

# APPROVED

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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES September 20, 2017

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:02 p.m. Present were Supervisors Dea, Schenk, Snyder and Torres. Also present were Township Solicitor Mark Thompson, Manager/Treasurer Joan McVaugh, 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:** There was no public comment.

### **Approval of Minutes:**

- a. BOS Minutes of August 16, 2017: Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve the August 16, 2017, v3 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. Disposition of Records – Resolution 2017-17: Mrs. Schenk moved, seconded by Mr. Auerbach, that the Board approve Resolution 2017-17 regarding the Disposition of Records for the Board of Supervisors' meeting of August 16, 2017. Motion passed 5-0.

### **Reports:**

- a. Treasurer's Report for August 2017: Chairman Auerbach moved, seconded by Mr. Torres, that the Board approve the August 2017 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$100,981.91; the Park & Recreation Fund with disbursements of \$13,301.72; the Open Space Fund with disbursements of \$6,974.10; the Capital Reserve Fund with disbursements of \$41,208.57; the Highway Aid Fund with disbursements of \$138,308.13; the Emergency Services Fund with disbursements of \$29.99; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$932,170.51. Motion passed 5-0.
- b. Zoning Officer's Report: Mr. Snyder reported that during the month of August, 11 permits were issued and 25 building inspections took place. Building Fees collected were \$2,011.80; Recreation, Open Space and Impact Fees were \$-0-; Miscellaneous Fees collected were \$2,540.00. There are 3 ongoing zoning issues being monitored. Mrs. McVaugh updated the Board as follows: 6 Meadow Wood Lane has new owners and they are working on getting the grass mowed; 308 Heather Hills, the bank has repossessed the house and has hired a contractor to clean things up; 534 Church Hill Road, the zoning officer is working on getting the chicken coup moved to the back yard. The entire report may be seen on the Township website at [www.franklintownship.us](http://www.franklintownship.us).
- c. Planning Commission Report(PC): Supervisor Snyder advised that there was no business before the Planning Commission, therefore they did not meet in September.
- d. HARB/HC Report: Supervisor Snyder advised that these Commissions did not meet in September.

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- e. Franklin Sportsman's Association (FSA): Mr. Jim German, a member of the FSA, gave the first report of the season. He thanked the Board for allowing the FSA to hunt the Township Preserves once again this year. The FSA's roster is full at 35 members. The annual proficiency shoot was held on September 9<sup>th</sup> and 10<sup>th</sup>. Twenty-eight members participated and were qualified. The remaining members will not be allowed to hunt until they have qualified. Archery Season opened on September 16 and closes November 25<sup>th</sup>. It reopens on December 26<sup>th</sup> and closes on January 27<sup>th</sup>. Shotgun season opens November 27 and closes December 9<sup>th</sup>. It reopens on December 26<sup>th</sup> and closes on January 27<sup>th</sup>. Community Service projects from June through September included road cleanup on Chesterville and Creek Roads and maintaining the grassy area around the entrance to Banffshire, including mowing and weed whacking.

### **Business:**

a. Eagle Scout Projects Discussion and Approval:

1. Candidate Austin Gaydos – Boardwalk in Crossan Park: Austin is a junior at Avon Grove High School and an Eagle Scout Candidate. His project is to build a 225ft. x 3ft. boardwalk in the lower area of the Crossan Park trail behind the lower pavilion. Austin gave a thorough presentation of his project including design plans, list of materials and estimates of time, labor and cost. The Board was enthusiastic about the project. Mrs. Dea moved, seconded by Mrs. Schenk, that the Board of Supervisors support Austin Gaydos' Eagle Scout boardwalk project in Crossan Park and authorize assistance in an amount up to \$500. Motion passed 5-0.
2. Candidate Jacob Shuster – Bat Houses in the parks and preserves: Jacob is a junior at Avon Grove Charter School and an Eagle Scout Candidate. Jacob has chosen to build 8-10 bat houses and place them in various locations in the Township Park and Preserves. Jacob explained the bat house design he has selected will be approximately 26" tall and ½" thick and the wood will be coated with a solution to maintain a warm, dry interior. The houses will most likely be mounted on 10-15 ft. metal poles to make it more difficult for critters to access the houses. He also provided an estimate of the cost. The Board was enthusiastic about the project and will help Jacob decide where to locate the houses. Mrs. Schenk moved, seconded by Supervisor Dea, that the Board of Supervisors support Jacob Shuster's Eagle Scout bat house project and authorize assistance in an amount up to \$500. Motion passed 5-0.

Note: The following items were discussed out of the order in which they appear on the agenda.

- b. 223 Highland Dr. Stormwater Waiver Request: Chairman Auerbach moved, seconded by Supervisor Schenk, that the Board grant the request to waive the stormwater requirement of Section 19-3089.1.A for the proposed new home at 223 Highland Drive.

**Discussion:** Chairman Auerbach explained that this home was part of a subdivision plan that was approved before the 2013 stormwater ordinance was enacted. This particular section of the new stormwater ordinance not only causes a hardship due to the steep slopes and heavily wooded nature of most of the property, but since the property is 5 acres, any runoff would not impact surrounding existing or future building.

Motion passed 5-0.

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- c. Resolution 2017-18 – EMS Service Designation: West Grove Fire Co. (WGFC) and Southern Chester County Emergency Medical Services (SCCEMS), Medic 94, have requested that the Township pass a resolution stating that WGFC and SCCEMS are the first responders, in their designated coverage area, providing basic life support services and advanced life support and mutual aid to Franklin Township. Harold Walls, the Township’s Emergency Management Coordinator, was present to assist the Board with this discussion. Jim German, FSA member, and a paramedic, participated in the discussion. Mr. Snyder moved, seconded by Chairman Auerbach, that the Board of Supervisors adopt Resolution 2017-18, designating the West Grove Fire Company EMS as the Township’s primary EMS Agency (within its designated coverage area) and Medic 94 as the primary advanced life support and mutual aid provider in the Township.

**Discussion:** Mr. Walls explained that in most instances the Chester County (CC) 911 system is able to locate EMS companies within the county to respond to emergencies. However, in the event that WGFC needs back-up and all CC services are being used, WGFC must request back-up through the CC 911 system. Because of the geographical location of Franklin Township, many times the closest back-up is across state lines in Delaware or Maryland. At the present time CC 911 is not equipped to determine the closest service nor to communicate, via radio, if that service is located in another state. Only the Fire Chief has the ability to communicate via radio with neighboring counties in different states. Mr. Walls cited instances where lives have been lost because back-up services did not arrive in time. The Resolution is intended to allow the WGFC Chief to determine the closest available service and to use his radio to call for out-of-state back-up, when necessary. Supervisor Dea expressed concern that the language in the motion doesn’t accurately reflect what the Township wants to accomplish. After review, Solicitor Thompson suggested that the motion be amended as follows: *I make a motion to approve Resolution 2017-18 providing that basic life support and mutual aid be designated by the Chief Officer of West Grove Fire Co. EMS and that advanced life support and mutual aid be designated by Southern Chester County EMS.*

Mr. Snyder amended his motion accordingly and Chairman Auerbach seconded the amended motion. The motion passed 5-0.

- d. Ordinance 2017-03 – All-Way Stop at Peacedale and Franklin Roads: The existing condition at this intersection is that a stop sign – with “except right turn” – is present for westbound traffic on Peacedale Road. Township Engineer Eisenbrown conducted a study of the intersection on August 31, 2017 and submitted his recommendations for improvements in his report dated September 14, 2017. Mr. Torres moved, seconded by Supervisor Dea, that the Board of Supervisors enact Ordinance 2017-03, authorizing a 3-Way/All Way Stop intersection at Franklin and Peacedale Roads.

**Discussion:** Mr. Auerbach described the intersection and summarized the reasons for the Township’s concern as well as concerns that have been expressed by area residents. The motion passed unanimously.

- e. Ordinance 2017-04 – Installation of brake retarder signs: Supervisor Dea moved, seconded by Mr. Torres, that the Board of Supervisors enact Ordinance 2017-04 regarding the regulation of the use of engine retarding devices in the vicinity of 1903 New London Road.

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**Discussion:** Chairman Auerbach advised that this is the result of a resident's request. It was noted that because of the PennDOT signage requirements, New London must also pass this Ordinance in order for the signs to be installed.

Motion passed 5-0

- f. Ordinance 2017-05 – Flood Plain Ordinance: Mrs. Schenk moved, seconded by Mr. Snyder, that the Board of Supervisors enact Ordinance 2017-05, the Flood Plain Ordinance to allow residents who live in a FEMA designated flood zone to secure flood insurance.

**Discussion:** Solicitor Thompson named the following exhibits:

- Exh. T-1: Letter to the CC PC;
- T-2: CCPC Review Letter;
- T-3: Public Notice;
- T-4: Proof of Publication;
- T-5: Ordinance 2017-05.

There were no members of the public present for comment.

Motion passed 5-0.

- g. Ordinance 2017-06 – Wireless Communication Facilities: Chairman Auerbach moved, seconded by Supervisor Schenk, that the Board of Supervisors enact Ordinance 2017-06, which adds certain definitions relating to wireless communication facilities and to establish certain standards related to the location, placement, construction and maintenance of tower and non-tower based communication facilities located within the public rights-of-way.

**Discussion:** Mr. Torres questioned why the Township is not allowed to make a profit from these tower facilities, similar to the towers in the Park. Solicitor Thompson explained that since this activity does not produce revenue, the Township cannot charge a fee. The companies with towers at the park, lease the land on which the towers are placed and therefore the Township is entitled to charge a rental fee.

Motion passed 5-0.

- h. Resolution 2017-19 – Food and Water Watch: In response to AQUA PA's unsolicited bid to purchase Chester Water Authority (CWA), the Food and Water Watch has requested that townships pass a resolution opposing privatization of CWA. Mr. Snyder moved, seconded by Mr. Torres, that the Board of Supervisors adopt Resolution 2017-19 supporting Chester Water Authority's continuing operation as a publicly held utility. Motion passed 5-0.

- i. Site Improvement: Mr. Torres moved, seconded by Mrs. Schenk, that the Board of Supervisors authorize the purchase of 5 Norway Spruce Trees and 12 Green Giant Arborvitae from Clark's Nursery at a cost not to exceed \$2,727.00.

**Discussion:** Mr. Torres explained the overall landscaping plan for the area beyond the contractor's yard and explained where these trees will be placed.

The motion passed 5-0.

- j. Hess Mill Bridge Discussion: This is the first of many discussions regarding this timber bridge built in 1973. PennDOT inspects this bridge annually and has lowered the weight limit. The two options being considered at this point, are a pre-made concrete bridge similar to one that New London Township recently installed on West Avondale Road and rebuilding the timber bridge. The benefits to concrete are that it is long lasting and there would not be a weight restriction as there is on the timber bridge. The Township could install timber on the sides to make it more aesthetically pleasing. Alternate Engineer Ron Ragan gave his best cost estimate of a concrete bridge which is approximately \$350,000. The Township received a rough estimate of \$250,000 for a timber built bridge. Since Hess Mill Road is a low

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volume road, the Chester County Conservation District will evaluate this bridge and determine whether the Township is eligible for any grant money toward the project. Also, PennDOT advised Manager McVaugh to ask State Representative Lawrence to add this bridge to the Bridge Bill so that the Township may be eligible for state and federal funds in the future.

**Public Comment:** Supervisor Snyder thanked Assistant Manager Eastburn for his hard work and persistence in getting PECO and Verizon to remove poles and relocate wires at the intersection of Hess Mill Road and 896. Now that it has been cleaned up, the sight distance is greatly improved.

**Adjourn:** The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

*Sharon Norris*

Sharon Norris  
Township Secretary

BOS Mtg. 09.20.17.v.2.ER