

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES October 18, 2017

Call to Order:

Chairman Auerbach called the meeting to order at 7:00 p.m. Present were Supervisors Dea, Schenk, Snyder and Torres. Also present were Township Solicitor Mark Thompson, Historical Commission and HARB Chairman Paul Lagasse, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. There were 4 members of the public in attendance.

The meeting was commenced with the Pledge of Allegiance to the Flag.

Public Comment: Mr. & Mrs. Kim of Crossan Estates voiced their concerns regarding their neighbor's proposed installation of solar panels. The current proposal is to install an array of solar panels, measuring 45 ft. wide by 15 ft. high and 4-5 ft. off the ground, in the backyard of the property next door to the Kim property. On a preliminary basis, the plan appears to comply with the Township's Zoning Ordinance which allows for "customary and reasonable accessory structures" to be installed in backyards, 5 ft. from the property line. Mr. & Mrs. Kim question the applicability of the ordinance, specifically its use of the term "customary" as it relates to solar panels and object to the planned location of the panels which will obstruct their viewscape and impact their ability to enjoy their backyard. Mr. Kim has met with Jeff Vogels, the Township's Zoning Officer, who has promised to get back to him with a definitive answer regarding the application. Chairman Auerbach explained that Jeff only works for the Township 2 days/week and assured Mr. & Mrs. Kim that they will hear back from him. Solicitor Thompson explained that the Zoning Officer, not the Board of Supervisors, makes zoning determinations and if his decision is to approve the application, the Kim's have the option of going before the Zoning Hearing Board to appeal his decision. Chairman Auerbach explained further that the Board cannot interfere or overrule the decision of the Zoning Officer who is licensed by the State of Pennsylvania and complies with regulations put forth in the Municipal Planning Code (MPC). In the meantime, Solicitor Thompson will closely review the Ordinance with regard to its applicability to solar panel installations.

Approval of Minutes:

- a. BOS Minutes of September 20, 2017: Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve the September 20, 2017, v2 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. Disposition of Records – Resolution 2017-20: Mrs. Schenk moved, seconded by Mrs. Dea, that the Board approve Resolution 2017-20 regarding the Disposition of Records for the Board of Supervisors' meeting of September 20, 2017. Motion passed 5-0.

Reports:

- a. Treasurer's Report for September 2017: Chairman Auerbach moved, seconded by Mr. Torres, that the Board approve the September 2017 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$94,526.57; the Park & Recreation Fund with disbursements of \$5,700.13; the Open Space Fund with disbursements of \$6,974.10; the Capital Reserve Fund with disbursements of \$771.01; and

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the Emergency Services Fund with disbursements of \$34,889.20; leaving a balance in all funds totaling \$902,753.20. Motion passed 5-0.

- b. Zoning Officer's Report: Mr. Snyder reported that during the month of September, 11 permits were issued and 25 building inspections took place. Building Fees collected were \$2,970.60; Recreation, Open Space and Impact Fees were \$650.00; Miscellaneous Fees collected were \$1,620.00. Mrs. McVaugh updated the Board on the following 4 zoning issues: 6 Meadow Wood Lane – the new owners are working on the property and mowing the lawn; 308 Heather Hills – the bank has taken over the house and no improvements have been made. The grass/weeds are almost as high as the house. The Solicitor advised that the Township can hire someone to mow the grounds and place a lien against the property to recoup the costs. The Manager will have the Zoning Officer send a violation letter immediately. 539 Church Hill Road – the owner is continuing to work on getting the chicken coup moved to the backyard. The issues in Lexington Point have been resolved. To view the entire report, access the Township website at www.franklintownship.us.
- c. Planning Commission Report(PC): Supervisor Torres advised that there was no business before the Planning Commission, therefore they did not meet in October.
- d. HARB/HC Report: Chairman Lagasse advised that neither commission met in October. He reported that the HC will co-sponsor a program about the new Landenberg Mill and Rail Museum. Joseph Birmingham, of the Landenberg Trust, is the speaker. The talk will be held on November 9, 2017 beginning at 7 p.m. at the New London Academy. Mr. Lagasse noted that a local resident has spent several years updating and expanding the information on burials in the Kemblesville United Methodist Church Cemetery online at findagrave.com. She would welcome help in her work from members of the community. Mr. Lagasse will update the Historical Commission section of the website in the near future.
- e. Franklin Sportsman's Association (FSA): Mr. Jim German, a member of the FSA, gave the report. Two doe have been harvested from the Franklin Preserve. He noted that the warm, wet weather has not been conducive to hunting. He cautioned drivers in the Township and elsewhere that the deer will be on the move now because the farmers are cutting the bean and corn fields that the deer have inhabited over the summer months. Chairman Auerbach noted that this area of Chester County has the largest population of deer in the entire state of Pennsylvania. Mr. German advised that another FSA member has passed the archery proficiency test. Archery season began on September 16 and closes November 25th. It reopens on December 26 and closes January 27th. Shotgun season opens November 27 and closes December 9th. It reopens on December 26th and closes on January 27, 2018.

Business:

- a. Shelly McCoy – AG Library Board Update: The Board welcomed Ms. Shelly McCoy, the Township's representative on the Avon Grove Library Board. Ms. McCoy provided the Board with the 2016 Annual Report and highlighted some of the information such as Library usage and books circulated. In 2016, 125,000 people were served and 152,000 books circulated. She also emphasized a free e-book program called "Overdrive". She provided demographic information for the service area and described the Library as a community hub and resource center which not only supports the individual researcher, but also provides opportunities for learning and cultural enrichment for all age groups. Chairman Auerbach commented that, due to the availability of the internet, public libraries are not being used as research centers anymore and he also noted that the feedback from residents is that the AG

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Library is very noisy. Ms. McCoy agreed that the electronic age is affecting the way public libraries are being used and advised that they are adjusting to this new reality. As an indication of that effort, the Director of the Library is working on the first ever Strategic Plan for the Library. Ms. McCoy also advised that she is involved in exploring ways to improve their use of their limited space by moving and/or consolidating collections which will free up space that can be designated for quiet work. Other interesting details mentioned by Ms. McCoy include an interest in having local artists display their art in the Library and a new Commitment Program to reach out to the Hispanic Community, including taking over the ESL training from the West Grove Garage Community Center. The Library is asking municipalities for a \$5/per capita contribution in 2018. The Chairman asked for a copy of the library's budget which Ms. McCoy agreed to provide. The Board thanked Ms. McCoy for her report.

- b. Abel Subdivision Extension: Mrs. Schenk moved, seconded by Mr. Auerbach that the Board of Supervisors accept the offer of an extension of time to the review clock for the Abel Subdivision through April 19, 2018.

Discussion: Supervisor Dea asked why the Township doesn't approve a longer extension and the Chairman and the Manager advised that 6 months is the longest extension permitted by the Ordinance. Motion passed 5-0.

- c. Master Casting Resolution 2017-21 & Agreement: The Master Casting Agreement is a standard PennDOT Agreement that covers the replacement of certain facilities located in a right-of-way such as manhole covers. Chairman Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors adopt Resolution 2017-21 authorizing Franklin Township to enter into an agreement with PennDOT, entitled "Master Agreement for Casting Adjustments".

Discussion: There was discussion among the Board regarding language in the Agreement which can be construed to refer to the Township as a utility. The Board agreed that since this is a universal agreement required by PennDOT that is renewed every three years, they would accept it as presented by PennDOT. Motion passed 5-0.

- d. Keen 3-Lot Escrow Release: Mr. Snyder moved, seconded by Mr. Torres, that the Board of Supervisors authorize Escrow Release #3 for the Keen 3-lot Subdivision in the amount of \$19,480.72 as recommended by the Township Engineer. Motion Passed 5-0.

- e. Morgan Rail Invoice: Mr. Torres moved, seconded by Mr. Snyder, that the Board of Supervisors authorize payment to Morgan Rail Inc., in the amount of \$43,772.75 for the installation of new guiderails on Laurel Bridge and South Guernsey Roads.

Discussion: The Board is pleased with the new guiderails. Mr. Auerbach commented on the increased height of the rails which is a new PennDOT requirement. Supervisor Schenk, who has supported this effort from the beginning, thanked the Board for approving this expenditure which greatly improves the safety of the public using these roads. Motion passed 5-0.

- f. Site Improvement Plan: Supervisor Dea introduced the subject and Mr. Torres provided details of the trees and shrubs that have been planted along Municipal Lane. The cost was \$2,727 for those plantings, which is less than originally planned. The apple trees, including stumps, are gone. Supervisor Schenk provided input regarding the revised plans to improve the inside office area. The new plan includes renovating the area that was formerly used to store the antiskid/salt mixture, into office space. This negates the need to shore up the existing wall that was undermined by salt. It also eliminates some of the obstacles the

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Township would face if a mezzanine level was added. Jeff Eastburn and Joan McVaugh were credited with the new design. The manager will seek a revised scope of work from the architect. Although the Board is pleased with the plan, they agree that this work will not occur anytime soon. However, the Board will move forward with a scope of work to fix the driveway and outside of the building to solve the problem of water entering the building when it rains. The Board agreed that this is a higher priority than the office renovation and will be a part of the 2018 road program.

- g. 2018 Initial Budget Discussion: Manager/Treasurer McVaugh presented the Board with a draft budget for discussion and notified them that the Preliminary Budget must be approved and authorized to advertise at the November 15, 2017 meeting. Topics included during this discussion were the need to fix the Hess Mill Bridge in the next 3-4 years and how that project will be funded, the 2018 road program, improvements to Crossan Park and the upcoming winter.

Public Comment: There was no public comment.

Adjourn: The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

BOS Mtg. 10.18.17.v.2.er