

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES April 18, 2018

Call to Order:

Chairman Auerbach called the meeting to order at 7:05 p.m. Present were Supervisors Dea, Morris, Snyder and Torres. Also present were Township Solicitor Mark Thompson, Planning Commission (PC) member Brent VanLith; Historical Commission and HARB Chairman Paul Lagasse, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. There were approximately 10 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.

Announcements: Chairman Auerbach noted the passing of First Lady Barbara Bush. Also, an item has been added to tonight's agenda – the County has provided the Board with an Amended Declaration of Covenants, Conditions and Restrictions for the Geoghegan Trail Parking Lot that requires the Chairman's signature. The changes are related to the relocation of the parking lot.

Approval of Minutes:

- a. BOS Minutes of March 28, 2018: Mrs. Morris moved, seconded by Mrs. Dea, that the Board approve the March 28, 2018 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. Disposition of Records – Resolution 2018-14: Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve Resolution 2018-14 regarding the Disposition of Records for the March 1, 2018 PC meeting and the March 28, 2018 BOS Meeting. Motion passed 5-0.

Reports:

- a. Treasurer's Report for March 2018: Chairman Auerbach moved, seconded by Mr. Torres, that the Board approve the March 2018 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$184,340.54; the Park & Recreation Fund with disbursements of \$54,982.47; the Open Space Fund with disbursements of \$6,768.42; the Emergency Services Fund with disbursements of \$37,115.62; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$640,588.15. Motion passed 5-0.
- b. Zoning Officer's Report: Mr. Snyder reported that during the month of March, 8 permits were issued and 30 building inspections were completed. Building fees collected were \$7,413.38; Recreation, Open Space & Impact Fees collected were -0-; and miscellaneous fees were \$1,775.00. There are two ongoing zoning issues. 1) 308 Heather Hills Dr., a hearing is set for April 26 in District Court. The Solicitor is hoping to come to an agreement with the Bank before that time. 2) 3300 Appleton Rd., the property has not been cleaned up to an acceptable level. Papers have been filed in District Court against the owner. The entire report is on the Township website at www.franklintownship.us.
- c. Planning Commission Report(PC): Planning Commission member Brent VanLith summarized the April 5th meeting where the PC discussed updating certain chapters of the

APPROVED

Zoning Ordinance to include AG use regulations and discussed commercial signs in the LDR District. The approved minutes of the meeting will be available on the Township website.

- d. **HARB/HC Report:** Chairman Paul Lagasse reported on the April 4th meetings of both commissions. The HC approved their Annual Report, and discussed producing a Historic Resource Atlas and the County's Landscapes3 Plan as well as reviewed training opportunities. The HC is co-hosting a program on May 10th at the New London Academy regarding the history of cider. The HARB approved their Annual Report and recommended that the supervisors approve the COA for 1724 New London Road. They also discussed the disrepair of the Kennedy house at 3327 Appleton Rd. The approved minutes of the meetings will be on the Township's website.

Proclamation: Chairman Auerbach read Proclamation 02-18, honoring Assistant Township Manager, Jeff Eastburn's 25 years of service with the Township. The Proclamation was presented to Jeff at the staff meeting earlier in the day.

Business:

- a. **1724 New London Road COA:** Mrs. Dea moved, seconded by Mr. Snyder, that the Board of Supervisors grant the Certificate of Appropriateness (COA) for a new roof and the possible removal of the railing and roof deck at 1724 New London Road, as recommended by the HARB at their April 4, 2018 meeting. Their recommendation is based on the findings that the application is in compliance with Sections A-D of the Secretary of the Interior's standards and that the proposed work is a necessary repair in keeping with, and appropriate to, the current appearance of the home.

Discussion: HC Chairman Paul Lagasse provided an explanation of the COA and the unique feature of the widow's walk which may or may not be repaired and replaced. Chairman Auerbach read the comments of the Zoning Officer regarding the project. Owner Mr. Eric Brindle spoke about the possibility of replacing/repairing the widow's walk.

Motion passed 5-0.

- b. **Abel Subdivision Extension to October 18,2018:** Chairman Auerbach moved, seconded by Supervisor Torres, that the Board of Supervisors accept an extension to the review clock for the Abel Subdivision through October 18, 2018.

Discussion: Mr. Snyder asked what the reason is for the extension and is there a limit to the number of extensions that can be granted. It was explained that Mr. Abel has a subdivision plan with the Township but isn't ready to implement it. He has a significant amount of money invested in the project which he would lose if the Township refused to accept his offer of an extension. There is no limit to the number of extensions that the Township can accept. Motion passed 5-0.

- c. **Roads:**

1) Stantec Proposal: The Stantec Proposal was discussed at the March 28 meeting and the Board requested the Township Mgr. to contact PennDOT regarding hiring a 3rd party engineering firm to perform core testing on the 3 roads in question. PennDOT restated their opinion that the Township would not be successful in pursuing a lawsuit against the Contractor.

2) 2018 Road Program: Chairman Auerbach provided a summary of the 10-Year Road Program which began in 1997. He reviewed the roads that had been identified and prioritized as possibilities for this year's road program. No final decisions have been made as to which

APPROVED

roads will be included and which roads would be repaired using liquid fuels money. As usual, the number of projects is greater than the funds the Township has to spend on the road program. The Board also discussed replacing the Hess Mill Bridge in 2019. Mr. Auerbach described the plan for replacing the bridge as well as the method of replacement which is the same as that used in New London Township several years ago to replace a bridge on West Avondale Rd. The method significantly reduces the amount of down time usually required in a bridge replacement project. Ragan Engineering has been retained by the Township for this project based on their previous experience with this type of bridge replacement.

Several members of the public had comments or questions regarding the roads. Not everyone was identified for the record. Mary McVeigh mentioned a portion of Peacedale Rd. that is deteriorating. The staff will investigate and get back to the Board.

- d. Crossan Park: The Chairman noted that the final payment on the Park loan will be made in 2019. The loan was initiated in 1996. Currently the Park is funded by a dedicated tax rate of .27 mills which is supplemented by \$20,000 from the General Fund. There is a long list of Park projects that the Township wants to complete since many projects were put on hold until the loan was paid off. The Board needs to prioritize these projects and to consider whether the millage should be changed. The Board has the option of changing the millage rate every year by Resolution, if warranted. Mrs. Dea and Mr. Torres provided their insight into the Five-Year Projection figures provided by Mrs. McVaugh. Mrs. Morris commented on the money that may be available from the General Fund for other projects in 2019. Mrs. McVaugh has provided a list of Park projects for consideration, which will be on the website.
- e. Stoltzfus Agricultural Easement: When the organic dairy farmers purchased the farm at the corner of Strickersville and Appleton roads, their representative approached the Township regarding support for an Agricultural Easement on their property. The preliminary cost to the Township was estimated to be \$144,000 with interest free payments over a 5 year period. The Board was favorable to the idea at that time. The final proposal from the County is \$220,815.00 payable in 5 equal payments of \$44,163/year, beginning at or before settlement in 2018. This is significantly higher than originally proposed and having the first payment due in 2018, prior to the Park loan being paid off, is problematic to the Township. Ms. Nan Latimer, former supervisor and open space supporter, provided an explanation of the easement process and why/how this increase probably occurred. She suggested that the Township talk with Geoff Shellington at the County. Mrs. McVaugh said that the County has expressed a willingness to work with the Township. Chairman Auerbach noted that because the information was just received from the County, he is not prepared to take action at this time. Supervisor Morris said there are residents present who want to discuss the issue further. Supervisor Dea wanted the record to show that she supports going forward with the Easement Agreement if terms acceptable to the Township can be reached. Supervisor Torres stated that, in the future, the Board should not indicate preliminary approval prior to seeing the final terms and secondly he suggested that perhaps the payment schedule could be extended to 7 years making the annual payment approximately \$31,000. Mrs. Morris would like to work with Mrs. McVaugh to review discretionary spending to see what might be possible. Supervisor Snyder agrees with Mr. Torres that the Board should not make a commitment prior to seeing the final terms, however he believes their previous communication with the Stoltzfus family was more along the lines of an agreement to listen to their proposal. He also feels that when the numbers are changed to this extent it would

APPROVED

nullify any commitment that might have been assumed. He is not in support of the current proposal but will listen to a reasonable solution. Mr. Auerbach said that the path forward is for the Board to fully understand the Township's position, considering all of the their obligations, and come up with a funding/spending plan over two years that makes sense.

- f. Amended Trail Parking Lot Easement Agreement: Mr. Snyder moved, seconded by Mrs. Dea, that the Board authorize the Chairman to execute the Amended Declaration of Covenants, Conditions and Restrictions for the Geoghegan Trail Parking Lot.

Motion passed 5-0.

- g. Additional Living Units Ordinance: The PC recommended that the Board adopt revisions to the Additional Living Units Ordinance adding a new section 27-1721. Mr. Auerbach summarized the revisions that have been made and are detailed in the revised ordinance. His issue is that the ordinance allows for the construction of a detached accessory living unit on a parcel with an existing dwelling unit, which he believes would require a land development plan and that requirement is not spelled out in the revised ordinance. It could be assumed to be required but he would prefer that it be spelled out in the ordinance. Mrs. Morris has an issue with allowing a second living unit to be built on a parcel, detached from the primary house under any circumstances. Brent VanLith, active member of the PC, explained the PC's intent in the revisions that were made. Other unidentified members of the public spoke about related issues and questions. Since the Board and members of the public have questions about this ordinance, it was determined that the Ordinance should be sent back to the PC and, since the Zoning Officer is responsible for interpreting and enforcing the ordinance, he should be in attendance for those discussions. Mr. Torres moved, seconded by Mr. Snyder, that the Board postpone the advertising of the Additional Living Units Ordinance revision and ask the PC to resume their review with Jeff Vogels in attendance at those meetings. Motion passed 5-0.

Public Comment: There was no public comment.

Adjourn: The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

Mtg. 04.18.18.v.3.ER