

## **OCTOBER 17, 2011 SECOND MONTHLY MEETING**

The second monthly meeting of Honey Brook Borough Council was held at Borough Hall on the above date and all members answered Roll Call except Mr. Zirkel and Mr. Landis. Also present were John Primus, Borough Manager, and Gary Moskovitz, Borough Solicitor. Borough Engineer Christopher Falencki was present but noted that he was attending as a member of the audience.

### ***Public Meeting/Proposed Zoning Ordinance Amendment Change***

As advertised, Mr. Moskovitz opened the public hearing at 7:01 p.m. to receive comments on the proposed zoning ordinance change. The proposed Ordinance amends Chapter 27 of the Code of Ordinances, "Zoning", Part 11, "General Regulations" by amending Section 27-1102 "Lot, Yard and Height Requirements", Section 3.C. "Projections into Required Yards". The proposed ordinance deletes §27-1102 3.C and inserts in its place "C. A terrace, patio, deck or enclosed porch that does not extend above the level of the first floor of the building may be erected to extend into a required front or rear yard a distance of not more than 10 feet, provided that it shall not extend more than  $\frac{3}{4}$  into the required setback. In the event a unit in a condominium development, planned unit development or similar development does not have a front yard or a rear yard, a terrace, patio, deck or enclosed porch that does not extend above the level of the first floor of the building may be erected to extend into the common area a distance of not more than 10 feet, provided that it shall not extend more than  $\frac{3}{4}$  into the required setback and provided that such terrace, patio, deck or enclosed porch is otherwise permitted in the development."

Mr. Moskovitz reviewed that the proposed Amendment to the Honey Brook Borough Zoning Ordinance was delivered via first class United States mail, postage prepaid, to the Chester County Planning Commission and the Honey Brook Borough Planning Commission. A copy of the proposed Amendment was delivered electronically to the Daily Local News for advertisement. Mr. Moskovitz presented exhibits of the letter transmittals, electronic advertisement transmittal, and a copy of the Proof of Publication of the *Daily Local News* of the public notice. Written comments were received and distributed from the Chester County Planning Commission.

There being no public comments, the public hearing was closed at 7:05 p.m.

Mr. Ford made a motion, seconded by Ms. Jenzano, to adopt the proposed Amendment to the Honey Brook Borough Zoning Ordinance as presented. President Nixdorf called for a vote. Mr. Ford, Ms. Jenzano, and Mrs. Nixdorf voted aye; Mr. Richard abstained from the vote as he did not feel comfortable voting on the amendment due to his recent appointment to Council; and Mr. Super voted nay. The motion passed.

### ***Public Comment***

John McHugh – Mr. McHugh stated that he is running for the office of Honey Brook Township Supervisor. He stated that he would like to explore Borough Council's interest in sharing the services of a municipal manager.

### ***Communications***

Stormwater Training – Information regarding a training program to be held on November 3, 2011, at the Lafayette College Meyner Center on “coping with Pennsylvania’s existing and new stormwater requirements” was distributed.

The Chester County Historic Preservation Network – Information was distributed regarding 2012 membership in the Chester County Historic Preservation Network.

United States Postal Service – Letter was distributed from the USPS notifying their landlords that they have engaged CBRE to provide transaction management services with regards to both leased and owned assets. CBRE, effective October 15, will begin providing oversight of all USPS real estate activities including dispositions and leasing.

LTAP Workshops – LTAP is sponsoring two workshops on October 20: a winter maintenance workshop at the East Whiteland Township building and a roadside safety features workshop at the Upper Chichester Township building.

Clean Air Council – Letter was distributed from the Clean Air Council asking local governments to increase their awareness of Pennsylvania’s anti-idling law and their ability to enforce it,

Urban Center Funding – Report of funding since 2002 was distributed.

### ***Solicitor’s Report***

Solid Waste Ordinance – Mr. Moskovitz reported that he is currently drafting a proposed Solid Waste Ordinance and working with the Borough Manager to coordinate with the trash collection bids. Draft could be ready for distribution to Council for review within a week.

Trash Bids – Proposed schedule is to advertise during the week of October 24, 2011 with bids being presented for review by Council and possible award at their meeting of November 21. Council discussed ownership of recyclables. It was agreed to bid out two ways: 1) same as current contract and 2) with a rebate for the material by the hauler to the Borough. Mr. Primus stated that he would be utilizing PennBid. It was asked that any additional questions or modifications to the proposed trash bid be forwarded to the Solicitor no later than Friday, October 21.

Streetscapes – Question arose regarding if the Borough choose to bury utility lines under the sidewalks versus the street would create legal issues as currently the homeowner is responsible for the sidewalks. Council discussed options regarding how to proceed since the second round of

funding for a streetscapes project was not approved. Options included the lines being buried under the sidewalks; shortening the area to be done to less than two blocks; or do not go underground and cleanup the above-ground utility lines. After discussion, Council agreed to devote time to this discussion at a future meeting after the 2012 budget is prepared.

Chris Gerber/Seminar – Mr. Gerber is looking for possible dates from Council for his seminar.

Arch Street – Mr. Moskovitz reported that he was asked to ensure that the area that the Borough wished to pave was within the findings of the title search.

### *Committees*

Park and Recreation – Ms. Jenzano reported that the final bocce tournament of the year will be held on November 12. The Christmas Tree lighting is scheduled for December 4 and that the Honey Brook Early Learning Center will be participating. A list of proposed events was distributed.

### Public Works

- Garage - The TVEC and conduit work has been completed on the garage.
- 955 Chestnut Street – Bill Ford inquired about the installation of a low inlet box at this location in lieu of the current pipe. In the short term, regarding could be done. Ted Ford stated that he would suggest obtaining prices for an inlet box if the regarding does not work.
- Sink Hole/James Street – Bill Ford stated that George Stauffer could address the sink hold at an estimated cost of \$1,350. Mr. Super made a motion, seconded by Mr. Ford, to authorize the expenditure of up to \$2,000 to fix the sink hole on James Street. The motion passed unanimously.
- Cold Patch for Potholes – Bill Ford requested permission to purchase a ton of cold patch to fix potholes. Council concurred to proceed to purchase cold patch.
- Hammer Drill – Bill Ford stated that the Borough could benefit from either purchasing a hammer drill or cord drill or renting one for sign installation. Council concurred to proceed to rent a cord drill for current ongoing work and that a hammer drill would be budgeted for 2012.
- Signs – Additional speed limit signs will need to be purchased. Mr. Super made a motion, seconded by Mr. Ford, to authorize the expenditure of required speed limit signs at an estimated cost of \$1,000. The motion passed unanimously.
- Borough Trucks – The “old” borough truck will need to be inspected. It was recommended that the body of the truck be sandblasted and epoxy placed on the truck. Mr. Super made a motion, seconded by Mr. Ford, to authorize the expenditure of up to \$2,000 for the sandblasting, epoxy, and inspection costs. The motion passed unanimously. It was noted that the “new” borough truck “rattles”. Mr. Super recommended checking the Service Bulletins that have been issued for that truck as well as contacting New Holland Ford.

- James Street Paving, Vine and White Birch Streets – Mr. Falencki asked the Public Works Director if he could inspect the area on James Street that was paved in 2010 as the one year maintenance agreement will soon be expiring.

Finance/Personnel – Mr. Ford suggested continuing the Council meeting to October 26, 2011, at 6:30 p.m. at the Borough Annex for the purpose of working on the 2012 budget.

Emergency Management – No report.

Police – Ms. Jenzano inquired if when the new garage is completed if there will be a bay available for the second police car. Bill Ford stated that he believes there will be room. Ms. Jenzano stated that a Resident Complaint Form has been developed and posted on the website. There was a concern getting the forms to the Police Department and it was asked if a mail slot into the police office could be installed. Bill Ford stated that the request will be addressed. Ms. Jenzano stated that Chief Ely has felt “out of the loop” on some of the recent changes within the Borough; specifically, the department has not received the new Workers Compensation insurance information should someone get hurt; computer support contact information; involvement in Harmony Day in 2011; and issues with the new Turkey Hill gas cards. Ms. Jenzano relayed issues that the Chief has had with the Turkey Hill cards and his concerns regarding the security of the cards. Mayor Shuler reviewed the variance in gas prices and estimated that the Borough may be saving approximately \$100 a year, based on the current week’s pricing differences. Mr. Richard asked if someone could ask Zook Molasses if they would provide the same pricing that Turkey Hill. In the interim, Council agreed that the Chief could utilize Zook Molasses for fuel if he preferred.

Ms. Jenzano requested an Executive Session at the end of the meeting for the purpose of discussing police personnel issues.

### ***Manager’s Report***

Storm Assistance – Mr. Primus reported that he picked up the storm assistance packets and that forms need to be completed.

Complaint – Mr. Primus reported that he had received a complaint from a resident regarding the church chimes. Mrs. Nixdorf stated that the resident would need to contact the church.

Yard Waste – Mr. Primus reported that no yard waste collection is scheduled in November, but the last collection was scheduled in December. Council concurred to contact the vendor and asked if they could move the December collection to November.

Lot 17, Walnut Chase – Mr. Primus reported that Code Inspections advised of a sinkhole alert following a footer inspection. It was reported that final grading needs to be checked possibly before a U&O is issued; however, this development does not have any funds in escrow. Mr. Falencki stated that he would call Mr. Frame and inquire what he plans to do on that lot with regards to the grading, pipes, etc.

## ***Old Business***

Zoning Hearing Board Vacant Position – Mr. Ford reported that he may know someone who is interested in the position. He will ask that a letter of interest be submitted to Council.

Letters of Appreciation – Ms. Jenzano reported that letters will be send to the three food vendors who provided food during the summer concerts and to the two banks for their assistance in taking care of the planters this year.

Arch Street – Mr. Richard inquired if the work on Arch Street is still on track for completion by the end of October. Question arose if the work was going to be done with Liquid Fuel funds or from the general fund. Bill Ford advised that if Liquid Fuels funds were being used, that all work must be done in accordance with PennDOT specifications. It was noted that quotations have been received and that the range of prices varied from approximately \$4,500 to \$17,000. Discussion ensued regarding issuing a formal bid package and the timeline for getting the work done as many of the asphalt suppliers will soon be shutting down.

There being no further business, Mr. Richard made a motion to recess to an Executive Session for the purpose of discussing police personnel issues. Ms. Jenzano seconded the motion. The motion passed unanimously

## ***Reopening of Meeting and Continuation***

At 11:00 p.m., Council reopened the meeting and advised that the public meeting would be continued until October 26, 2011, at 6:30 p.m. at the Borough Annex Building for the purpose of working on the 2012 Budget.

## ***Meeting Continuation***

On October 26, 2011, the meeting continued at 6:30 p.m. for the purpose of working on the 2012 Budget. The meeting was held at the Borough Annex at 91 Pequea Avenue adjacent to Borough Hall.

In attendance were Elizabeth Nixdorf, Ted Ford, John Primus, Chief Patrick Ely, and Bill Ford. The budget meeting concluded at 12:15 a.m. on October 27, 2011.

Janis A. Rambo, Borough Secretary