

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES December 21, 2016

Call to Order:

Mr. Auerbach called the meeting to order at 7:01 p.m. Present were Supervisors Dea, Snyder, Torres and Schenk. Also present were Township Solicitor Mark Thompson, HC/HARB Chairman Paul Lagasse, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. There were 9 members of the public in attendance.

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

Announcements: Chairman Auerbach announced that there will be an Executive Session after the meeting to discuss personnel issues and to obtain legal advice from the Solicitor.

Public Comment: There was no public comment.

Approval of Minutes:

- a. *BOS Minutes of November 16, 2016:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the November 16, 2016, v2 Minutes, as presented by the Township Secretary.
Discussion: One correction on pg. 2 under the FSA report, 6th line, change "Mrs." Lauria reported finding a deer head... to "Mr." Lauria.
Motion passed 5-0.
- b. *Disposition of Records – Resolution 2016-26:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve Resolution 2016-26 regarding the Disposition of Records for the Board of Supervisors' meeting of November 16, 2016 and the PC meeting of November 3, 2016. Motion passed 5-0.

Reports:

- a. *Treasurer's Report for November 2016:* Mr. Auerbach moved, seconded by Mr. Torres, that the Board approve the November 2016 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$200,791.27; the Park & Recreation Fund with disbursements of \$7,876.06; the Open Space Fund with disbursements of \$27,377.93; the Traffic Impact Fund East with disbursements of \$17,680.00; the Capital Reserve Fund with disbursements of \$26,201.97; the Highway Aid Fund with disbursements of \$29.99; the Emergency Services Fund with disbursements of \$0; the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$804,611.24.
Discussion: Mr. Torres had a question regarding transferring money from one fund to another which was clarified by Mrs. McVaugh.
Motion passed 5-0.
- b. *Zoning Officer's Report:* Chairman Auerbach reported that during the month of November, 6 new permits were issued. There were 31 various inspections. Building/zoning fees collected were \$4,852.00; Recreation and Impact Fees were \$-0-; and \$450.00 in miscellaneous fees were collected. There are two ongoing zoning issues.
- c. *Planning Commission Report(PC):* No representative of the Planning Commission was in attendance, therefore no report was given.

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- d. HARB/HC Report: Chairman Paul Lagasse reported that these two commissions did not meet in December.
- e. Franklin Sportsmen's Association (FSA) Report: Mr. Jim German of the FSA presented the monthly report. The firearms season ended December 10th with no issues reported. Three deer were harvested this month. The archery/shotgun season opens December 26 and closes January 28th. Mrs. Dea inquired about the deer stand in the Banffshire Preserve. Mr. German explained that the deer stand belonged to the neighboring private property owner and it wasn't clear that it was on Township property. In the interest of being a good neighbor the FSA did not remove it.

Business:

- a. Gourmet's Delight Final Plan: The Chairman called for comments prior to making the motion. Mr. Torres asked for clarification of the waiver of reinforced concrete pipes; Mr. Talwin confirmed that the agency approvals will be listed as a condition of approval; Mrs. Schenk confirmed that the previous plan was withdrawn; and in answer to Mrs. Dea's inquiry, Mr. Riper confirmed that Gourmet's Delight has sufficient liability insurance to cover any damage caused by potential hay bale fires.

Mr. Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors approve the Gourmet's Delight Final Land Development Plan, Phase 1, 2 & 3 Composting Facility dated April 25, 2016, last revised November 17, 2016 with the following waivers and conditions:

Waivers:

- Section 312.1.A(2) – Basins shall be 50 ft. from any property line. The wet pond is located less than 50 ft. from the property line to the north (property owned by Gourmet located in adjoining township).
- Section 19-313.3E – The minimum cover of stormwater pipe shall be 24 inches.
- Section 19-313.3B – All pipes shall be reinforced concrete Class III or better, meeting PennDOT 100-year life criteria. HDPE pipe is being proposed.
- Section 19-313.4.N – Inlets in paved areas shall be equipped with bicycle safe grates.
- Section 19-313.4.S – Adjustment rings shall only be made of a single pre-cast concrete structure, a maximum of 6 inches in height.

Additionally:

- SALDO Section 722.11.D requires a plan note which prohibits disturbance of primary and replacement sewage system areas. A note should be added to Sheet 1 of the plan to address this requirement.
- Compliance with all outstanding comments set forth in the Township consulting engineers' review letters, including but not limited to LTL Consultants letter dated September 26, 2016, and AECOM's letter dated September 30, 2016.
- Issuance by the Chester County Conservation District/PADEP of the stormwater NPDES Permit and CCCD approval of the E&S Plan.
- Prior to recording the final plan, the applicant shall provide the following agreements in recordable form: Subdivision & Land Development Agreement; Financial Security Agreement with an acceptable form of financial security; Stormwater Management Facilities Maintenance Agreement; and Stormwater Facilities Easement Agreement. All such agreements shall be in a form satisfactory to the Township Solicitor and Township Engineer.

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- The applicant shall provide financial security for the stormwater-related aspects of the project including inlets, piping basins, E&S Controls, etc.
- The applicant shall fund all appropriate escrow accounts in accordance with Township policies prior to the start of this project.
- The applicant shall agree to pay all outstanding and expected legal and consulting review expenses prior to the start of this project.

Motion passed 5-0.

Chairman Auerbach apologized that due to his inexperience as a supervisor, this process may have taken longer than it should have and he hopes that going forward the Township and the applicant can work together effectively. Mr. Riper expressed his appreciation for the opportunity to represent the applicant in this endeavor and assured the Township that they will be good citizens of the community and will work with the Township and the residents in a positive manner in the future. Mr. Auerbach recognized Pat Talwin for representing the residents in a professional and knowledgeable way.

- b. **Conservation Easement Discussion:** As previously discussed, two property owners have applied to the County for conservation easements on their properties described as follows: The Schultz property consisting of 28 acres on Walker Road and the Boxler property consisting of two parcels totaling 55.3 acres, located near Pennock Bridge and Guernsey Roads. The Board had previously decided that the Schultz property did not meet the criteria for a good open space acquisition because the topography of the land is such that a developer would not likely find it appropriate for development. The Boxler property, on the other hand, would appear to be extremely attractive for development and therefore an attractive open space acquisition for the Township because it would displace a large number of houses and in addition it is currently a working farm. Although the Board has not taken an official vote on this item, they did take a straw vote during the last discussion which was 3-2 against accepting the County's proposal. Chairman Auerbach, who had previously been against the acquisition of either easement, was prepared to vote in favor of the acquisition of the Boxler easement at tonight's meeting. However, the Township received notice today that the Chester County Agricultural Land Preservation Board has agreed to purchase the AG Conservation Easement on the Boxler property with no contribution required from the Township. The Board and members of the audience were pleased with the outcome. Some concern was expressed by residents as to the type of agriculture that might occur on the property, such as a mushroom composting facility. There were questions regarding what might happen with the Schultz property and Mr. Auerbach indicated that he would be taking a wait and see approach with the County. Nancy Morris and Celeste MacElrevey participated in the discussion.
- c. **Harvest Run Half Marathon:** Mr. David Berger, resident of Landenberg, runner and running events organizer, presented his plan to hold a half marathon race in the Township on October 14, 2017. The race would benefit various local agencies. Mr. Berger outlined the proposed route for the race which will begin and end at Fox Chase Farm on Appleton Rd. Start time is proposed to be 7:30 a.m. and he anticipates that the race will be over by 11 a.m. Roads along the route will be closed for a maximum of 3 hours and residents living along the proposed route will be allowed ingress/egress to their properties at all times during the race. "Course Sweepers" will remove runners who have not reached a specific mile marker by a designated time. Other sweepers will follow, cleaning up debris along the route. This will allow roads

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to be reopened as soon as possible after the runners have passed. The runners will cross Rt. 896 with race personnel at the point of crossing to ensure their safety. Rt. 896 will not be closed. Neighboring townships will also be involved and Mr. Berger plans to obtain approval from the involved townships early in 2017 prior to approaching PennDOT and finalizing the plans. His proposed plan includes having a 5k trail run on Geoghegan Trail, and other recreational activities at Fox Chase on Friday evening. Mr. Paul Lagasse suggested that the proposed route be altered to avoid the area around the Kemblesville Post Office because Saturday mornings tend to be very busy at the Post Office. Ms. Morris and Mr. German also participated in the discussion. The Board was preliminarily supportive but requested Mr. Berger to give them some time for further consideration of his proposal. Mr. Berger said he will attend the January 18, 2017 BOS meeting.

- d. Speed Limit Ordinance 2016-19: Mrs. Dea asked for clarification of the wording on pg. 1 of the Ordinance, Section 2, #1. After a brief discussion, the Solicitor agreed to delete the phrase “*where a maximum speed limit applies*” from the second line of that provision so that it reads as follows: “*1. Maximum speed limits are established on portions of specified streets, as follows and it shall be unlawful for any person to drive a vehicle on any part of a street at a higher speed than the maximum prescribed for that part of the street.*” Mr. Torres questioned the enforceability of item “d” on the 2nd page of the ordinance.

Mr. Auerbach moved, seconded by Mr. Torres, that the Board enact Ordinance 2016-09, as corrected, establishing speed limits and other regulations governing roads in the Township. Motion passed 5-0.

- e. Hess Mill Bridge Pilings: Chairman Auerbach identified two Township-owned bridges – one on Walker Road at Mt. Olivet and the other is the Hess Mill Bridge at the intersection of S. Guernsey and Hess Mill which is the subject of this discussion. The Hess Mill Bridge is in need of repair and Mr. Auerbach is looking for a sense of the Board regarding the immediate and/or long-term plans to rehabilitate the bridge. The immediate upgrade would be to install 8 additional pilings on the wing walls at a cost of approximately \$11,000, all work would be done by Yardworks, the Township’s contractor. This upgrade will provide the Township with more time to decide what the ultimate fix will be. Mr. D’Orazio of Yardworks has knowledge of a bridge builder in MD who has rebuilt several wooden bridges and, after examining the bridge, has proposed replacing the decking which is currently 3x10 boards, with 4x12 boards and making other improvements at an approximate cost of \$200,000. Mr. Auerbach estimates the cost could be as high as \$250,000. Also, it is Mr. Auerbach’s intent to look into the cost of installing a new modern bridge similar to the one installed by New London Township on East Avondale Rd. Mr. Torres speculated on when PennDOT might be ready to make improvements to New London Rd. which may include using Hess Mill Rd. and whether the decking replacement proposal might extend the life of the bridge long enough to take advantage of PennDOT’s involvement. The Board agreed to have the Township contractor install 8 additional pilings on the wing walls which will allow time to more thoroughly consider the other options.
- f. Resolution 2016-27 – Final Budget: Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board adopt Resolution 2016-27 adopting the 2017 Franklin Township Final Budget which was duly advertised on November 18, 2016 and has a combined budget expenditure amount of \$2,768,482.00.

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Discussion: In answer to a question from Supervisor Snyder, Mrs. McVaugh advised that no comments were received from the public.

Motion passed 5-0.

- g. Resolution 2016-28 – Tax Levy Resolution: Mr. Auerbach moved, seconded by Mr. Torres that the Board adopt Resolution 2016-28, the Tax Levy Resolution, setting the tax rates for 2017 as follows:

- General Fund: 1.225 mills
- Emergency Services: .500 mills
- Park & Recreation: .270 mills
- Open Space: .500 mills

For a total tax rate of 2.495 mills.

Discussion: Chairman Auerbach reminded the Board that the tax rate has been reduced by 20% over the past few years. He also noted that the park loan will be paid off in 2019 which will provide some flexibility in the budget.

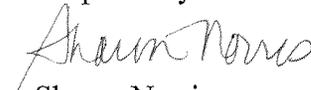
Motion passed 5-0.

- h. Resolution 2016-29 – Fire Hydrant Resolution: Mr. Auerbach moved, seconded by Mrs. Dea, that the Board adopt Resolution 2016-29, referencing the fire hydrant tax of \$36.00 per parcel. Motion passed 5-0.
- i. January 2017 Meeting Schedule: Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors authorize the staff to advertise the January 2017 meeting schedule in the next available edition of the Daily Local News. Motion passed 5-0.
- j. ADA Bathroom Scope of Work: The Chairman has been gathering measurements and information required for an ADA compliant rest room and he will present the scope of work to the Board when it is finalized.

Public Comment: Ms. MacElrevey asked about the Township's Comprehensive Plan which is on the website. Mr. Auerbach explained that the Township is required to have a Comprehensive Plan and it will be reviewed and updated in 2017. Mrs. Schenk explained that a portion of the Plan is devoted to the TND (Traditional Neighborhood Development), on which Ms. MacElrevey may not want to spend her time because it is no longer being considered by the Township.

Adjourn: The meeting was adjourned at 8:44 p.m.

Respectfully submitted,


Sharon Norris
Township Secretary