

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES June 20, 2018

Call to Order:

Chairman Auerbach called the meeting to order at 7:02 p.m. In attendance were Supervisors Morris, Snyder and Torres. Supervisor Dea was absent. Also present were Township Solicitor Mark Thompson, Historical Commission and HARB Chairman Paul Lagasse, and Manager/Treasurer Joan McVaugh. There were approximately 3 members of the public in attendance.

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

Announcements: There will be an executive session after tonight's meeting to discuss potential litigation.

Public Comment: There was no public comment.

Approval of Minutes:

- a. *BOS Minutes of May 16, 2018:* Mrs. Morris moved, seconded by Mr. Snyder, that the Board approve the May 16, 2018 Minutes, as presented by the Township Secretary. Motion passed 4-0.
- b. *Disposition of Records – Resolution 2018-17:* Chairman Auerbach moved, seconded by Mr. Snyder, that the Board approve Resolution 2018-17 regarding the Disposition of Records for the April 5, 2018 PC meeting and the May 16, 2018 BOS Meeting. Motion passed 4-0.

Reports:

- a. *Treasurer's Report for May 2018:* Mr. Snyder moved, seconded by Mr. Torres, that the Board approve the May 2018 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$179,505.69; the Park & Recreation Fund with disbursements of \$14,136.66; the Open Space Fund with disbursements of \$6,768.42; the Capital Reserve Fund with disbursements of \$25,003.81; the Emergency Services Fund with disbursements of \$709.00; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,251,582.45. Motion passed 4-0.
- b. *Zoning Officer's Report:* Mr. Torres reported that during the month of May, 13 permits were issued and 32 building inspections were completed. Building fees collected were \$3,461.07; Recreation, Open Space & Impact Fees collected were -0-; and miscellaneous fees were \$1,999.52. There are four ongoing zoning issues. They are 308 Heather Hills, 3300 Appleton Rd., 3327 Appleton Rd. and 1651 New London Rd. The Zoning Officer's report is on the Township website at www.franklintownship.us.
- c. *Planning Commission Report(PC):* PC Alternate Paul Lagasse summarized the June 7, 2018 Planning Commission Meeting which included the review of the Bowwood Subdivision; the continuation of the discussion on Additional Dwelling Units (ADUs); and the possibility of requiring a variance under certain circumstances for winery/brewery applications. There was a brief discussion regarding the current ADU ordinance and the proposed revision. The PC found the current ordinance to be ambiguous, which allows for multiple interpretations. The

APPROVED

revised ordinance is far more restrictive and leaves very little room for interpretation. Mr. Auerbach noted that Chester County Health generally requires two separate sewage systems when there are two separate dwelling units on a single parcel, making it virtually impossible to have two dwelling units on 2 acres or less. The approved minutes of the PC meeting will be posted on the Township's website.

- d. HARB/HC Report: The HARB and Historical Commission did not meet in June.

Business:

- a. 308 Heather Hills: This parcel is a 1.9 acre parcel at the corner of Chesterville Rd. and Heather Hills Drive. The lot includes a .9 acre "finger" that runs down to Chesterville Road. North Creek Nurseries owns a 9.5 acre parcel that borders the Heather Hills parcel and Chesterville Rd. The owners of the Nursery would like to incorporate the finger into their property to make it 10 acres and eligible for the Act 319 tax break. The owner of the Heather Hills property hopes to flip the property and would like to take care of any possible obstacles that may stand in the way of doing that. The Solicitor's opinion is that the residential lot has to conform to the current zoning which provides for a minimum lot size of 1.377 acres. Transferring the entire .9 acres may take too much from the residential parcel. The owner needs to have an accurate survey done and have an engineering firm draw up the plan. The preliminary/final plan will come before the PC for review. The consensus of the Board is favorable as long as both properties meet the minimum acreage requirements.
- b. Wyndemere 18 Month Maintenance Bond Expiration: Mrs. Morris moved, seconded by Mr. Snyder, that based on the recommendation of the Township Engineer in his letter dated June 11, 2018, that the Township release the final maintenance security bond for Phase 2 of the Wyndemere Subdivision. Motion passed 4-0.
- c. Ordinance Discussions:
1. Solicitation in the Township: Township Mgr. McVaugh advised that recently the Township has received a number of calls from residents who were disturbed by sales people knocking on their doors late in the evening making them feel uncomfortable and suspicious and, in many cases, waking young children who are already in bed. Over the years, there have been complaints of sales people being rude and using questionable sales tactics. The Board has previously discussed passing a "no solicitation" ordinance but has not done so based on the cost involved vs. the benefit to the Township, because basically such an ordinance is unenforceable unless the township has its own police force. The consensus of the 4 supervisors was not to move forward with an ordinance; however they want to wait until Supervisor Dea has an opportunity to weigh in before making a final decision. This item will be on next month's agenda.
 2. Bamboo: Mgr. McVaugh explained that within the Township there are areas of bamboo that have grown into the right-of-way and during wet snow or ice storms, the bamboo bends into the roadway obstructing traffic and hindering the contractor's ability to plow the road. This past winter it cost the Township more than \$4,000 to clean up bamboo that had fallen into and blocked the road. There is also an issue with where/how to dispose of it. Mrs. McVaugh is asking the Board to consider developing an ordinance that requires residents who have bamboo to cut it back from the right-of-way and to limit the height so that even if it does get weighted down by snow/ice, it doesn't fall into the roadway. She also wants the ordinance to

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give the Township the ability to recoup the cost of removing the bamboo if required to do so. Supervisor Snyder would prefer to amend current ordinances to include bamboo rather than develop a separate ordinance. The uniqueness of bamboo was discussed. It is considered part of the grass family and is not covered by the tree ordinance or current noxious weed ordinance. The consensus of the Board was to have the Solicitor work with the Manager to draft a separate bamboo ordinance for discussion at next month's meeting when Supervisor Dea is in attendance.

Public Comment: There was no public comment.

Adjourn: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

Mtg. 06.20.18.v.2.ER