant is not ready to commit to that tonight. She stated that there could be a note added to the plan stating that the Homeowner's Association could offer land to the Township in the future if the Township wanted to accept it. It would be the Homeowner's Association's discretion to do that. The Board agreed to the suggestion.

Motion by John McHugh, seconded by Tracy Olsen, to grant conditional final plan approval to Poplar Realty/Tabas Tract (Tax Parcel Number 22-8-52), subject to compliance with the Township Engineer's review letter dated January 15, 2015 and adding a note to the plan that the Homeowner's Association has the option to offer open space to the Township if it wished to do so in the future. All in favor. Motion carries.

Grant/not Grant waivers for Swampy Hollow Manufacturing Lots 1 & 2 (TPNs 22-3-64 & 22-3-78). Vic Kelly of Commonwealth Engineers was present along with applicants Levi & Ivan Stoltzfus. Four waivers are being requested per their letter dated January 12.

Motion by John McHugh, seconded by Tracy Olsen to grant waivers for Swampy Hollow Manufacturing Lots 1 & 2 (TPNs 22-3-64 & 22-3-78) based on the letter prepared by the applicant. All in favor; motion carries.

Grant/not Grant conditional final plan approval Swampy Hollow (22-3-64 & 22-3-78).

John McHugh made a motion, seconded by Tracy Olsen, to grant conditional final plan approval to Swampy Hollow (22-3-64 & 22-3-78) provided the applicant complies with the Township Engineer's review letter dated January 15, 2015. All in favor. Motion carries.

Appoint/not appoint Glenn Emery to Park & Recreation Committee, term to expire 12/31/2017.

John McHugh made a motion, seconded by Tracy Olsen, to appoint Glenn Emery to the Park & Recreation Committee. All in favor. Motion carries.

Appoint/not appoint Kelly Spracklin to Park & Recreation Committee, term to expire 12/31/2018.

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John McHugh made a motion, seconded by Tracy Olsen, to appoint Kelly Spracklin to the Park & Recreation Committee. All in favor. Motion carries.

Approve/ not approve Chester County SPCA contract. Toni Antonini stated that the Board decides annually whether to commit to a full contract, a limited contract, or no contract at all with the Chester County SPCA. If there is no contract, there is no fee, but it would be up to the residents themselves to take any stray animals to the SPCA and pay any fees. For the limited contract, there is a \$1,000 acceptance fee, and the SPCA will not come to pick up animals, it's up to either the residents, dog warden, or police to take strays to the SPCA and Township pays \$100 per animal fee assessed for the boarding. No enforcement services. For the full contract, there is a \$1,500 acceptance fee, and the SPCA will come out to pick up animals and Township pays \$50 per animal fee assessed for the boarding. They would also provide enforcement for biting animals, barking dogs, feral cats, and the like.

John McHugh asked if there were other options for the Township. Toni Antonini stated that there are no other formal options for the Township. There are on-call services, but there's no contract to compel them to go out. The Dog Warden would be available to take dogs to the SPCA. Toni Antonini stated they have had a contract with SPCA for more than 13 years. The Township had a limited contract for the past 4-5 years with a full contract prior to that.

Tracy Olsen stated that a full contract would also help with the recent feral cat colony situation. Toni Antonini stated that there could be an addendum to the contract that states *if there are more than 5 animals for any one call that the Township would have to be notified ahead of time to discuss the situation.* John McHugh asked Toni for a recap of the recent cat colony situation for those who are not familiar with what happened.

Toni Antonini stated that in one month, there were two homes that reported and dropped off cat colonies to the SPCA. One home brought in 8 cats, creating a boarding charge of \$800; another had 15 cats, creating a charge of \$1,500. Usually, there are only about 5 animals brought in per quarter. This situation was a very big impact to the Township's general fund.

John McHugh made a motion, seconded by Tracy Olsen, to have a full contract with the SPCA with the addendum of consulting with the Township for more than 5 animals in one call. All in favor; motion carries.

Memorandum of Understanding – Emergency Shelter, Tel Hai.

Tracy Olsen stated that this was just added to agenda in the last day. The Board does not have to take any action on this tonight. It could be tabled for tonight to review at a later date.

John McHugh made a motion to table this agenda item, seconded by Tracy Olsen. All in favor; motion carries.

Support/Oppose/Take No Position on 213 Merwood Drive (22-2-40) Zoning Hearing variance application regarding front yard setback. Nobody was in attendance on behalf of the applicants.

Mike Reinert stated that this is an application for relief for an existing shed in the Mountainview development. The zoning officer noticed that the shed was placed in a different location from the approved location on their permit issued in April. The property technically has two road frontages due to its location along Merwood Drive and along a stub street shown on an approved subdivision plan (Mountainview Phase 2), although the stub street has not been constructed. Since the property has lot frontage on two streets, it is by definition a corner lot with two front yards even though only one street physically exists today. The placement of the shed violates the front yard setback on the unconstructed stub street shown on the approved subdivision plan and so the applicants are applying for zoning relief. The Planning Commission recommends no position on the application.

John McHugh made a motion to take no position on the 213 Merwood Drive (22-2-40) Zoning Hearing variance application regarding front yard setback. There being no second, the motion died.

Tracy Olsen asked if the shed is facing Merwood Drive or the stub street. Mike Reinert stated that the shed is encroaching on the yet-to-be-built stub street setback. Merwood Drive is constructed and is where the property gains access today. John McHugh asked what if the applicants moved the shed back to comply with the setback or return it to its approved location. Mike Reinert stated then they would be in compliance and no hearing would be necessary—it was mentioned it is a large shed and to move would be difficult and costly per applicant.

Tracy Olsen made a motion to support the 213 Merwood Drive (22-2-40) Zoning Hearing variance application regarding front yard setback. There being no second, the motion died. No further motions were made.

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Bob Witters, Dogwood Dr, asked what was decided. Mike Reinert stated that two motions were made, with no seconds to either one. The application will go before the Zoning Hearing Board without any formal motion or comment by the Board.

Authorize/not Authorize advertisement of Ordinance, Pennsylvania State Association of Township Supervisors (PSATS) Inter Gov Coop Agreements. Toni Antonini stated this is taking three documents and merging them into one document. In August, the Board acted on a Resolution (x-2014) to do that. Township employees have dental, life and disability benefits through PSATS and unemployment. After adopting as a Resolution, the next step is to adopt an Ordinance. The Township Solicitor approved the wording of the proposed Ordinance. It increases the PSATS board from 3 members to 5. PSATS Board members need to be a secretary, manager, or supervisor of municipality to serve. The Ordinance also permits soliciting to more than just second-class townships in order to receive better pricing. Tonight's motion is to authorize advertisement of the ordinance and the hearing, to be held at the March Board meeting.

John McHugh made a motion, seconded by Tracy Olsen, authorizing advertisement of Ordinance, Pennsylvania State Association of Township Supervisors (PSATS) Inter Gov Coop Agreements. All in favor; motion carries.

Old Business.

Law Enforcement:

- Study Task Force: John McHugh stated that the Township will continue as part of the Feasibility Task Force study for regional police force. There was a presentation last month in a meeting together with Honey Brook Borough and West Brandywine Township. The next step is to authorize continuance of the study or else say we're done.

John McHugh made a motion, seconded by Tracy Olsen, to continue as part of the Police Feasibility Task Force. All in favor; motion carries.

Final Open Forum.

None.

Upcoming Meetings: all dates subject to change

February 18 – Planning Commission Workshop (7:00 pm)

February 19 – Park and Recreation Committee (7:30 pm)

February 26 – Planning Commission Regular Meeting (7:00 pm)

March 2 – Zoning Hearing Board (7:30 pm)

March 11 – Board of Supervisors Regular Meeting (7:00 pm).

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A motion was made by John McHugh, seconded by Tracy Olsen, to adjourn to an executive session to discuss appointing a supervisor to fill the seat left vacant by Joe Fenstermacher. ***All in favor. Meeting adjourned to executive session at 7:53 pm.***

The Board reconvened at 8:00 p.m.

John McHugh made motion to appoint Chuck Bachman to the open seat on the Board of Supervisors. There being no second, the motion died.

Tracy Olsen made a motion to appoint Travis Stacey to the open seat on the Board of Supervisors. There being no second, the motion died.

Toni Antonini stated at this point the Vacancy Board will be convened to vote on successor to fill vacancy. She stated that she would contact the Vacancy Board tomorrow to set meeting in motion. This is the next step when there isn't an agreed upon appointment by the Board. If the Vacancy Board cannot come to an agreement it then gets petitioned to the Court of Common Pleas.

Tracy Olsen stated that she wanted to thank all those who came out tonight. The fact that there were three candidates to choose from is great.

The meeting readjourned at 8:01 p.m.

Respectfully submitted,

Kristy J. Deischer-Eddy, Recording Secretary