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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES May 16, 2018

Call to Order:

Chairman Auerbach called the meeting to order at 7:06 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 6 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: There will be an executive session after tonight's meeting to discuss potential litigation. Also, the Wyndemere Maintenance Bond Release discussion is removed from tonight's agenda and will be considered at the June 20, 2018 meeting.

Approval of Minutes:

- a. *BOS Minutes of April 18, 2018:* There was one correction to the April 18th minutes, bottom of page 2, second to last line, the date the road program started was changed from 1997 to 2007. Mrs. Morris moved, seconded by Mrs. Dea, that the Board approve the April 18, 2018 Minutes, as corrected. Motion passed 5-0.
- b. *Disposition of Records – Resolution 2018-15:* Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve Resolution 2018-15 regarding the Disposition of Records for the April 18, 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 April 2018 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$323,198.32; the Park & Recreation Fund with disbursements of \$7,446.14; the Open Space Fund with disbursements of \$6,768.42; the Capital Reserve Fund with disbursements of \$4,500.56; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,126,595.06.

Discussion: Supervisor Torres inquired about the amount of money transferred into the Capital Reserve Fund compared with last year at this time. Manager McVaugh explained that the amount of the transfer fluctuates with the amount of funds remaining at the end of the year and is largely impacted by winter storm maintenance. Motion passed 5-0.

- b. *Zoning Officer's Report:* Mr. Snyder reported that during the month of April, 10 permits were issued and 25 building inspections were completed. Building fees collected were \$3,549.33; Recreation, Open Space & Impact Fees collected were -0-; and miscellaneous fees were \$900. There are four ongoing zoning issues. Mrs. McVaugh updated the Board as follows: 1) 308 Heather Hills Dr., the bank settled with a new owner of the property and a check has been issued to the Township for \$5,178.00 to reimburse expenses. 2) 3300 Appleton Rd., the owner has removed several boats, vehicles and other items, however, it

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was noted that since the Township does not have a property maintenance code, the vehicles, trailers, etc., that belong to the property owner, are permitted on the property. The District Court date has been continued for 30 days. 3) 3327 Appleton Rd., papers were filed in District Court on May 10th and the property owner will be served. 4) 1651 New London Rd., the property owner intends to start a paving business and has been notified that he must fill out the proper paper work for a "Change of Use". Supervisor Torres asked HARB Chairman Paul Lagasse why the HARB doesn't oversee the condition of properties in the Historic District. Mr. Lagasse advised that the HARB is strictly advisory. It would be up to the Board to pass an ordinance that would empower the HARB to enforce such an ordinance. The Zoning Officer's report is on the Township website at www.franklintownship.us.

- c. Planning Commission Report(PC): The Planning Commission did not meet in May.
- d. HARB/HC Report: The HARB and Historical Commission did not meet in May. Chairman Lagasse reported on the May 10th program on the History of Cider and recommended that everyone visit the Old Stone Cider Barn in Lewisville where traditional cider making is being revived.

Business:

- a. Norman Hughes Proclamation: Chairman Auerbach read a Proclamation in honor of Norman E. Hughes, former member of the Board of Supervisors, who passed away on April 18, 2018.
- b. Discussion regarding contributions: The Township does not have an established policy regarding contributions to charitable organizations when there is a death of someone associated with the Township. In Mr. Hughes' case, the family asked for donations to the Faithful Friends Animal Society. In the case of Mr. Olivier's passing, the family did not designate an organization for memorial donations and the Township planted a tree on Township property and installed a memorial plaque. The discussion focused on 1) should the Township have a written policy on the subject and 2) what should be done in memory of Mr. Hughes. The consensus of the Board was not to have a written policy but rather to rely on the staff's recommendation regarding each unique situation. In memory of Mr. Hughes and in recognition of his affinity for growing daylilies, the Board's decision was to plant a daylily garden at Crossan Park, with a memorial plaque. An effort will be made to include some of Norman's personal hybrid daylilies in the garden. Mrs. Dea felt strongly that because the family did designate a charity for donations, the Township should also make a small contribution to the charity. Mrs. Morris agreed. Chairman Auerbach disagreed and expressed an overriding concern that the Township should not be using public money to make charitable contributions and also that donations are soon forgotten and have no lasting relationship to the deceased. Supervisors Torres and Snyder agreed with Chairman Auerbach.
- c. Opioid Epidemic: Chairman Auerbach introduced Mr. Robert Weidenmuller, summarizing his background as a Township resident and past school board member. Mr. Weidenmuller distributed a handout which contains valuable information and resources of which everyone should be aware and which will be posted on the Township's website and Facebook page. He provided statistics which indicate what we all know, which is that our country and our communities are in crisis and everyone needs to focus on what needs to be done and how each of us can help. Chairman Auerbach mentioned that he will make sure that the Chester County Press is aware of Mr. Weidenmuller's attempt to get this information widely

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distributed. He also said that the Township meeting room could be made available for meetings related to this issue.

- d. Long-term financing/historical information: Chairman Auerbach noted that at last month's meeting, the motion regarding the Stoltzfus AG easement was tabled due to a variety of capital and maintenance issues that require financing. He distributed his meeting notes on his Long Term Financing Plan and read from it focusing on a number of topics for the Board's discussion as follows:

Tax Comparison Table: He pointed out that Franklin still has the 2nd highest overall tax rate in the surrounding area even after a 20% reduction in real estate tax, and noted that increasing the EIT to 1% was rejected by referendum in 2011.

Crossan Park: Chairman Auerbach reviewed the financial history related to the Park. The Park loan service cost of \$56k/yr., will end in 2019. He proposed taking all of the dedicated tax money from the Park and making it available in the General Fund to increase flexibility so that the money could be used for other projects. There is a 2-page list of deferred maintenance items in the Park attached to the Chairman's handout. Mrs. Dea noted that although the cost of the Park loan service is \$56k/yr., that payment has been subsidized at the rate of \$20k/yr. from the General Fund. Mr. Torres disagreed with moving the dedicated tax money to the GF and suggested reducing the Park tax from .27 mills to .20 mills to keep money specifically marked for Park maintenance. Mrs. Morris agreed with Mr. Torres. The decision doesn't need to be made until budget planning in the Fall. Supervisor Torres offered to work with Township staff to prioritize the extensive Park project list. Mr. Paul Overton, resident and taxpayer, noted that there are many items on the maintenance list that could be done by volunteers.

Hess Mill Road Bridge: The timber bridge was first evaluated by PennDOT in 2009 and although there have been deficiencies noted, those deficiencies have not deteriorated further over the last six years. Repairs and maintenance have been performed during this time. The Township will apply for a grant from the Chester County Conservation District to help with funding for the replacement of this bridge. State Rep. Lawrence has provided the paperwork to add this bridge to the PA "Bridge Bill" which would allow the Township to apply for state grant monies. Mrs. Morris's opinion is that replacing the bridge is not critical at this time and she would rather put money aside each year toward replacing it when necessary rather than go into debt to replace it at this time. Chairman Auerbach believes the Township needs to be proactive and plan for replacement in 2020.

EMS Crisis: The number of volunteer Emergency Responders is dwindling and Townships will be responsible for funding the cost of paid employees. The Township currently supplements the Emergency Services Fund with General Fund money. Township officials across the state passed a resolution demanding that the Governor call a special legislative session to address the volunteer crisis.

Open Space Program: The Chairman read this page from his Meeting Notes handout which is available on the website. It summarizes the Township's history of land acquisitions beginning in 2006 through 2011. The major component of the Township's funding came from a \$3.5M loan for which the payoff date is July 2040. The open space program ceased in 2012 due to lack of funds. Since that time approximately 207 acres of farm land have been preserved with AG easements without any financial input from the Township

- e. Stoltzfus Agricultural Easement: Chairman Auerbach summarized the easement process beginning with the June 2017 Board Meeting where the consensus of the Board was to

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support the easement at \$144,000. At the April 18, 2018 BOS meeting the financial terms for preserving the AG easement on the Stoltzfus property had changed, increasing the Township's portion to \$220,815 based on 98.14 acres. The Township's portion is payable over 5 years at \$44,163/year. The difference in the financial terms was the basis for a long and detailed discussion which included questions and comments from the public including Paul Overton, Nan Latimer and Geoff Shellington. Following the discussion, Chairman Auerbach moved, seconded by Supervisor Morris, that the Board adopt Resolution 2018-16, a funding resolution for the purchase of an Agricultural Easement by Chester County and Franklin Township on a dairy farm located at the intersection of Strickersville and Appleton Roads and authorize that the Board members sign the Funding Agreement. The Total cost of the easement to Franklin Township shall not exceed \$220,815 for any reason. Settlement and other ancillary costs shall be the responsibility of others. Motion carried 4-0-1. Supervisor Snyder abstained.

- f. Avon Grove Charter School Letter of Credit: Supervisor Torres moved, seconded by Supervisor Dea, that the Board, based on the recommendation of the Township Engineer in his letter dated May 15, 2018, authorize the release of \$568,621.58 from the Avon Grove Charter School's BB&T letter of credit #9600473805-900002 leaving a balance of \$542,917.80 in this account. Motion carried 5-0.

Public Comment: Mr. Paul Overton thanked the FSA for their work in maintaining Township owned properties and trails. He reported there are trees down on the Banffshire Trails and suggested that the FSA might take on this project. Supervisor Morris noted that it might be necessary to have the Township contractor do this work rather than relying on the FSA. Mr. Overton also discussed the tube trees on Goodwin and explained that the plastic tubes around the trees should not be removed until they split open. He requested that the empty tubes on Goodwin be disposed of. He noted that the vines wrapped around the mature trees on Goodwin will eventually kill the trees and should be removed. He advised of a large amount of trash including air conditioners that has been dumped on the Pennock Bridge side of the Goodwin property. He again mentioned that volunteers can be helpful with the list of maintenance jobs at the Park.

Mr. Brent Van Lith asked if the Township had liability on roads and trails. Solicitor Thompson stated we have liability for our roads, not the trails.

Adjourn: The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary