

**HONEY BROOK BOROUGH COUNCIL  
FIRST MONTHLY MEETING  
MAY 2, 2022**

The First Monthly Meeting of Honey Brook Borough Council was called to order by Council President Jessica (Curtis) Florio at 7:00 p.m. The meeting was held at Borough Hall and all members answered Roll Call with Ms. Matlock participating via conference call. Also in attendance were Kim Venzie, Borough Solicitor; Christopher Falencki, Borough Engineer; and Chief Calvin Wilson.

***Reopening of Conditional Use Hearing***

The Conditional Use Hearing was reopened for Alvin R. Zook's application for 351 Pequea Avenue seeking conditional use approval pursuant to Sections 27-602.C.3, 27-1024.A.2, and 27-1024.B.2 of the Honey Brook Borough Zoning Ordinance, as amended, for the purpose of rendering a decision.

The proposed decision was as follows:

1. The Property shall be used in accordance with the testimony and evidence presented at the Hearing.
2. The hours of operation of the Proposed Use are permitted to be Monday through Friday from 7:00 a.m. to 5:00 p.m. Employees may arrive onsite prior to 7:00 a.m.; however, no noise shall be generated from the Proposed Use prior to 7:00 a.m. in the mornings.
3. The generator serving the Proposed Use within the Barn shall not be operational prior to 7:00 a.m. in the mornings, and not after 5:00 p.m. in the evenings. Additionally, as there are no weekend work hours anticipated, the generator shall not be operational during weekend hours.
4. The new generator shall be situated in a location and manner that reduces the noise impact upon the residents of Red Oak Court – this location should be as close to Pequea Avenue as is feasible (southeast upon the Property).
5. The Barn shall comply with all applicable requirements of the Building Code as adopted by Honey Brook Borough.
6. The Barn shall be improved with the insulation and sound reduction ceilings and walls as described during the Hearing and set forth in Applicant's Exhibit A-6.
7. In addition to the conditions set forth herein, to the extent not already satisfied, the Applicant shall comply with the recommendations of Christopher Falencki, Borough Engineer, as set forth in correspondence dated March 10, 2022, marked as Exhibit B-5.
8. A designated location for deliveries shall be established and adhered to in order to reduce truck traffic throughout the Property.
9. To the extent not inconsistent with any of the conditions of approval, the Applicant shall comply with the representations and commitments made in the Record. This approval is given based upon the testimony and evidence presented by the Applicant during Hearing.
10. Prior to being issued a use and occupancy permit for the Proposed Use within the Barn upon the Property, the Borough Zoning/Code Enforcement Officer shall be permitted to inspect the interior and exterior of the Barn to ensure compliance with the above conditions.
11. The Proposed Use shall be subject to inspections twice per year by the Borough Zoning/Code Enforcement Officer to ensure continued compliance with the conditions of this approval. Such inspections shall take place during reasonable hours and upon notice to the Applicant. If the Borough Zoning/Code Enforcement Officer recommends that inspections are no longer necessary, such inspections shall be permitted to cease at the discretion of Borough Council.

12. Within 30 days of the date of the receipt by Applicant of an invoice therefor, the Applicant shall pay in full all fees charged by the Borough consultants for review of the Conditional Use Application.

13. The Applicant shall notify the Board by correspondence or electronic mail delivered to Janis Rambo, Borough Secretary and Treasurer, his full and complete consent to the conditions specified herein above within twenty (20) days of the date of this Decision and Order. This shall be done by signing a copy of this Decision and Order in the space provided below, and returning a signed copy to Janis Rambo. Failure to accept all the conditions shall constitute a denial of this Application as acceptance is necessary to comply with the applicable sections of the Zoning Ordinance.

It was noted under *Finding of Facts #7*, it notes that the property is improved with a “single” family residence. It was noted at the hearing that there were two residences on the property and it was recommended that the decision note that it is a “dual” family residence.

Mr. Florio made a motion, seconded by Mr. Ford, to grant the Conditional Use as per the *Conditions of Approval* as noted in the Decision and Order. The motion passed with Ms. Matlock abstaining as she did not participate in the hearing.

#### ***Citizens Comments on Agenda Items***

None

#### ***Approval of Previous Minutes***

Mr. Florio made a motion, seconded by Mr. Ott, to approve the minutes of the April 18, 2022, meeting. The motion passed unanimously.

#### ***Payment of Bills***

Mr. Ford made a motion, seconded by Mr. Florio, to approve the payment of the bills. The motion passed with Ms. Matlock’s affirmation not heard due to poor internet connection on her end of the videoconference.

#### ***Citizen’s Comments on Agenda Items***

Mr. Sam Fisher inquired what does “ARPA” funds stand for – it was noted it was an acronym for American Rescue Plan Act.

#### ***Public Presentations***

Bob Shoemaker, 10 White Drive – Mr. Shoemaker shared concerns regarding the upcoming “Mud Sale” to be held on the Firehouse grounds on May 14. He noted issues last year with cars parking on the streets through Waynebrook Village. He stated that the HOA advised that they could not do anything about it and inquired if the Borough could with cars coming in Maple through Waynebrook Lane. Mr. Ford stated that barrels with “no parking” on Maple could possibly be placed but he would need to check with Chief Wilson.

## *Engineer's Report*

Mr. Falencki's monthly Engineer's Report was distributed to Council.

Mr. Falencki reported that the 2022 Act 167 Stormwater Ordinance has been revised and adopted by the County and requires all Chester County municipalities to readopt their stormwater ordinances to comply with the County requirements at a minimum by September 30, 2022. He inquired if Council wishes for him to begin the amendment process with drafting and initial review through the Planning Commission. Council concurred. Mr. Ford stated that this is an opportunity to make other changes. Mr. Falencki advised that he would be attending an upcoming workshop on May 6 being hosted by the Chester County Water Resources Authority.

DCED Recreation Grant – Mr. Ford recommended that scope for the repair of the two tennis courts be to replace just one tennis court and move the basketball court to the other tennis court. Ms. Jenzano stated that the intent was to keep both tennis courts which would also be marked for pickle ball that is currently quite popular. Mr. Ott noted that East Brandywine Township has also add the pickle ball lines to their tennis courts. *At this time connection with Ms. Matlock was lost and was unable to reconnect.*

- Consideration to authorize the match share commitment letter for the DCED Recreation Grant for reconstruction of tennis court project – Ms. Jenzano made a motion, seconded by Mr. Florio, to authorize the match share commitment letter for the DCED Recreation grant be signed noting that the Borough has allocated \$44,391.25 from its General Fund as its minimum commitment for this project. The motion passed unanimously.
- Consideration to adopt a Resolution to request a Greenway, Trails, and Recreation Program grant in the amount of \$245,000 – Mr. Ott made a motion, seconded by Mr. Florio, to adopt Resolution 2022-05, a Resolution authorizing submission of a Greenway, Trails, and Recreation Program grant application in the amount of \$245,000 from the Commonwealth Financing Authority for the reconstruction of the existing Honey Brook Borough Tennis Courts. The motion passed unanimously. Ms. Jenzano also made a motion, seconded by Mr. Ott, to authorize the payment of the \$100.00 application fee for the grant submission. The motion passed unanimously.

Chester County "ARPA" grant submission - It was discussed that the Chester County Commissioners are accepting grant applications through their ARPA allocation funds. Council concurred to authorize Mr. Falencki to submit applications for projects that the Borough has the application information already pulled to include the tennis court project, basketball court resurfacing and fence and the South Chestnut Street stormwater management and sidewalks project.

MS4 – Mr. Falencki advised that he had a meeting tomorrow relative to MS4.

At this time, Mr. Falencki departed the meeting.

### ***Solicitor's Report***

Ms. Venzie noted her items this evening for Council is a subject for Executive Session following the meeting relative to the post office lease.

### ***Old Business***

Discussion and consideration regarding April 4, 2022, motion to authorize unbudgeted donation to Elverson-Honey Brook EMS in the amount of \$24,395.00 utilizing 2021 ARPA funding to Borough and discussion/consideration to adopt Resolution providing for supplemental appropriations for the 2022 budget for EMS donation – It was noted that as these two items were tabled at the April 18, 2022, meeting, they are back on the agenda. It was noted that these items would be discussed in Executive Session following the meeting.

Consideration to purchase LPR at an estimated cost of \$10,000 – Mr. Ford made a motion, seconded by Ms. Jenzano, to purchase an LPR at an estimated cost of \$10,000 utilizing ARPA funds. The motion passed unanimously.

Discussion and consideration regarding expanding the Banner Program for Honey Brook Township residents – Mr. Florio reviewed a request that came to him from former Council member Jim Mimm regarding expanding the banners for Honey Brook Township residents. After discussion, it was the consensus that Honey Brook Township should, if they wish to participate, do their own program within the Township and that Borough staff would be happy to assist them start up their own program. Council recognized the amount of time that Ms. Swinty spends on the Borough's program.

### ***Communications/Secretary/Treasurer's Report***

It was reported that the ARPA Treasury report was submitted on April 23, 2022, prior to the April 30 deadline electing the single exemption. Ms. Rambo also reported that she finalized the 2022 DCED audit with BBD which was filed prior to the April 30 deadline and that the First Quarter host municipality check was received from CCSWA in the amount of \$47,408.72 for Act 101 Match and \$10,650.00 for the tipping fee reimbursement.

### ***President's Report***

No report.

### ***Mayor's Report***

No report

## *Committee Reports*

Finance Committee – No report

Parks & Recreation – No report

Public Works – Mr. Ford thanked Council for the opportunity to attend the PSATS conference this year.

Code & Ordinance – Committee has not met yet.

MS4 – No report.

Personnel – No report

Police – Committee met and received updates from Chief Wilson.

COG – Mr. Florio reported on the April meeting which included a presentation by Joe Boldaz for a “TerraTracker” program that can assist with 537 Plan and Septic Management programs. Mr. Florio also reported on other member municipalities activities and events.

## *New Business*

Discussion/consideration regarding regulations for building permits and U&O permits relative to HBBA and NCCMA delinquent invoices to include authorization or Solicitor to draft and/or advertise – Mr. Ford noted that he asked for this item to be on the agenda. He stated that Kraft needs to check with the Borough Water and NCMMA sewer Authorities to ensure there are no delinquent invoices before issuance of a building permit. Samples of Honey Brook Township’s ordinances reflecting this requirement was in the meeting packet. It was recommended that Mr. Boulanger and Ms. Swinty meet on how to ensure how this process will work.

Consideration to accept resignation of Chris Mulhall from Honey Brook Borough Planning Commission effective June 1, 2022 – Ms. Jenzano made a motion, seconded by Mr. Ott, to accept the resignation of Chris Mulhall from the Honey Brook Borough Planning Commission effective June 1, 2022. The motion passed unanimously. Letters of interest for the upcoming vacant seat will be accepted until June 3, 2022.

Discussion/consideration to approve request by Eagle Disposal to move trash/recycle pick up from Wednesday to Monday effective June 6, 2022 – Mr. Ford stated that he happened to be in the office when a representative stopped in to see if the Borough would be willing to change the collection date from Wednesdays to Mondays, effective June 6. He noted that they would take care of notifying the residents. Ms. Rambo inquired if we had anything in writing as this is a

change to the contract terms that sets the date of collection. Mayor Downey also stated that she felt Eagle should be specific how they plan to notify the residents. Mr. Ford made a motion, seconded by Mr. Florio, to approve the collection day change contingent upon a contract amendment be received in writing and that Council is made aware of their notification plan. The motion passed unanimously.

Other:

- Consideration to allow the Honey Brook Borough Authority to utilize Borough Hall for their meetings was discussed. It was noted that they currently hold their meetings in the Annex Building which also houses the police office. At times during meetings, the meeting must be recessed if our officers are bringing in a suspect and other issues should a juvenile be detained. It was the consensus of Council to allow the Borough Authority to hold their Authority meetings in the Borough Hall public meeting room.

***Public Presentations***

Sam Fisher, 640 Vine Street – Mr. Fisher expressed his concerns with the action taken by Council at the last meeting to go into Executive Session because one person did not want to make comments in the public session. Mr. Fisher asked to go on record that he objected to Council adjourning into Executive Session to hear comments that he did not want to share in the public meeting. Mr. Florio stated that Council took that action due to a potential legal concern. Steven Jones, of the Elverson/Honey Brook EMS, expressed his concerns as well and that if anyone has any concerns that they should be addressed with the organization and noted potential slander. He stated that there is no pending legal litigation with or against Elverson/Honey Brook EMS. Ms. Venzie noted that she was able to confirm that there are no current investigations ongoing by the Attorney General. Mr. Jones stated that any information that someone may have that someone is doing something wrong, please provide the information.

Ms. Jenzano stated that the action to table the release of the additional EMS donation be brought back up for vote and further made a motion to authorize the release of \$24,395.00 as an additional donation to the Elverson/Honey Brook Borough EMS. Mr. Florio seconded the motion. The motion passed unanimously.

Ms. Wadlinger made a motion, seconded by Ms. Jenzano, to adopt Resolution 2022-06, a Resolution providing for supplemental appropriations for the 2022 budget by allocating \$24,395.00 as a contribution to the Elverson/Honey Brook Area EMS utilizing 2021 ARPA funds. The motion passed unanimously.

***Executive Session***

At this time, 8:26 p.m., Council adjourned into an Executive Session for discussion of real estate, specifically the post office lease.

At 8:40 p.m., the meeting was reopened. There being no further business, meeting was adjourned.

Janis A. Rambo, Borough Secretary