

# APPROVED

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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES February 15, 2017

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:03 p.m. Present were Supervisors Dea, Snyder, Torres and Schenk. Also present were Township Solicitor Mark Thompson, HC/HARB Chairman Paul Lagasse, Planning Commission (PC) Chairman Dave Hoffman, Manager/Treasurer Joan McVaugh, Assistant Township Manager Jeff Eastburn and Secretary Sharon Norris. There were 16 members of the public in attendance.

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

**Public Comment:** There was no public comment.

### **Approval of Minutes:**

- a. BOS Minutes of January 18, 2017: Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the January 18, 2017, v2 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. Disposition of Records – Resolution 2017-06: Mr. Auerbach moved, seconded by Mrs. Dea, that the Board approve Resolution 2017-06 regarding the Disposition of Records for the Board of Supervisors' meeting of January 18, 2017 and the PC meeting of January 5, 2017. Motion passed 5-0.

### **Reports:**

- a. Treasurer's Report for January 2017: Mrs. Dea moved, seconded by Mr. Torres, that the Board approve the January 2017 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$157,952.03; the Park & Recreation Fund with disbursements of \$2,351.02; the Open Space Fund with disbursements of \$90,172.61; the Emergency Services Fund with disbursements of \$29.99; the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$679,811.01.

**Discussion:** Mr. Torres confirmed that the 2<sup>nd</sup> column (the comparison of last year to this year) will show a year-to-date figure moving forward. Ms. McVaugh noted that the large payment from the Open Space Fund is the loan payment. Motion passed 5-0.

- b. Zoning Officer's Report: Supervisor Schenk reported that during the month of January, two permits were issued and eight building inspections took place. Miscellaneous fees totaling \$100 were collected; no other fees were collected during the month. There are two ongoing zoning issues. One related to TVs left on the road and the other a reminder to the owner of 1620 New London Road to complete a Conditional Use Application for the multiple uses on his property.
- c. Planning Commission Report: Chairman Dave Hoffman summarized the February 2, 2017 PC meeting which included the review of a Sketch Plan to subdivide a property at 100 Belmont Court and a discussion of the Mini Cell Tower Ordinance. Details of these discussions may be found in the approved minutes of the meeting.

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- d. HARB/HC Report: Chairman Paul Lagasse reported that the HC and HARB did not meet in February. Mr. Lagasse advised that on February 21, 2017, Mr. Milt Diggins will be speaking about his book "Stealing Freedom Along the Mason Dixon Line" at the Oxford Presbyterian Church. On March 9<sup>th</sup>, the Franklin Township Historical Commission, in conjunction with the New London Historical Society, will host a talk on the Constitution by Chris Wolfe, at the New London Academy. Both programs begin at 7 p.m.
- e. Franklin Sportsmen's Association (FSA) Report: Mr. Jim German of the FSA, thanked the Township for continuing to allow the FSA to hunt the preserves. He gave the final report of the season, advising that deer hunting with firearms and archery ended January 28<sup>th</sup> and will start up again in the fall. For the public's benefit, he advised that waterfowl hunting is still in season and residents may hear gunfire early in the mornings. The total deer harvest for the season is 15, as follows: 7 from Franklin Preserve; 5 from White Clay Crescent; and 3 from Banffshire. Regarding community service, the FSA will be cleaning up Chesterville and Creek Roads in early March. Chairman Auerbach thanked Mr. German and the FSA for their community service and being stewards of the land.

### **Business:**

- a. Two Boys LP Conditional Use Public Hearing: Chairman Auerbach provided a brief summary, stating that the owners of Fox Chase Farm, located at 3247 Appleton Rd., have teamed up with a local winery, 1723, owned by Ben Cody. They are proposing a winery use in the unused existing barn on the farm. Solicitor Thompson opened the Public Hearing on the Application for Conditional Use (CU), pursuant to the Municipality's Planning Code (MPC) and named the following exhibits:
- Exh. T1: The Conditional Use Application;
  - Exh. T2: The Public Notice of the Public Hearing;
  - Exh. T3: The Proof of Publication;
  - Exh. T4: Township consultant AECOM Review letter of January 4, 2017;
  - Exh. T5: LTL's review letter dated January 3, 2017;
  - Exh. T6: LTL's review letter dated December 21, 2016;
  - Exh. T7: Letter from Township Zoning Officer dated January 18, 2017;
  - Exh. T8: Memorandum from the Township dated February 10, 2017 from Township Mgr. Joan McVaugh.

Mr. James German, 4 Meadow Wood Lane, requested party status. The applicant had no objection. Solicitor Thompson called on the applicant's representative, Mr. Bill Romanelli, after being sworn, provided details of the plan, asked for additional comments/questions from the Board and the public and named the following Applicant's Exhibit:

- Exh. A1: The Plan dated December 21, 2016 which is attached to the CU application.

Supervisor Dea had a question regarding sewage planning module requirements and Chairman Auerbach expressed the Board's general support of this type of business activity in the Township. The following members of the public had questions or comments: Mr. James German regarding stormwater runoff and Mr. Kevin Barrow regarding a potential lease agreement. Mr. Romanelli addressed comments from the Board and the public. Hearing no further comments from the public or the Board, Solicitor Thompson closed the Public Hearing. Mr. Auerbach moved, seconded by Supervisor Schenk, that the Board of

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Supervisors waive the land development requirement for the Two Boys Conditional Use Plan and approve the Conditional Use Application of the Two Boys LP with one condition: (1) That the applicant remove the large pieces of concrete from the walking path and redress as necessary with soil and seed. The motion passed 5-0.

- b. Ordinance 2017-01 – Establishing Fees for dog/cat pick-up: This Ordinance was duly advertised on February 8<sup>th</sup> in the Daily Local News. The purpose of the Ordinance is to allow the Township to invoice residents for the extra fees the Township is required to pay when animals that live in the Township are either dropped off at, or picked up by, the SPCA. Mr. Auerbach moved, seconded by Mr. Torres, that the Board enact Ordinance 2017-01, amending Chapter 2, adding a new Part 2, Governing Animal Control.

**Discussion:** Supervisor Snyder and Mr. Walter Johnson, a resident, had questions regarding the purpose of the Ordinance.

Motion passed 5-0.

- c. Avondale Fire Company (AFC) Update: Mr. Guy Swift, President of Avondale Fire Company, presented the Board with Fire and EMS statistics for 2015 and 2016. The discussion focused on the difficulty of recruiting and retaining volunteers and the cost of their training and equipment. Everyone agreed that the cost to maintain a full time Fire and EMS staff would be prohibitive. Mr. Swift talked about Act 172 which allows townships to reduce taxes of active volunteers. The Board advised Mr. Swift that they are authorizing the Act 172 Ordinance for advertising and it will be enacted at the April Board meeting. The Board thanked Mr. Swift for AFC's service to the Township.

- d. Home Occupation Discussion: This involves an application for a home occupation related to internet sales of firearms. The applicant, Mr. Creamer, resides at 134 Thompson Circle in Thompson Estates, which is zoned SU (Special Use). Several residents of Thompson Estates were present and voiced their concerns regarding this application as follows: Ms. Sue Walker, her husband Guy Soltis, Mr. & Mrs. Keven Barrow and Mr. Walter Johnson. Ms. Walker also provided a petition signed by 18 residents that have similar concerns. Jeff Vogels, the Township's Zoning Officer, is in the process of reviewing Mr. Creamer's application. Mr. Creamer will provide a valid license obtained from the Bureau of Alcohol, Tobacco and Firearms (ATF) to the Township prior to operating the home business. Ms. Walker stated that the residents disagree with the zoning officer's interpretation of the Zoning Ordinance and have many other concerns as well. Chairman Auerbach acknowledged their concerns and advised that there will be further investigation of the issues with Mr. Vogels and the Township Solicitor and residents will be updated as soon as definitive information is available.

- e. Great American Clean-up: Supervisor Schenk advised that this year's Great American Clean-up is planned for Saturday April 22, 2017, with a rain date of Sunday, April 23rd. Supervisor Schenk is partnering with Cyndi Yurkovich who, together with her two sons, Brett and Eric, has volunteered to head-up the community clean-up again this year. As a member of the honor society at his school, Brett plans to approach the honor society at Avon Grove High School in an effort to get more young people to volunteer. In addition, the Township will disperse approximately 40 yard signs and will be utilizing Facebook and contacting HOAs in an effort to engage residents to get involved by cleaning up the roads where they live. The Township will also be mailing out a Township update to residents which will publicize the event.

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- f. Former McKean/Matsen Property: Mr. James Matsen and his son Steven Matsen were in attendance. The discussion involved the property located at 1903 New London Road, known as the McKean Farm. Mr. James Matsen is considering selling his historic home and his son, Steven Matsen is hoping that it can be developed into something that would allow public access, such as a distillery, winery or brewery. Paul Lagasse, Chairman of the Township's Historical Commission, provided a historical background of the property. The discussion focused on the issues related to having a distillery in a dry Township, which may require a referendum on the ballot to be removed. Since the Matsen's are in the initial stages of selling, the Solicitor will have time to investigate further and the Board recommended that the Matsen's contact the Liquor Control Board and the State to see what options might be available to them. Mr. Auerbach mentioned that the Chester County Press seems interested in the story and may be contacting Mr. Matsen. Chairman Auerbach requested the Solicitor to do additional research to determine the requirements and possible limitations of having a distillery in a dry township.
- g. 2017 Road Program Update: Mr. Auerbach referenced a workshop meeting held a few weeks ago and summarized the results of that meeting. He talked about the fundamental change in last year's road program vs. previous years and the intent to move forward in 2017 using the new approach to road repair which he believes was a success and an improvement both in technique and cost. The major change was based on the determination that if the base of a road is in good shape, the road should last about 10 years and a simple overlay would bring it back to a good standard when needed. The road program incorporates paving, road reconstruction, drainage improvements, inlet box maintenance, pipe replacement, shoulder hardening, widening where possible and road striping. In addition, Yardworks will be performing coring tests to determine the makeup of a road. This new approach to road repair results in a higher quality end product but is slower in terms of miles/year. In that regard, the program is flexible and can be quickly adjusted based on unforeseen road maintenance issues. The following sections of roads are being considered for this year's program: 2 sections of Parsons, Auburn, S. Guernsey, Hilltop, Conard Mill, Scotts Glen, Hess Mill and sections of Municipal Lane. Chairman Auerbach reviewed the list of Capital Projects for 2017 and provided information regarding a new method for replacing and repairing pipe without the need for excavation, called "Snap Tight." He also advised that the Board has decided not to have LTL update the 10-year Road Program road evaluation performed in 2007.
- h. Website Upgrade: Frank Norris, the Township's Webmaster, has recommended that the Township migrate to Website Builder version 7 because GoDaddy no longer supports version 6. The Board approved his proposal to move to version 7.
- i. PA One Call Resolution 2017-07: The Township received a request from Pennsylvania One Call System to designate April as PA 811 Safe Digging Month. They provided a resolution for the Board to adopt. Mr. Auerbach moved, seconded by Mr. Snyder, to adopt Resolution 2017-07, designating April as Pennsylvania 811 Safe Digging Month. Motion passed unanimously.
- j. Act 172 Ordinance: Act 172 permits municipalities to decrease the EIT and Township tax rate by a certain percentage for active fire and EMS volunteer responders. At last month's meeting, the Solicitor was authorized to advertise this ordinance, however after further review he made major revisions and Supervisor Dea had additional revisions and corrections. Chairman Auerbach moved, seconded by Mr. Snyder, that the Board authorize the Solicitor

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to advertise Ordinance 2017-02, the Act 172 Ordinance allowing municipalities to decrease the EIT and Township tax rate by a certain percentage for active fire and EMS volunteer responders for enactment at the April 19, 2017 Board of Supervisors meeting. Motion passed 5-0.

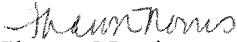
- k. Meeting Room ADA Bathroom Scope of Work: The Chairman has presented a preliminary scope of work for the meeting room ADA restroom. The sink has been purchased and the toilet is being ordered. It is now ready for the contractor to review the plan.
- l. Municipal Site Improvement Plan – Material Storage Yard: There was consensus from the Board to install a fence along the property line behind the salt shed rather than plant a vegetation buffer and to allow Yardworks to begin laying out the materials yard and to build the bins to hold the materials.

**Lil' Ducklings Sign Permit**: Mrs. McVaugh brought up the issue with the Lil Ducklings Day Care Center's sign permit application. Lil Ducklings is located in the old Happy Harry's building which stood vacant for 12 years. The Chairman explained that the daycare's application for a sign permit did not meet the height requirement of the current Ordinance, i.e., "... not more than 12 ft. off the ground". Due to the design of the building, there is no place to put a sign other than the location that was approved for the Happy Harry's sign. The Township Mgr. and the Solicitor compared the proposed Lil Duckling sign to the sign which was part of Happy Harry's recorded plan and concluded that it should be grandfathered in. The majority of the Board agreed with this conclusion. Supervisor Snyder disagreed, stating that if the Lil Ducklings sign does not meet the requirements of the Township's Ordinance, the applicant should apply to the Zoning Hearing Board for a variance and go through the standard Township review. Manager McVaugh will discuss this with the Zoning Officer and will report back to the Board.

**Public Comment**: There was no public comment.

**Adjourn**: The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

  
Sharon Norris  
Township Secretary

BOS Mtg. 02.15.17.v.3.ER