

**HONEY BROOK BOROUGH COUNCIL  
FIRST MONTHLY MEETING  
MAY 6, 2024**

The First Monthly Meeting of Honey Brook Borough Council was called to order by Council President Bill Ford at 7:00 p.m. The meeting was held at Borough Hall and all members answered Roll Call except Ms. Jenzano. Also in attendance were Kim Venzie, Borough Solicitor; Anderson Deutschman of McCarthy Engineering, Borough Engineer; and Tricia Swinty, Borough Clerk/Assistant Secretary.

*Citizens Comments on Agenda Items*

None

*Public Presentations*

None

*Approval of Previous Minutes*

Mr. Florio made a motion, seconded by Ms. Cooper, to approve the minutes from the April 16, 2024 meeting. The motion passed with Mr. Ford abstaining as he was not in attendance at the April 16, 2024, meeting.

*Payment of Bills*

Mr. Florio made a motion, seconded by Ms. Cooper, to authorize payment of bills as presented but requested that the check payable to Keystone Sports Construction in the amount of \$42,272.24, be held and released after satisfactory results from the flood test on the pickle ball courts. The motion passed unanimously.

*Engineer's Report*

Planning –

- The land development plan was submitted for the Honey Brook Hardware Store. The submission did not meet the number of days prior for the Planning Commission formal review at their next meeting but McCarthy will try and get as much reviewed as possible for preliminary discussions at the May Planning Commission meeting.

Firehouse Lane and Post Office Parking Lot repaving – Both projects are currently out for bid. Bid opening is scheduled for May 17 and review and possible award of projects will be on the May 20 Council agenda as well as the South Chestnut Street project.

At this time, Ms. Deutschman departed the meeting.

## *Solicitor's Report*

Ms. Venzie reviewed the proposed decision for the Conditional Use Hearing Application for 450 Pequea LLC for Honey Brook Hardware. The applicant is seeking approval pursuant to Section 27-909.E, 27-602.C.2, and 27-602.C.6 of the Honey Brook Borough Zoning Ordinance, as amended (the "Zoning Ordinance") related to the development of the Property for two principal uses – a retail hardware store and drive thru bank or similar financial institution (the "Proposed Use") – which will be constructed with an alternative parking plan proposed by the Applicant. Ms. Cooper made a motion, seconded by Ms. Wadlinger, to approve the application whereby

Borough Council grants the Application subject to strict compliance with the following conditions. Compliance with the conditions shall be demonstrated during review of and decision on the land development application and plan and shall be determined by the Borough Council. Borough Council shall resolve any conflict or inconsistency between any condition, between any condition and Applicable Law or between any condition and the Record.

Any violation of the conditions of approval during or following construction shall be treated as a violation of the Zoning Ordinance and subject to the enforcement mechanisms specified in the MPC. The improvements required by these conditions shall be depicted in the land development submission and their construction secured by financial security as required by the MPC. The following conditions are imposed and attached pursuant to the authority of the MPC and the Zoning Ordinance.

### **CONDITIONS OF APPROVAL**

1. The Applicant shall submit a response letter to Chris Falencki's most recent review letter dated April 5, 2024 regarding Applicant's Transportation Impact Study dated March 6, 2024. However, no further transportation study or supplemental transportation study shall be required.

2. The Borough Council will uphold its approval of Applicant's parking plan on the Property even if the financial institution use on the Property is never fully executed and instead the Property is used for the retail hardware use exclusively.

3. Applicant shall ensure that at least one tree is added to the proposed landscaping in the northern corner of the Property as specifically described during the Hearing.

4. At a minimum, Applicant's parking plan shall include at least 94 parking spaces on the Property.

5. No outdoor storage or display or equipment shall be permitted beyond any front porch area of the building.

6. The Borough and the Applicant acknowledge that subsequent review of the plans for the Proposed Use by the Borough and by state and federal agencies with jurisdiction over various aspects of the proposed development may result in some modification of the plan. Changes resulting from said review which are approved by the Borough shall be incorporated into the land development plans for the Proposed Use and shall not require reopening of the conditional use hearings or the Borough Council's approval of a modification of this Order provided said changes: (i) are in accordance with the Zoning Ordinance and (ii) do not substantially modify the use or design of the proposed development in the opinion of Borough Council.

7. In addition to the conditions set forth herein, as part of the land development process, the Applicant shall reasonably address the comments of Christopher Falencki, Borough Engineer, as set forth in correspondence dated March 18, 2024, marked as Exhibit B-5. Nothing in this provision shall be interpreted to preclude Applicant from seeking necessary and appropriate waivers or zoning relief.

8. The Applicant shall be provided with an extension of the time requirements set forth in Section 27-1403.H of the Zoning Ordinance to automatically allow for a 24-month period (rather than 12 months) beginning from the date of this Decision and Order

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.

10. Within 45 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.

11. The Applicant shall notify the Borough Council by correspondence or electronic mail delivered to Janis Rambo, Borough Secretary and Treasury, its full and complete consent to the conditions specified herein above within twenty (20) days of its receipt of this Decision and Order. Failure to accept all the conditions shall constitute a denial of this application as their acceptance is necessary to comply with the applicable sections of the Ordinance.

The motion passed unanimously.

### ***Old Business***

Discussion relative to Joint Comprehensive Plan with Honey Brook Township and consideration to sign an Agreement relative to split of fees – Letter was received from Honey Brook Township Board of Supervisors noting that the Board of Supervisors approved a cost-sharing split of 80% Township; 20% Borough for the 2025 Multi-Municipal Comprehensive Plan Update along with a proposal for consulting services for the Plan Update from the Brandywine Conservancy. Ms. Cooper made a motion, seconded by Ms. Hill, to authorize the proposal with the Brandywine Conservancy be signed and to proceed with the joint project. The motion passed unanimously.

NIMS Training – Information was provided for on-line training of the required courses.

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

The Treasurer's Report for the period ending March 29, 2024, was presented to Council. It was noted that reconciliation of general fund checks that were drawn from the state fund resulted in transfer from general fund to state fund to reimburse the state fund for those checks and bank fee. The same will need to occur for the checks written dated April 1. The checks were reissued from our provider at no cost.

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

President Ford stated that the pickle ball court flood test is scheduled. He reported on the recent PSATS conference attended and stated he sat in on classes that included grant writing and stormwater lines/pipes.

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

Mayor Halverson reported that he will be meeting with Senator Muth for grants.

### ***Committee Reports***

Finance – There was not quorum for the first quarter review meeting. Treasurer recommended that the Committee investigate investments of funds stating that the general fund checking account balance is high.

Park & Recreation – It was noted that the tot lot equipment is being addressed and signage for the pickle ball courts. Mr. Ford recommends when there are pickle ball and bocce tournaments that parking would be best at the Legion and felt that we should talk to the Legion to confirm

that they would be agreeable to residents to park on their parking lot to access the upper portion of the park.

Public Works – Mr. Ford stated that he would have blacktop prices at the next meeting.

Codes – No report

MS4 – No report

Personnel – Ms. Leisey noted that she was interested in a municipal laws workshop being held on July 31 and August 1 with a registration fee of \$125 that she would be interested in attending. Approval will be added to the next agenda.

Police – Mayor Halvorsen requested an Executive Session on May 13 with Council relative to personnel.

Trash – Mr. Florio stated that the COG has seven interested municipalities looking to form a trash authority. Parkesburg and Oxford Boroughs are in discussions looking at options for both municipalities.

COG – Mr. Florio also reported that the COG is still discussing animal control options and the speaker at the last meeting was a playground installer. He gave the update reports from other member municipalities.

### ***New Business***

Discussion/consideration regarding request for training courses for Officer Klinger – Two training course requests were submitted from Officer Klinger. After discussion, Ms. Hill made a motion, seconded by Ms. Cooper, to not approve these courses at this time. The motion passed unanimously.

Consideration regarding Dodge Charger repairs – An estimate for repairs for the Dodge Charger police vehicle was presented from Jeff D'Ambrosio Dodge in the amount of \$6,688.74 for a lifter in the cam shaft. Ms. Cooper made a motion, seconded by Ms. Wadlinger, to authorize the repairs for the Charger as per Jeff D'Ambrosio Dodge's estimate in the amount of \$6,688.74 to be paid from the police donation funds. The motion passed unanimously.

Use of the police donation funds was discussed and the consensus of Council was that use of those funds, primarily from an annual donation from the Chester County Solid Waste Authority, should be approved by Council. Use to date and total amount of funds available was reviewed and it was noted that this year's donation was \$7,500 for the second year, down from \$10,000 in prior years. It was noted that this annual donation earmarked for police department funding is not guaranteed. Ms. Venzie, who is also on the CSSWA Board of Directors, noted that finances are challenging with the Authority right now.

Other – Mr. Ford noted that the Fire Company's annual Mud Sale was this Saturday.

***Public Presentations***

None

There being no further business, Mayor Halvorsen requested a short Executive Session relative to personnel. The meeting was properly adjourned and it was noted that the meeting would not reopen following the Executive Session.

Janis A. Rambo, Borough Secretary