HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #206-2020

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK ESTABLISHING BY ORDINANCE THE TOWNSHIP'S LAND PRESERVATION COMMITTEE, AND ESTABLISHING POLICIES AND PROCEDURES FOR OPERATION OF THE LAND PRESERVATION COMMITTEE AND PROGRAM GUIDELINES FOR THE TOWNSHIP'S LAND PRESERVATION PROGRAM.

WHEREAS, as provided by Act 153 of 1996, and pursuant to Honey Brook Township Ordinance No. 115-2005, a referendum was conducted during the election of November 2005 wherein the registered voters of Honey Brook Township approved an increase in the tax on earned income to raise revenue for the preservation of farmland and open space, and such tax was implemented by enactment of Ordinance 117-2005 on December 22, 2005; and

WHEREAS, by Resolution 10-2005, adopted December 14, 2005, the Board of Supervisors of Honey Brook Township established an advisory body to the Board of Supervisors known as the Land Preservation Committee; and

WHEREAS, the said Resolution 10-2005 established certain organizational policies and procedures for the Land Preservation Committee, and established a scope of work for such Committee; and

WHEREAS, the Board of Supervisors, through the work of the Land Preservation Committee, and pursuant to the requirements of Act 153 of 1996, adopted a Land Preservation Plan for Honey Brook Township in July 2007, as revised in January 2012 and most recently in January 2019, to identify parcels for acquisition of development rights; and

WHEREAS, the Board of Supervisors now desires to further clarify the scope of duties and operating policies and procedures for the Land Preservation Committee, as well as to officially identify the Township's Land Preservation Plan, as amended from time to time by resolution, as the official program guidelines for such Committee to use in making its recommendations to the Board of Supervisors for funding of land preservation activities within the Township;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby enacted:

SECTION 1. LAND PRESERVATION COMMITTEE.

The Board of Supervisors of Honey Brook Township hereby amends Chapter 1 of the Code of Ordinances of Honey Brook Township, entitled "Administration and Government," Part 1

entitled "Boards and Commissions," by adding a new Section D entitled "Land Preservation Committee" to read as follows:

D. Land Preservation Committee

§1-341. Committee Mission and Purpose

The Honey Brook Township Land Preservation Committee shall be an advisory committee to the Township's Board of Supervisors with the mission of recommending and implementing a plan to preserve land within the Township.

§1-342. Committee Membership

1. Voting Members. The Land Preservation Committee shall have five (5) voting members, each of which shall be a resident of Honey Brook Township.

2. Appointment. Committee members shall be appointed by the Board of Supervisors of Honey Brook Township.

3. Term. Each member shall serve an appointed term of five (5) years in length, with appointments staggered such that one appointment expires each year.

4. Reappointment and Vacancies. The Board of Supervisors shall appoint/reappoint the Committee members in January of each year, and the Board may make mid-year appointments to fill vacancies to serve unexpired terms.

5. Ex Officio Members. The Chairperson of the Township Board of Supervisors and the Chairperson of the Township Planning Commission shall each be ex officio, non-voting members of the Committee.

6. Attendance. Each Committee member shall attend as many of the scheduled Committee meetings as possible. Committee members who have more than two (2) absences from Committee meetings in a calendar year will be subject to removal from the Committee by the Board of Supervisors at the Board's discretion. Committee members who no longer reside in the Township shall be immediately removed from the Committee by the Board of Supervisors.

§1-343. Meetings.

1. Number of Meetings. The Committee shall hold a minimum of four (4) meetings every calendar year, with a minimum of one (1) such meeting to occur every calendar quarter.

2. Public Meetings. All meetings of the Committee shall be public meetings and shall comply with the open meetings laws of the Commonwealth, except the Committee shall have the authority to meet in executive session when discussing a specific parcel, lot or tract with the intention of entering into private discussions with the landowner. The

authority to meet in executive session shall be narrowly construed to limit these sessions to sensitive discussions with landowners, and shall not be used for general discussions about policy, concepts, objectives, goals, areas of interest, funding and fiduciary matters related to the purpose of the Committee.

3. Minutes. Public meetings shall be recorded in official minutes.

4. Quorum. A minimum of three (3) of the five (5) appointed voting Committee members shall constitute a quorum for purposes of the Committee taking official action.

5. Official Action. The Committee shall only take official action by majority vote of the quorum.

6. Alternate. If only two (2) such appointed Committee members are present at a meeting, then with the unanimous consent of the two (2) appointed members present, the Chairperson of the Board of Supervisors, or if such Chairperson is not present then the Chairperson of the Planning Commission, shall serve as an alternate voting member on the Committee for purposes of establishing a quorum at such meeting, and shall in that case be authorized to vote on official action and recommendations of the Committee at that meeting only.

7. Secretary. The Committee shall appoint one of its members or the Township secretary to take minutes of all meetings. Minutes of prior meetings shall be subject to approval by the Committee at the subsequent meeting.

§1-344. Scope of Duties.

1. Plan Creation. The Committee shall establish a Land Preservation Plan for Honey Brook Township, with the following objectives:

   A. Preserving the core of the Township's farmland, with emphasis on creating a critical mass of protected lands that link to currently protected land and will, in time, form an oasis of farming activity against development pressure. The plan shall include identification and prioritization of targeted preservation properties, and a mapping/management system to ensure continuity and succession through changes in Boards of Supervisors.

   B. Identifying and evaluating land not necessarily in active agriculture, but that has value to the Township in the form of natural resource protection such as wetlands, flood hazards, steep slopes or forested areas.

   C. Integrating the Township's preservation effort with the Chester County Agricultural Land Preservation Board and adjoining municipalities.

   D. Analyzing expected costs to effectively and efficiently utilize dedicated funding for land preservation approved by the voters. Specifically:

i. The Plan shall explore long term and short term spending strategies and the impact on taxpayers;

ii. The Plan shall establish appraisal criteria for property evaluations; and

iii. The Plan shall recommend a cap or limit on per unit payments consistent with available funds and the goals of the Plan.

E. Reviewing current zoning and land development ordinances to identify inconsistencies in the ordinances that work at cross purpose to the goals of land preservation, and those aspects of the ordinances which contribute to preservation.

F. The Plan shall specifically address the integration of Transferable Development Rights into the identification and assessment of targeted properties.

G. Identifying best practices and recommending methods to enforce easements on preserved ground.

2. Plan Implementation. Once the Plan is approved by the Board of Supervisors, the Committee shall be authorized to implement the Plan by meeting with individuals, groups, landowners, and other stakeholders to achieve the Plan's objectives. This authority for implementation may include meetings with potential outside funding sources to lessen the financial obligation of the Township for any preservation project. The results and discussions of meetings with individual landowners may be kept confidential until such time as the Board of Supervisors is prepared to vote for action and commit funds to preserve a specific parcel.

3. Plan Updates. The Committee shall review the Land Preservation Plan every five (5) years, and make a recommendation to the Board of Supervisors regarding whether an update to such Plan is warranted.

4. Contracts. The Committee shall have no authority to enter into contracts, appropriate funds or otherwise make financial commitments for the Township without the express consent of the Board of Supervisors.

5. Consultant Services. The Committee shall be assisted by one or more consultants as recommended by the Committee and approved by the Board of Supervisors on a fixed price contract. The Committee may seek legal counsel from the Township Solicitor as necessary.

6. Annual Report. The Committee shall prepare an annual report to the Board of Supervisors on their progress with preservation efforts.

§1-345. Land Preservation Plan.

The Board of Supervisors of Honey Brook Township hereby adopts the 2019 Land Preservation Plan Update for Honey Brook Township, Chester County, Pennsylvania, as approved by the Board of Supervisors on February 13, 2019, and as may hereafter be further amended or updated by official action or resolution of the Board of Supervisors, as the official program guidelines for the Township's Land Preservation Committee to use in making its recommendations to the Board of Supervisors for funding of land preservation activities within the Township.

SECTION 2. FULL FORCE AND EFFECT. All other articles, sections, parts and provisions of the Code of Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.

SECTION 3. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 10th day of June, 2020.

ATTEST:

Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS

John McHugh, Chairperson

Tracy Olsen, Vice-Chairperson

Travis Stacey, Member

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 205-2020 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on 6/10, 2020, pursuant to notice as required by law.

Dated: 6/10/2020

Township Secretary