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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES March 28, 2018

Call to Order:

Chairman Auerbach called the meeting to order at 7:03 p.m. Present were Supervisors Dea, Morris, 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 approximately 9 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 February 21, 2018*: Supervisor Morris moved, seconded by Chairman Auerbach, that the Board approve the February 21, 2018, v2 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. *Disposition of Records – Resolution 2018-12*: Supervisor Dea moved, seconded by Supervisor Snyder, that the Board approve Resolution 2018-12 regarding the Disposition of Records for the February 1, 2018 PC meeting and the February 21, 2018 BOS Meeting. Motion passed 5-0.

Reports:

- a. *Treasurer's Report for February 2018*: Mr. Snyder moved, seconded by Supervisor Torres, that the Board approve the February 2018 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$122,515.63; the Park & Recreation Fund with disbursements of \$1,394.79; the Open Space Fund with disbursements of \$6,768.42; the Emergency Services Fund with disbursements of \$5,681.00; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$493,879.46. Motion passed 5-0.
- b. *Zoning Officer's Report*: Mr. Torres reported that during the month of February, 5 permits were issued and 26 building inspections were completed. Building fees collected were \$601.00; Recreation, Open Space & Impact Fees collected were -0-; and Miscellaneous Fees were \$675.00. There is one ongoing zoning issue at 308 Heather Hills Dr. Mrs. McVaugh reported that a hearing is set for April 20th, however the Solicitor and the bank have been working together to reach an agreement prior to that date. The entire report is on the Township website at www.franklintownship.us.
- c. *Planning Commission Report(PC)*: Mrs. Dea, PC Alternate, summarized the March 1 meeting where the PC recommended that the Board enact the revision to the zoning ordinance to allow accessory living units wherever single family houses are permitted, as long as the zoning requirements are met. They also discussed setbacks for the winery/brewery ordinance and will continue that discussion at the April meeting. They approved the PC Annual Report. The approved minutes of the meeting will be available on the Township website.
- d. *HARB/HC Report*: Chairman Lagasse reported that these committees did not meet in March. Both Commissions will review their annual reports at their April meeting. Mr. Lagasse

APPROVED

reminded everyone that the HC is co-sponsoring a program with the New London Historical Society entitled “The History of Cider Making” on May 10th at the New London Township Building.

Business:

- a. 2017 Audit – Barbacane Thornton: Mr. Tim Sawyer, a partner at the audit firm of Barbacane Thornton reviewed the 2017 Audit with the Board. Mr. Sawyer pronounced that the Township is in good shape with no issues. In response to inquiries from Supervisors Torres and Dea, he explained that the Township prepares its financial statements on the cash basis of accounting, which is permitted by the Department of Community and Economic Development (DCED), however it is not the basis of accounting that is generally accepted in the United States and therefore, Barbacane is required to include their standard Adverse Opinion in the report. Mr. Sawyer was complimentary of the ease of the audit process at the Township. Chairman Auerbach expressed his satisfaction with the audit and complimented Mrs. McVaugh for her excellent performance as Treasurer for the Township. The entire audit can be viewed on the Township website under the “Township Financials” tab.
- b. Pickle Ball in Crossan Park: Several residents were present who had requested that a Pickle Ball Court be established at Crossan Park. They play in a league but must travel to Newark, DE because there are no pickle ball courts in the Landenberg area. They suggested that striping could be added to one of the tennis courts at the Park to accommodate pickle ball. In researching the subject, the staff obtained estimates for adding the additional striping to an existing tennis court and also for installing a net and striping to the existing, black topped fenced area that was once the Township skate park. After discussion, it was decided to move forward with establishing a pickle ball court on the vacant skate park site. The staff will look for the best price for the necessary equipment. Mr. Snyder moved, seconded by Mrs. Dea, that the Board of Supervisors authorize the staff to move forward with converting the unused skate park at Crossan Park into a pickle ball court at a cost not to exceed \$1,600. Motion passed unanimously.
- c. Gypsy Hill Road Discussion: Ms. Tracy Lee, a resident living on Gypsy Hill Rd.(Gypsy) since 1976, has come before the Board to again express her concern regarding speeding and unsafe conditions on Gypsy created by increased volume and excessive speeding. Although the speed limit is 35 mph, Ms. Lee states that most people drive 40-50 mph. In addition it has become a short cut to avoid 896 for all types of vehicles, including large trucks. She noted several accidents including the fence at the apartment complex that has been hit at least 3 times in the last year and a telephone pole near her house that was hit recently and snapped in half. She described the dangerous situation at the bus stop in the mornings, with children exiting parked cars and boarding the bus. The bus stop is located at a turnaround on Gypsy, close to the intersection of Gypsy and 896 and the children walk up and down the road to and from their homes. She also noted a children’s playground on the road which creates yet another danger for children and parents crossing the road. She again pleaded with the Board to install speed tables/humps on Gypsy to divert cut-through traffic and to slow down all traffic. She noted the difference between bumps and humps and is aware that humps are allowed by PennDOT in most situations. It was noted that PennDOT may not approve speed tables/humps on Gypsy because of the layout of the driveways. She commented on the work Mrs. McVaugh and Mr. Eastburn are doing in conjunction with the school district, to allow the buses to travel down Gypsy and drop children off at their designated residences. Mrs.

APPROVED

McVaugh also mentioned that the Township is considering purchasing an electronic sign that will display “Slow Down” or “Too Fast”. Ms. Lee does not believe they will be effective. Chairman Auerbach agreed with Ms. Lee regarding the problem of speeding traffic and read an article he wrote on the subject in 2013. Each Board member expressed their opinion regarding installing speed tables/humps. The majority of the Board is not in favor of installing speed tables on Gypsy, mostly because of setting a precedent. Supervisor Snyder’s position is that each road is unique and speed humps should only be installed where there is a “special” need and he feels that such a need exists on Gypsy Hill Rd. He stated that the Board will be interested to see if the suggested measures work and will welcome more discussion with Ms. Lee on the subject. Ms. Lee expressed her dissatisfaction with the Board’s decision.

Ms. Liz Randby, a resident living on Appleton Rd., entered the discussion regarding universal speeding in the Township, with complaints of speeding on Appleton Rd. between 896 and Walker Rd. Vehicles going south leave 896 going too fast and fail to slow down to accommodate the 25 mph speed limit on that section of Appleton, and often run the stop sign at Walker Rd. Since Appleton is a state road, the Township has no jurisdiction. Ms. Randby has contacted the State Police and PennDOT and has been told that the police cannot charge anyone with speeding because the distance between 896 and Walker Rd. is less than a mile. The police did agree, however, to monitor the 4-way stop at Appleton and Walker in an effort to stop people from running the stop sign. Ms. Randby plans to purchase signs to place on her property along Appleton to bring attention to the fact that this is a residential area with families – including children and pets – living there. Ms. Randby also inquired about the house with the collapsed porch on Appleton Rd. Mrs. McVaugh advised that the damage was caused by vandals. She has been in contact the owner. Mr. Lagasse commented on the pending renovation plans which are based on Historic District guidelines.

- d. Resolution 2018-13 – FSA Hunting License: Mrs. Dea moved, seconded by Mr. Snyder, that the Board of Supervisors adopt Resolution 2018-13, issuing a hunting license to the Franklin Sportsman’s Association for the 2018-2019 season.

Discussion: Mrs. Dea expressed appreciation for the work that the FSA does in support of the community. Mrs. Morris inquired about having the FSA maintain the Geoghegan Trail. Mr. Jim German, a member of the FSA, said the FSA has mowed it in the past and the only reason they stopped was because it was being done by volunteers, but he is agreeable to continuing to mow it as needed. Chairman Auerbach and Vice Chair Snyder also thanked the FSA for their continuing service and good stewardship of Township properties.

The motion passed 5-0.

- e. Resolution 2018-10 – Declaration of Emergency: The Board acknowledged that they passed Resolution 2018-10, a Declaration of Emergency, adopted March 7, 2018 to allow the Township to apply for aid should money become available to reimburse expenses incurred from the March 6-7, 2018 storm. However, at this time no money has been made available.
- f. Resolution 2018-11 – Declaration of Emergency: The Board acknowledged the adoption of Resolution 2018-11, a Declaration of Emergency, adopted March 20, 2018 to allow the Township to apply for aid should money become available to reimburse expenses incurred from the March 20-21, 2018 storm. However, at this time no money has been made available.

APPROVED

Chairman Auerbach explained the benefit to the Township of adopting these Resolutions and Mrs. McVaugh explained that in addition to the potential for reimbursement, they allow the Township to use extra equipment, if necessary, without going through the bidding process.

- g. Ordinance 2018-01 – Updating Zoning Ordinance: Supervisor Snyder moved, seconded by Supervisor Dea, that the Board of Supervisors authorize the Solicitor to advertise Ordinance 2018-01, updating the Township’s Code, Chapter 27, to delete Section 27-1712 Residential Conversion and references to the term “granny flat”, and adding the term “additional living unit” and a new Section 27-1721 governing additional living units, for enactment at a future meeting.

Discussion: Mrs. Dea explained that the Planning Commission (PC) reviewed and revised the Township Code to allow for additional living units in existing homes or accessory buildings according to certain requirements. These living units are intended to accommodate another person on a permanent basis. Chairman Auerbach expressed his satisfaction with the revised Ordinance.

Motion passed 5-0.

- h. Great American Clean-Up: Supervisor Morris will be leading this year’s Great American Cleanup in Franklin Township. It’s scheduled for Saturday April 21, with a rain date of April 22, 2018. Volunteers will meet at the office at 8 a.m. and it will end by noon. Safety vests, gloves, safety glasses and trash bags will be provided by the Township. Students needing community service hours are encouraged to participate. The Township will provide documentation of their service hours. Residents can concentrate on their own neighborhoods or specific roads will be assigned. Call the office at 610-255-5212 if you have questions or to register, or just show up at the office at 8 a.m. on Saturday, April 21.

- i. Stantec Proposal: Mr. Torres moved, seconded by Mr. Snyder, that the Board of Supervisors approve the proposal from Stantec for approximately \$16,400 to evaluate and test Peter Christopher Drive, Benjamin Run and Peacedale Road.

Discussion: Chairman Auerbach summarized the issue which involves the failure of these roads which were just improved as part of the 2015 Road Program. He and the Township’s contractor Jim D’Orazio, provided technical details regarding the construction of the roads in question and the methods used to determine their viability. Representatives from PennDOT, the paving contractor and the Township engineer walked the roads to closely examine them. The Township’s expenditure for improving these roads is in the neighborhood of \$300,000. Chairman Auerbach believes the paving contractor is responsible for the failure of these roads and the Township Engineer bears responsibility for approving substandard work. The Stantec Proposal is intended to conduct a thorough evaluation of the roads and the sub-surface conditions in order to provide the Township with the necessary evidence of responsibility that would allow the Township to recover some of the damages. The Stantec Proposal came in higher than expected and PennDOT’s engineers have said that there is very little chance that the Township can recover any money from the contractor. Mrs. McVaugh stated that the Stantec engineer is 70-75% sure that their study will determine who is at fault. Mrs. Morris suggested that LTL Consultants should pay for the Stantec evaluation. Mr. D’Orazio interjected that the Township is going to have to repair these roads eventually and the Stantec Study will provide information that will be critical to that process. The Board decided to defer a decision on the Stantec Study for one month so that the Township Mgr. can discuss it again with PennDOT to better understand the reasoning behind their comment

APPROVED

that the Township has almost no chance of recovering anything from the contractor. Mr. Torres tabled the motion until next month's Board meeting.

- j. Open Space/AG Easement Discussion: Supervisor Morris advised the Board of a recent meeting that she and Chairman Auerbach had with Natural Lands Trust (NLT) to see if they might be interested in helping to preserve land that is for sale in the Township. They also intend to meet with a Chester County Conservation group to see if there is any grant money available and she updated the Board on her discussions regarding potential buyers for Chisel Creek Golf Course who would be interested in developing the property for uses other than a housing development. The Hocking family is potentially interested in an easement through the Open Space Preservation program. Mrs. Morris said NLT needs a survey of the property and she inquired if the Township would pay \$3,400 for the survey which would be refunded if the easement was approved. Chairman Auerbach indicated that there are 3 properties in line for consideration but no commitments have been made and the Board is not in favor of paying for a survey on a property that may or may not be eased sometime in the future. Mr. Auerbach reviewed the Township's financial structure including the amount of the debt service being paid on previous open space commitments and indicated that, in his opinion, any additional open space commitment would need voter approval before being implemented because taxes would need to be raised.
- k. Conservation Easement: The value of the easement on Fox Chase Farm has decreased due to the Eastern Shore pipeline going through the property. The owner received compensation from the Pipeline and the Township and National Land Trust will also be compensated since they contributed money for the conservation easement. The Board is required to sign an updated Easement Agreement to acknowledge the pipeline going through the property. Mr. Auerbach moved, seconded by Mr. Torres, that the Board of Supervisors approve the First Amendment of Conservation Easement by and between Natural Lands Trust, Inc., a Pennsylvania Non-Profit Holder and Two Boys LP, a Pennsylvania Limited Partnership, the undersigned owner. Motion passed 5-0.

Public Comment: Mr. Lagasse alerted the Board and audience that the Chester County Planning Commission is conducting a Landscape Redevelopment Program and there will be a meeting on April 10th at New Garden Twp. Open House begins at 5:30 p.m. with a presentation at 6:00 p.m. It is open to the public.

Adjourn: The meeting was adjourned at 9:48 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

Mtg. 03.28.18.v.2.ER