

NOVEMBER 20, 2017 SECOND MONTHLY MEETING

The second monthly meeting of Honey Brook Borough Council was held at Borough Hall and all members answered Roll Call. Also in attendance were Christopher Falencki, Borough Engineer; Bill Ford, Public Works Superintendent; Anthony Campbell, Building/Code/Zoning Official; Chief Patrick Ely; and Tricia Swinty, Borough Clerk.

Approval of Previous Minutes

Mr. Halvorsen made a motion to approve the minutes. Mr. Mimm seconded the motion. The motion passed unanimously.

Payment of Bills

Mr. Ott made a motion, seconded by Ms. Jenzano, to authorize the payment of bills as presented. The motion passed unanimously.

Public Presentations

Michael Reinert, P.E., of Technicon Enterprises Inc., II presented their findings of the investigation of the stormwater complaint relating to the Waynebrook Village detention basin and the erosion occurring along the downgradient property owned by ELC Properties who operate the Honey Brook Early Learning Center.

Mr. Reinert noted that they reviewed the stormwater management plan. A site visit was made to determine the existing condition of the stormwater facilities and the downgradient property.

Deficiencies noted included:

- Temporary bypass storm sewer piping was proposed on the approved erosion and sediment control plan. The bypass piping was intended to divert flows around sediment trap "B" during construction. The installation of this piping was outlined in the E&S plan as Stage 3 in the work sequence. In Stage 6, final stabilization, the sediment trap was to be regraded to the final detention basin configuration and all temporary control measures were to be removed and bypass piping blocked at inlet A7 and manhole HBA9. Their inspection showed that this bypass piping was left in place and is not currently blocked off at inlet A7 or at JBA9.
- There is a significant amount of sediment deposition at the discharge points of the storm sewer system into the basin. The rip-rap aprons are not visible at this time. It is unclear as to whether they were ever installed in accordance with the plans or they have been covered up with sediment over time due to lack of maintenance.
- The plans call for an emergency spillway with an effective width of 60 feet. The invert elevation of the spillway should be consistent to ensure a uniform release of flows over this entire width. A level spillway helps distribute the flows and avoid a point of concentration and erosion of the basin berm or downstream properties. The existing spillway is not level and has a low point that could potentially concentrate flows. There

appears to be no evidence of erosion downgradient of the spillway. They noted that it could be likely that the spillway has never been tested due to the majority of the flows to the basin being diverted by the bypass piping,

The report noted that the balance of the stormwater management facilities appear to have been constructed with the approved plans.

Mr. Reinert reviewed maintenance deficiencies. He noted that all three rip rap aprons need to be re-established in accordance with the construction details on the approved plans. In addition to restoring the rip rap aprons, the sediment deposits that have been accumulated at these outfall points must be removed. The sediment deposits are most severe at FE-2 and have significantly reduced the effective cross section and flow of the pipe. The 18-inch HDPE pipe segment running from FE-2 to JBA-9 is also filled with sediment and needs to be flushed out. The outfall of the detention basin at rip rap apron FE-3 is severely overgrown and appears to have been used as a dumping area for brush, weeds and other litter. The basin outlet area at FE-3 needs to be cleared and re-established in accordance with the plans.

Mr. Reinert presented their conclusions and recommendations for Council's consideration. He noted that the existing detention basin is not functioning properly at this time. Bypass piping that was installed as a temporary measure to allow for the construction of the sediment trap/basin is still in place and functional. There is a small channel that has developed from the outfall (FE-4) of the bypass piping to the northern property line of the HBELC property. This indicates that there are significant flows being diverted around the basin and is likely to be the source of the erosion on the HBELC property. This bypass must be blocked and these flows routed through the basin where the release rates can be reduced to predevelopment conditions.

Technicon's recommendations were:

- Clean out all sediment deposits associated with the outfalls FE-1 and FE-2 and restore the rip rap aprons to the standards specified on the plans.
- Properly block the bypass piping at inlet A7 and JBA9. This will ensure all flows are properly routed through the basin.
- Regrade emergency spillway to a uniform level condition for its entire design width of 60 feet.
- Clear all vegetative growth away from the detention basin outfall FE-3. Once cleared, repair or restore the rip rap apron to the standards specified on the approved plan.

Robert Shoemaker, 10 White Drive, stated that the bypass and other items that were discussed were to be done by the developer. He inquired who is responsible. Mr. Reinert advised that would be a legal question. Mr. Falencki advised that the Borough Solicitor would need to be involved with the next steps.

Engineer's Report

Mr. Falencki reviewed a recent driveway application that Mr. Campbell received. Mr. Campbell noted that there was a plan in 1983 ("Greaves") for three lots with a new parcel being noted. The applicant, although receiving Council approval, never had the plan recorded. Typically, any plan

brought to the County 90 days after approval, requires a letter from the municipality authorizing that they (County) should proceed to record. The County advised that they made a mistake, and will revoke the approvals if the Borough would like. Mr. Campbell stated that he believes the current owner is trying to avoid stormwater management which is required. It was also noted that the original “owner” of the plan never signed it. Mr. Campbell stated what is before him now is just application for driveway which will be denied.

Mr. Ott made a motion, seconded by Ms. Jenzano, to authorize the solicitor to send the Chester County Planning Commission a letter requesting that they revoke the approvals recently given to record this 1983 plan. The motion passed unanimously.

Mr. Falencki reported that he attended the annual meeting of the Western Chester County UCC Appeals Board. Dues for 2018 will be lowered to \$25.00.

Mr. Falencki noted that Council will need to make any changes to the UCII at their first meeting in December. Mr. Falencki stated that he would eMail our current list.

Secretary’s Report/Communications

Letter was read from the Commonwealth Financing Authority advising that the Borough’s application for sidewalks did not receive funding.

At this time, Mr. Falencki left the meeting.

Secretary noted that the solicitor had forward two pieces of correspondence for Council and Mayor Mulhall: draft Inter-Government Cooperative Implementation Agreement between the Borough and Honey Brook Township which should be discussed at Council’s December 4 meeting and a confidential attorney/client memorandum regarding religious displays and government property.

Notice was received from PA DCED that the UCC permit fee increased to \$4.50 effective October 25, 2017 from \$4.00

Thank you letter was read from the 125th Anniversary Committee of the Honey Brook Fire Company.

Letter was read that the appointment of Robert D. Esposito, Jr. as the Borough’s emergency management coordinator has been forwarded from PEMA to Governor Wolf for action.

The monthly Treasurer’s Report was distributed.

Reuben Schonebaum, 910 Maple Street, inquired if the Gerrymandering Resolution was forwarded to the elected officials listed in the Resolution. Secretary advised that she would see that the Resolution was forwarded to those listed in the Resolution.

Secretary advised that the Borough will be audited on November 27 by the state liquid fuels auditor. She also noted that she is currently undergoing an audit with the Auditor General's office for the pension fund. One item that was requested, but not found, is record of Borough Council appointing a representative from the Borough to be the Pension Plan Administrator. A Resolution was prepared for Council to appoint a Plan Administrator. Ms. Jenzano made a motion, seconded by Mr. Florio, to adopt Resolution 2017-07 appointing Janis Rambo as the non-uniform pension plan administrator. The motion passed unanimously.

President's Report

No report.

Mayor's Report

No report

Old/Pending Business

Barkman Law Suit – Mr. Halvorsen reported on a recent meeting at the Superfund Site and a possible remedy. He noted that the industrial groups involved have remediated the site for a cost of \$3 million. The municipalities may need to continue to have the wells tested and maintain (grass cutting) the property about twice a year. Mr. Halvorsen stated that he feels it would be in the best interest of Council to continue to be represented by Cozen O'Connor. Mr. Florio made a motion, seconded by Ms. Jenzano, to authorize the Secretary to send a letter to Cozen O'Connor advising that no action had been taken by Borough Council to dismiss them as legal Council on the Barkman lawsuit matter. The motion passed unanimously.

New Business

Consideration to adopt a Resolution to prohibit the location of Category 4 licenses facilities within the Borough of Honey Brook – After discussion, Mr. Florio made a motion, seconded by Mr. Halvorsen, to adopt Resolution 2017-08, a resolution prohibiting the location of a category 4 licensed facility within the Borough. The motion passed unanimously.

Eagle Disposal notice regarding non-compliance regarding yard waste collection – It was noted that during the yard waste collection, a resident on Spruce Street had old clothing in a bag under yard waste. It was noted that the Codes Official sent a letter out last Friday to the resident.

Planning Commission resignation – James Acton – Mr. Acton forwarded a notice that he would need to resign from the Planning Commission but noted he would be able to stay on as an alternate if the Borough would like. Mr. Ott made a motion, seconded by Mr. Mimm, to accept Mr. Acton's resignation from the Planning Commission. The motion passed unanimously. Mr. Ott made a motion, seconded by Ms. Jenzano, to appoint James Acton as an Alternate Member of the Honey Brook Borough Planning Commission. The motion passed unanimously.

Upcoming COG Meeting – Mr. Florio reported that the County Commissioners will be present at the last COG meeting of the year on November 29. Mr. Florio noted that Bill Ford has been nominated to receive recognition at this meeting for his contribution to the Borough.

Chief of Police Contract – Ms. Jenzano made a motion, seconded by Mr. Ott, to authorize the Borough to sign the police contract following Chief Ely’s signature. The motion passed unanimously.

At this time, Chief Ely signed two copies of the contract, followed by Ms. Curtis signing on behalf of the Borough.

Finance/Budget

A recommendation was made to Council to consider transfer of funds from the general fund in the amount of \$102,000 to the Capital Reserve Fund to be broken down as follows:

- \$30,000 – police car (Charger)
- \$15,000 – 2020 truck
- \$15,000 – 2025 truck
- \$15,000 – police car (Durango)
- \$5,000 – office capital improvements
- \$2,000 – park capital/equipment improvements
- \$20,000 – building capital improvement (boro hall roof)

Mr. Halvorsen made a motion, seconded by Mr. Mimm, to authorize the transfer of \$102,000 from the general fund to the capital reserve fund. The motion passed unanimously.

The 2018 draft budget was presented. It noted an increase in real estate mills to 2.0 from 1.8. It noted providing the ambulance/ems division with an increase in donation to \$10,850 and the police budget provided an additional shift whereby giving the Borough 88 hours of police protection. It was noted that no amount had been allocated to the capital reserve fund for 2018.

Council discussed the proposed budget and Ms. Jenzano went over what the increase would be by various house assessment levels. Both she and Mr. Halvorsen said they would be supportive of going to 2.2 mills. A list of other Chester County Borough real estate tax rates was provided.

Reuben Schonebaum voiced concerns of continuing to raise taxes. He felt that a business commission should be formed to give incentives to business who move into the Borough.

Public Presentations

Reuben Schonebaum, 910 Maple Street – Dr. Schonebaum asked Council what the Borough Solicitor’s recommendation was for displaying a menorah. Ms. Curtis read the Solicitor’s recommendation:

“From a legal perspective, the most prudent course of action would be to not display any religious holiday symbols upon government property. There is certainly a strong argument that Christmas trees are not religious symbols – this is based upon court decisions and as evidenced by the many Americans who have Christmas trees in their homes regardless of their religious or non-religious status. Privately-owned religious displays on government property might be found constitutional if all groups are allowed equal access to the property and it is made clear that these are private displays and not a government endorsement of any religion. Publicly-owned religious displays on government property might also be found constitutional but in very limited situations. Certainly, the display would need to be all-inclusive and convey an overall secular message.”

After discussion, Mr. Florio made a motion to allow a menorah and holiday tree on borough property. Mr. Halvorsen seconded the motion. The motion failed with Mr. Halvorsen and Mr. Florio voting aye and Ms. Jenzano, Mr. Mimm, Mr. Ott, and Mr. Rosciolo voting nay.

There being no further business, the meeting was properly adjourned at 8:55 p.m.

Janis A. Rambo
Borough Secretary