

Honey Brook Township
Board of Supervisors
August 9, 2017 Regular Meeting Approved Minutes – 7:00 PM

The meeting was called to order at 7:02 pm by Chairman John McHugh. Also present were Supervisors Tracy Olsen and Travis Stacey, Township Manager Steve Landes, Township Engineer Michael Reinert, and Township Solicitor Chris Hartman.

Announcements

In accordance with Resolution 2-2012, it was announced that Scott Stilson, Vincent Drive, was videotaping the meeting.

State Police Report

Trooper John Tower from the Embreeville Barracks:

- Reviewed July's crime statistics. He noted that most of the burglaries have been from sheds and most thefts have been from unlocked vehicles. Always remember to lock your vehicle.
- Reported that a couple of suspects were apprehended for shooting two dogs while prowling a property. The drug problem is fueling thefts of this type. The opioid crisis is here and around the country. He noted that because of the heroin problem, all PA State Police carry Narcan.
- Stated that if there is an emergency, please dial 9-1-1. You will get transferred to the State Police.

Kristy Deischer-Eddy pointed out the home page of the website which has the non-emergency number listed at the top of the page.

Consent Agenda: Travis Stacey made a motion, seconded by Tracy Olsen, to approve the consent agenda below.

1. Approve the Board of Supervisors Minutes of the July 6 Workshop and the July 12 Regular Business Meeting.
2. Accept the Planning Commission Minutes of July 27, 2017
3. Accept the July 2017 Township Manager's Report
4. Accept the July 2017 Financial Report.
5. Accept the July 2017 Zoning and Building Report submitted by Technicon.
6. Accept the July 2017 PA State Police Report.
7. Accept the Non-Uniformed Pension Audit completed by the PA Auditor General's Office.

All in favor; motion carried.

Departmental Reports

1. Don Johnson, Director of Public Works: sealcoating is completed; a section of the Morgantown Road hill was milled down and the paving will be completed as soon as weather permits; there is no word when the inlet boxes for the Park Road project will be delivered; the new dump truck is just about complete; and there was vandalism at the Park.

John McHugh stated that he heard there was an apprehension in that case. Steve Landes reported that he spoke to the State Police who noted there will be a hearing for the two juveniles responsible for the "Ray Means" sign damage.

2. Kristy Deischer- Eddy, Administrative Assistant: we received notice that two juveniles were charged with vandalism at the Cambridge cemetery. We received the victim impact statement for this incident because we have been mowing it for 41 years.

Honey Brook Harmony Day is the third Saturday in September. Information about the event will be in the Tri-County and our website.

3. Steven Landes, Township Manager: There is a report available on the back table. Our part-time administrative assistant resigned to take a full-time position with benefits. The opening has been advertised and the application deadline is this Friday.
4. Land Preservation Committee (LPC): Shane Hadden was present from the LPC. He stated that the LPC has recommended that payment terms for the Westlake tract be changed to a lump sum as requested by the owner. Also, Next month's LPC meeting has been moved to September 26th

John McHugh stated that the Board is looking to see an update to the Land Preservation spreadsheet by the next Supervisors workshop.

5. Park and Recreation Board: Kristy Deischer-Eddy stated that there was no report from the Committee, as there was no meeting last month. Camp has wrapped up and it was very successful and Tennis Tuesdays had participants as well.
6. Planning Commission (PC): Mike Reinert stated that for next month's agenda there is a sketch plan coming in for Vernon Stoltzfus' Truck Terminal. The Sewer Authority is submitting a minor land development plan for their office building. There are two Conditional Use applications to review, one for a kennel and one for the Golf Club. There is also the floodplain ordinance to review.

Public Hearings

At 7:18, the meeting was turned over to Solicitor Chris Hartman for the following hearings:

1. Conditional use decision CU 2017-4 for the application submitted by Benuel S. Stoltzfus to operate a kennel at 200 Locust Drive. *Note: Testimony was closed for this hearing at the Supervisors July 12th meeting. The Board of Supervisors will render a decision whether to approve the conditional use.*

The hearing was reopened as a continuation of the July 12, 2017 hearing. The proceedings were duly recorded by a court reporter.

Tracy Olsen made a motion, seconded by Travis Stacey, to grant conditional use for the Benuel S. Stoltzfus to operate a kennel at 265 Long Lane.

Travis Stacey made a motion, seconded by Tracy Olsen, to close CU 2017-4. The hearing was closed at 7:23 pm.

2. Conditional use application 2017-6 submitted by Reuben King Kennels to operate a kennel at 295 Old Pequea Lane.

The hearing was opened by Solicitor Chris Hartman at 7:24 pm. The proceedings were duly recorded by a court reporter. Following testimony from the applicant and cross examination / questions by parties to the proceeding, testimony in the hearing was closed and the Board adjourned to executive session at 8:44 pm.

The hearing was reconvened at 8:51 pm.

Tracy Olsen made a motion, seconded by Travis Stacey, to recess CU 2017-6 to the September 13, 2017 meeting at 7:00 pm. The hearing was closed at 8:53 pm.

3. Public hearing for the MS4 (Municipal Separate Storm Sewer System) Pollution Reduction / Total Maximum Daily Load (TMDL) and Pollution Reduction Plan (PRP).

The hearing was called to order by Solicitor Chris Hartman at 8:55 pm.

The plan is a joint venture between the Township and Borough. Comments will be accepted verbally and in writing here at the Township from August 1, 2017 until August 31, 2017 and also tonight at this hearing. The plan describes the current pollutants in the East and West branches of the Brandywine and the Pequea Creek watershed.

Mike Reinert reported that Technicon has been working on this MS4 permit application for months with input from representatives from the Christiana watershed. Two from that partnership group, John Gatt and Naomi Young, are present tonight. The application due date is September 16th.

MS4 stands for Municipal Separate Storm Sewer System. Any municipally-owned facility, township roads, lands, or facilities (like swales or stormwater basin), that discharge to a stream/creek/river of some sort are regulated by the MS4 permit. This was a federal mandate passed along to the state—an unfunded mandate, unfortunately; the Township is required to meet minimum control measures. Things like public participation & education, illicit discharges (we have an ordinance in place to regulate that), construction site stormwater runoff and post-construction stormwater management (we do reviews of those at the Planning Commission as well as the Chester County Conservation District), and the last item is housekeeping (maintenance of operations across the street—how to store salts in the off-season, how to deal with oil spills

The thing that DEP requires us to concentrate on for this permit is “urbanized areas” as a result of the 2010 census. The population density is what defines the urbanized areas.

These areas are:

- 1) Honey Brook Borough and surrounding area, including the Knob Hill development;
- 2) the southwestern corner of the Township—Evergreen Ridge and Hillbrook, which is in the Chesapeake Bay watershed area; and
- 3) the eastern area of Route 322 near the border with West Brandywine & West Nantmeal Townships.

Our task is to identify pollutants in those area and come up with a plan to reduce them.

This third area, although fairly large, does not have impaired streams. We can actually remove it from our PRP because we don't have any impaired streams to the east. In the other two areas, we have plans to reduce pollutants.

The southwestern area is solely for the Township to address. What we are proposing as a Best Management Practice is a change to the swale that currently exists in Evergreen Ridge to a bio-swale. That improvement that will be undertaken in the next five years. The township will have to research ways to fund that project.

The first area, the Borough and areas in the Township surrounding it, has the Township involved in some of the improvements that need to be made Borough because of the areas in the Borough that empty to the Township. One includes Umble Park, where we'll be planting a rain garden and some trees, and the installation of a forested riparian buffer along the stream in a farmer's land. We've had cooperation from the farmer to undertake this.

John McHugh asked about the presence of livestock in streams and how that impacts pollutants. John Gatt stated that restricting access points and installing crossings and fencing or plantings would be part of the conservation plan that farmers develop to help reduce pollutants.

A resident asked where Struble Lake fell in the plan. Mike Reinert stated that Struble Lake does not fall within the urbanized area. The other controls I talked about; there are ways that folks can be involved. The Park & Rec committee could organize trash pickups or other activities even if they are not in the urbanized area, but it wouldn't give credit towards this particular permit.

The hearing was closed at 9:15 pm.

Open Forum

Dave Gorgonzola, a resident near Struble Lake, asked for clarification on what can and cannot be done with the property by Struble Lake [22-5-16.48]. What is it zoned for, what can be done on that lot?

Chris Hartman stated that there were conditions placed on that property with the subdivision plan. It is a use restriction that runs with that plan that cannot be changed without the consent of all the residents of the development. If someone wants to change it, they would need to petition the Township for the change and obtain permission from the neighbors for that change. In addition to that, there are the normal zoning rules that apply to any property in that zoning district. Essentially, there are two layers of rules the property has to meet.

John McHugh stated that they Township is aware of the condition of the property there. Based on that, it would be difficult to do anything with it.

Chris Hartman stated because of the note on the plan, it would be difficult to have any sort of development on that property.

A woman residing at 319 Crestview Drive stated that residents on the road would like to see it dedicated to the Township for snow plowing and routine maintenance. I'm wondering what we have to do to get that road dedicated.

Steve Landes stated that there are certain conditions to dedicate a road in the Township, contained in the SALDO (Subdivision and Land Development Ordinance). One reason for those conditions is that the Township has certain standards to meet in order to get Liquid Fuels funding from the state.

Chris Hartman stated that they would have to see what would need to be done to bring the road up to Township standards, then some cost estimates would need to be done. You would need to get together with your neighbors to share that cost. If have the support of all the neighbors and you're all willing to undertake this, you would come to Board and say if I do all of this, then will you accept dedication of the road? The Board can then say yes or no, but that would be the steps that you would need to take.

New Business

1. Travis Stacey made a motion, seconded by Tracy Olsen, to approve the payment of all invoices prepared by the Treasurer. All in favor. Motion carried.
2. Lester Stoltzfus (Tax Parcel Number 22-6-36) Poultry Operation Land Development Plan: Mike Reinert stated that the engineer for the project was not present. This is a poultry barn operation on Walnut Road. The primary element of this is stormwater management. There are waiver requests as listed on the agenda; all of them were recommended by the Planning Commission. The Planning Commission also recommended conditional final plan approval provided that the developer meet all conditions of the Technicon review letter dated July 19th.

- a. Travis Stacey made a motion, seconded by Tracy Olsen, to grant the waiver requests listed below:
 - i. SALDO Section 22-502.B.(2)€ regarding use of County GIS data for property boundaries.
 - ii. SWM Ordinance Section 20-306 regarding infiltration rate and dewatering requirements provided that PADEP is satisfied with the design as part of the NPDES permit process.
 - iii. SWM Ordinance Section 20-311.1.A.(d)[3] regarding outlet pipe slope less than 1%.
 - iv. SWM Ordinance Section 20-311.3.(d)[3] regarding drainage swale slopes less than 2%.

All in favor. Motion carried.

- b. Travis Stacey made a motion, seconded by Tracy Olsen, to grant Conditional Final Plan approval subject to the applicant complying with the Technicon review letter dated July 19, 2017. All in favor. Motion carried.

3. Motion to (grant / not grant) a waiver from the infiltration requirement for the Dan and Melissa Eisenman, 65 Grow Rd (TPN 22-10-46.2) Stormwater Management Plan.

Mike Reinert stated that this is a waiver of the infiltration requirement due to the soils. They'll be putting in a raingarden which is a best management practice that is acceptable. It was recommended by the Planning Commission.

Tracy Olsen made a motion, seconded by Travis Stacey, to grant the waiver requested by Dan and Melissa Eisenman of 65 Grow Road for their stormwater management plan. All in favor. Motion carried.

4. Travis Stacey made a motion, seconded by Tracy Olsen, to authorize the Solicitor to advertise a public hearing for the Board of Supervisors September 13, 2017 meeting at 7 p.m. for the conditional use application submitted by the Honey Brook Golf Club (22-7-91, 22-7-92). All in favor. Motion carried.
5. Tracy Olsen made a motion, seconded by Travis Stacey, to authorize the Solicitor to advertise a public hearing for the Board of Supervisors September 13 meeting at 7 p.m. for the conditional use application submitted by John K. & Barbara K. Kauffman / Elmer & Rebecca Kauffman (22-10-8) to operate a kennel at 1373 Beaver Dam Road. All in favor. Motion carried.
6. Travis Stacey made a motion, seconded by Tracy Olsen, seconded by Travis Stacey, to direct the Solicitor to advertise three ordinances for enactment at the September 13, 2017 Supervisors meeting:
 - a. Floodplain Management
 - b. An Ordinance authorizing the Township to enter into a MS4 Implementation cost sharing and cooperation agreement with Honey Brook Borough.
 - c. Park Rules and Regulations

All in favor. Motion carried.

7. Travis Stacey made a motion, seconded by Tracy Olsen, to accept the Brandywine Conservancy proposal to provide the consulting services needed to update the 2012 Land Preservation Plan. All in favor. Motion carried.

8. Travis Stacey made a motion, seconded by Tracy Olsen, approve a revised funding agreement with Chester County to jointly purchase an agricultural conservation easement from Westlake Land Company with the Township share of \$319,590.90 paid in a lump sum. All in favor. Motion carried.

Old Business

John McHugh stated that he would like to discuss reduction of the EIT at the next workshop.

Open Forum

No one asked to be heard.

Adjourn

Tracy Olsen made a motion, seconded by Travis Stacey, to adjourn. All in favor. Meeting adjourned at 9:28 pm.

Upcoming Meetings: Dates are subject to change

August 17	Parks and Recreation Board Meeting (7:30 pm)
August 24	Planning Commission Meeting (7:00 pm)
Sept 7	Board of Supervisors Workshop Meeting (7:00 pm)
Sept 13	Board of Supervisors Regular Business Meeting (7:00 pm)

Respectfully submitted,

Kristy J. Deischer-Eddy, Recording Secretary