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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES July 19, 2017

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:01 p.m. Present were Supervisors Dea, Schenk, Snyder and Torres. Also present were Township Solicitor Mark Thompson, HARB and HC Commission Chairman Paul Lagasse, Sanitary Engineers Sandi Morgan and Stan Corbett, Manager/Treasurer Joan McVaugh, Assistant Mgr. Jeff Eastburn and Secretary Sharon Norris. There were approximately 9 members of the public in attendance.

**Announcements:** There will be an Executive Session after the meeting to discuss legal issues.

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

**Public Comment:** Mrs. Susie Harris expressed concern about the intersection of Peacedale Rd. and Franklin Rd. and asked the Board to consider having a 3-way stop sign installed.

### **Approval of Minutes:**

- a. *BOS Minutes of June 21, 2017:* Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve the June 21, 2017, v1 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. *Disposition of Records – Resolution 2017-14:* Mrs. Schenk moved, seconded by Mrs. Dea, that the Board approve Resolution 2017-14 regarding the Disposition of Records for the Board of Supervisors' meeting of June 21, 2017 and the PC meeting of June 1, 2017. Motion passed 5-0.

### **Reports:**

- a. *Treasurer's Report for June 2017:* Chairman Auerbach moved, seconded by Mr. Snyder, that the Board approve the June 2017 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$82,616.49; the Park & Recreation Fund with disbursements of \$3,985.53; the Open Space Fund with disbursements of \$6,974.10; the Traffic Impact Fund East with disbursements of \$3,500.00; the Traffic Impact Fund West with disbursements of \$20,000.00; the Capital Reserve Fund with disbursements of \$83,988.71; the Highway Aid Fund with disbursements of \$14,742.43; the Emergency Services Fund with disbursements of \$49,704.20; leaving a balance in all funds totaling \$1,166,755.72. Motion passed 5-0.
- b. *Zoning Officer's Report:* Supervisor Snyder reported that during the month of June, 13 permits were issued and 17 building inspections took place. Building Fees collected were \$1,811.50. Recreation, Open Space & Impact Fees collected were \$-0-; Miscellaneous Fees collected were \$1,460.00. There is one ongoing violation at 1006 Wickerton Rd. involving the burning of trash. The entire report can be accessed on the Township website. The vacant/abandoned Basics Gas Station site was discussed. The Township has been unsuccessful in locating the owner. The Board authorized the Manager to continue to have the grass mowed until the situation can be resolved. The Solicitor discussed the Blight Act under which the Township can file suit to become the conservator of the site. The County

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will eventually take possession and sell the property at sheriff's sale. The Township Manager will check with the County regarding the status of the property for discussion at the next Board meeting.

- c. Planning Commission Report(PC): Supervisor and PC Alternate Schenk summarized the July 6, 2017 PC meeting at which the PC recommended that the BOS approve the AGCS Preliminary/Final Expansion Plan. They also recommended that the Board adopt the Mini-Cell Tower Ordinance. The details of these discussions may be found in the approved minutes of this meeting.
- d. HARB/HC Report: Neither of these commissions met in July.

### **Business:**

- a. Avon Charter School (AGCS) Expansion Plan and Planning Module: Township Sewage Consultant, Stan Corbett of AECOM, reported on the status of AGCS's Planning Module, stating that there are a couple of administrative additions and/or revisions required, as well as the Operations & Maintenance Agreement (O & M). The applicant agreed to make the necessary revisions and to deliver them to the Township, along with the O & M Agreement for submission to the Department of Environmental Protection (DEP). Mr. Corbett and Solicitor Thompson approved having the Township Manager execute Resolution 2017-15, acknowledging that the Sewage Planning Module is complete and ready to be submitted to the DEP. The Applicant provided a summary of the project, including an explanation of revisions that were made to address residents' concerns regarding the traffic issue. Mr. Auerbach elaborated further on the traffic issues which primarily involve parking in the neighborhood when there is a special event at the school, and the carline back-up during drop-off and pick-up times. The school has developed plans that address these traffic issues to the satisfaction of the PC and the Board. Chairman Auerbach also discussed the waiver related to tree replacement for the area that will be cleared to install the new septic system. The Township Ordinance requires tree replacement "in kind", the cost of which is prohibitive to the school. As an alternative, the school has agreed to reforest the area where the current septic system is located (which will be abandoned), with seedlings similar to the reforestation that has been done in the Goodwin and Franklin Preserves. In addition, they have agreed to plant a vegetative buffer between Peacedale Road and the new septic site. Mr. Auerbach agrees with the PC's determination that the school's request for a waiver in this instance is reasonable and their suggestion for tree replacement is equitable.

Chairman Auerbach moved, seconded by Mr. Torres, that the Board of Supervisors approve Resolution 2017-15, approving the submission of the Avon Grove Charter School Planning Module to the DEP, subject to submission of an acceptable O & M Agreement. Motion carried 5-0.

The Board reviewed the waivers requested by AGCS regarding their proposed expansion plan. Mr. Auerbach discussed the requirement that a traffic impact fee of \$49,148.40 be paid prior to issuance of a building permit. He proposed, for the Board's consideration, that the Impact Fee money be used by the Township to benefit the neighborhood and the school. One possibility is to improve Peacedale Road in front of the school to potentially relieve some of the traffic and parking issues. Another possibility is to improve the intersection at Peacedale and Franklin. The Board is in support of having the Township Engineer look into these possibilities.

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Mr. Auerbach moved that the Board of Supervisors grant conditional approval to the Avon Grove Charter School Preliminary/Final Land Development Plan for the Kemblesville Early Learning Center's New Building Addition and Parking Lot Expansion Plan dated March 23, 2017, last revised June 19, 2017, with the following waivers and conditions:

### Waivers

- §22-404.1 which requires that a preliminary plan be submitted.
- §22-502.L(14) which requires the plan include surveyed locations of all existing wells and sewage drain fields within 100' of the property. A waiver has been requested to only show existing wells and sewage systems within 100' of the proposed sewage disposal area.
- §22-610.1.A3 which requires tree inventory and replacement. A waiver has been requested to not require this section to apply to the wooded area that will be cleared due to the installation of the septic system. The Board requests that the existing septic system area be replanted and reforested with seedlings in a manner similar to the Goodwin and Franklin Preserves, and be maintained by the School. The seedlings can be replanted in stages to meet the school's requirements. Additionally, the school shall plant trees of 2 ½ inch diameter along the boundary of Peacedale Rd. extending to the existing wooded area.
- §22-613 which requires the preparation of an EIAM report.
- §19-312.2.F for RT-1, which requires a reinforced concrete pipe with rubber gaskets/O ring joints. A 12" HDPE pipe is proposed for the outlet pipe.
- §19-313.3.A A waiver of this section has been requested to allow the use of a 12" diameter pipe because the pipe will be tying in to an existing 12" pipe.
- §19-313.3.B A waiver of this section has been requested to allow the use of HDPE pipe.
- §19-314.7 A waiver of this section has been requested due to the 2 areas on the north and west sides of the proposed building are proposed to have slopes steeper than 4:1.
- §19-402.2.B(13) which requires profile sheets of conveyance pipes be added to the plan set.

### Conditions

- Before recording the plan and associated documents, the Applicant must provide copies of all certificates, documentation, agreements and performance guarantee as outlined in Pete Eisenbrown's 3<sup>rd</sup> SLDO review letter dated June 28, 2017 and Stan Corbett's review letter dated June 30, 2017.
- A traffic impact fee of \$49,148.40 shall be paid prior to issuance of a building permit.
- No regulated activity shall commence until approvals have been issued by PA DEP and Chester County Conservation District.
- Approval of the plan is conditioned upon the DEP approval of the Planning Module.

The motion was seconded by Mrs. Schenk and passed 5-0.

- b. Lexington Point Update: Mr. Stan Corbett and Ms. Sandi Morgan of AECOM (the engineers) were in attendance for this discussion. Lexington Point is an approved 38-house subdivision located on S. Guernsey Rd. Their high density land development plan was approved approximately 8 years ago and, due to the high density, included a Waste Water Treatment Plant (WWTP) rather than the traditional on-lot septic system used throughout the Township. The developer, Keystone Homes, said they couldn't afford to build the WWTP that was approved with the plan and have been searching ever since for a less expensive alternative. Currently six homes have been built and are occupied and are being serviced with a Pump

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and Haul septic service which involves the use of a holding tank into which the waste water from the six homes is pumped and the waste is hauled away three times/week. The DEP has notified the Township that Pump & Haul is not an acceptable long-term method of sewage disposal. The agreement states that when the building permit for the 7<sup>th</sup> home is submitted, the developer must begin building the WWTP. As part of the approved plan, once the WWTP is fully operational, the Township will take ownership and the Lexington Point residents will pay for the service. This is not the preference of the Township and is not recommended by the engineering consultants. They recommend that the Township employ an agent company to operate the facility. The developer has steadfastly refused to consider lowering the density so that a traditional on-lot septic system could be used. Keystone has recently submitted yet another alternative plan for the Township's consideration. The engineers have reviewed it and indicate that they have never seen a similar design during their careers. They believe that Keystone's latest proposal may be more expensive than the WWTP. Additionally, the unique layout of the infiltration beds will make it difficult to find a skilled operator who knows how to run the type of system necessary to maintain the beds. The details of their analysis as well as a background summary and their recommendations for moving forward were presented by Mr. Corbett and Ms. Morgan, and are in their 22 page review letter dated June 23, 2017. The engineers believe that the approved plan can be modified to accommodate lower capacities in the interim until more houses are occupied – but the cost continues to be the main objection of the developer. The engineers have suggested that they reconsider their cost analysis and consider including a phased construction plan. Several years ago, Keystone submitted a plan to use the Orenco system when it was new and there was no data available on its effectiveness and the Township was not interested in using an unproven system. Now, however, the Orenco system has 8 years of successful data in this area and AECOM has advised the developer that they would consider it as a possible alternative (with modifications) to the approved plan. Mr. Corbett provided a comparison of the approved WWTP to the applicant's latest proposal and explained his and Ms. Morgan's numerous reasons for not recommending it, not the least of which is the potential cost to the residents. Cassidy Burridge, Lexington Point resident, asked about on-lot septic. Mr. Corbett noted that no specific action is required at this time and Ms. Morgan cautioned that the recorded plan and related agreements will have to be revised if Keystone decides to proceed with a system other than the approved WWTP. The Solicitor will contact Keystone to further discuss the options.

On another Lexington Point issue, Supervisor Schenk reminded the Board that the Township has asked the developer to install a gate to stop illicit acts and mischief from occurring in the vacant area of the development. The developer has been unresponsive. The area is littered with trash from drugs and other unsavory occurrences and was confirmed by Mrs. Burridge to be "gross". The Solicitor was asked to comment on what, if anything, the Township can do to remedy the situation. He will review the Nuisance Ordinance and will advise what actions can be taken. Mrs. Schenk also inquired about mowing the open areas and Mrs. Burridge also confirmed the presence of weeds and high growth in open areas. The Solicitor will contact the developer's attorney and discuss the issues and will inform the Township Mgr. of the outcome of their discussion.

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- c. Strickersville/Appleton 4-way Intersection Update: Chairman Auerbach reviewed the Plan of Action and updated the Board on each point. The following actions have been taken:
- Letters from Chairman Auerbach, Senator Dinniman, Representative John Lawrence and the property owner at the intersection have been sent to PennDOT District Executive, Kenneth McClain;
  - The Township engaged Traffic Planning & Design to perform an independent traffic study;
  - The Manager contacted Lancaster County municipalities for their experience managing unique traffic safety issues and found that they are held to the same PennDOT standards as the Township.

The letters can be accessed on the Township website – [www.franklintownship.us](http://www.franklintownship.us).

PennDOT is seriously looking into the matter and is now considering both non-reportable and reportable accident data. PennDOT will be meeting at the Township on other issues on July 20<sup>th</sup> and have indicated that they would like to discuss the intersection issue as well.

- d. Flood Plain Ordinance: Chairman Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors authorize the Solicitor to advertise Ordinance 2017-03, the Flood Plain Ordinance for enactment at the September 20, 2017 Board of Supervisors meeting. Motion passed 5-0.
- e. MS4 Permit: Mr. Snyder moved, seconded by Mr. Torres, that the Board of Supervisors authorize the staff to advertise the MS4 TMDL Plan in order to meet the deadline for submission of the Township's MS4 Permit Application to DEP. Once advertised, the TMDL Plan will be available for public review for the next 30 days.

**Discussion:** Mrs. McVaugh advised that the last day for advertising is August 3<sup>rd</sup>. The Board will have it to review prior to the August meeting, when it will be considered for adoption. Mr. Auerbach expressed his opinion about future MS4 requirements. Motion passed 5-0.

- f. Mini-Cell Tower Ordinance: Mr. Torres moved, seconded by Mr. Snyder, that the Board authorize the Solicitor to advertise Ordinance 2017-04, an Ordinance governing the placement of mini cell towers for enactment at the September 20, 2017 meeting.

**Discussion:** Mr. Torres questioned the need to tie the fee for ROW use to the actual ROW management costs as stated in "c" on pg. 4 of the Ordinance. The Solicitor stated that the provision could be used as reasonable back-up in the event of a challenge. It should not appear that the Township is making an unreasonable amount of money from it. Mr. Auerbach noted that the purpose of the ordinance is to have something in place that provides a measure of control initially, and can be amended as experience dictates. The Solicitor revised #10.a. on pg. 3, as follows: Tower-based WCFs shall be permitted only in the ROW in nonresidential areas of arterial and collector roads and shall not be permitted on residential streets. Non-Tower based WCFs may be mounted on already...are mounted. Both facilities shall be permitted...by the Board of Supervisors.

Mr. Torres accepted Solicitor Thompson's revisions to the Ordinance and Mr. Snyder seconded the amendment. Motion passed 5-0.

- g. Site Improvement Plan: Mr. Auerbach asked for opinions regarding the relocation of the recycling bins. Township Secretary Norris finds the recycling traffic to be a distraction because it isn't clear if someone is going to recycle or visit the office. Mr. Auerbach noted that the fall season is a good time for planting and inquired if there are areas to be screened. Mrs. Dea inquired about screening the municipal yard. The staff will talk to the contractor to

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see what his plans are for the yard and will advise the Board. Mr. Auerbach asked Mrs. McVaugh to set up a meeting with Chuck Phillips to get his ideas for remodeling the storage area.

**Public Comment:** Mr. Lagasse asked about the new 35 mph speed limit signs on Walker Rd., suggesting that it might be lowered to 25 mph. Mrs. McVaugh advised him that the previous speed limit was 50 mph and that a traffic study would have to be performed to try to lower an existing speed limit. No other suggestions were forthcoming.

**Adjourn:** The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

BOS Mtg. 07.19.v3.ER