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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES ORGANIZATIONAL MEETING JANUARY 3, 2012

### **Call to Order:**

At the request of the Township Manager, Solicitor Mark Thompson acted as Temporary Chairman and asked for nominations for the position of Chairman of the Board for 2012. Mr. Brindle nominated Mr. John Auerbach as Chairman of the Board. The nomination was seconded by Mrs. Penny Schenk and the motion passed unanimously. Mr. Auerbach called the meeting to order at 7:05 p.m. Present were Supervisors Overton, Brindle, Schenk and Latimer. Also present were Solicitor Mark Thompson, Municipal Secretary Sharon Norris and Township Treasurer Joan McVaugh. There were 21 members of the public in attendance.

### **Nomination of Vice Chairman:**

Mr. Auerbach nominated Mr. Brindle as Vice Chairman of the Board of Supervisors for 2012. The nomination was seconded by Mrs. Schenk. Motion carried.

### **Appointments:**

1. *Township Mgr. & Treasurer:* Mr. Auerbach moved that the Board of Supervisors appoint Joan McVaugh as Township Manager and Township Treasurer for 2012. The motion was seconded by Mr. Brindle. Motion carried.
2. *Municipal Secretary:* Mr. Auerbach moved that the Board of Supervisors appoint Sharon Norris as Municipal Secretary. The motion was seconded by Mr. Brindle. Motion carried.
3. *Solicitor/Engineers/Consultants:* Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors appoint the following firms as Township Engineers and Consultants for the year 2012:
  - Lamb McErlane – Solicitor;
  - LTL (General)
  - URS (Sanitary)
  - Advanced GeoServices (General)
  - Tetrahedron Consultants, Inc. (Hydrogeologist)
  - McCormick Taylor (Traffic)
  - Thomas Comitta & Associates (Planner)
  - Brandywine Conservancy (Planner)
  - Natural Lands Trust (Planner)Motion carried.
4. *Building Inspector/Zoning Officer:* Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors appoint LTL Consultants as the Building Inspector/Zoning Officer for the year 2012. Motion carried.

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Mr. David Paul Snyder, a member of the public, called for a point of order suggesting that the Chairman should entertain motions from others on the Board, rather than make the motions. Solicitor Thompson interjected that this issue had been previously discussed and, in his opinion, Roberts Rules of Order permit the Chairman to make motions or to entertain motions from others. Mr. Auerbach agreed with this interpretation of Roberts Rules.

5. Auditor: Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors appoint Barbacane Thornton as the Auditor for 2012. Motion carried.
6. Vacancy Board: Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors appoint David A. Philipp as Vacancy Board for 2012.

Discussion: Ms. Latimer asked for background information on Mr. Philipp since he is not generally known by the Board and was a late candidate for the position. Mr. Auerbach provided information concerning his association with Mr. Philipp and mentioned that Mr. Philipp is currently Chairman of the Township's Deer Management Association. Mr. Philipp was asked by the Board to comment on his understanding of the duties of the position and his interest in being appointed. The Solicitor was asked to provide a procedure for resolving the issue. The Solicitor stated that the proper protocol would be to take a vote on the motion that's currently on the floor. If the motion is approved then Mr. Philipp is appointed to the position. If the motion fails then a motion to appoint the other candidate can be entertained. The vote was 3 to 2 in favor of appointing Mr. Philipp to the Vacancy Board with Ms. Latimer and Mr. Overton voting "nay." Motion carried.

7. Planning Commission: Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors appoint Eric Brindle to a 4-year term on the Franklin Township Planning Commission, term to end December 31, 2015.

Discussion: Mr. Brindle asked for guidance from the Solicitor regarding whether he should abstain from this vote. The Solicitor advised that he is free to vote if he so chooses since there is no pecuniary advantage involved. Motion passed unanimously.

8. Emergency Management: Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors appoint Mr. Harold Walls as Emergency Management Coordinator through 12.31.12. Motion passed unanimously.
9. Historical Architectural Review Board (HARB): Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors appoint Paul Lagasse and Lou Mandich to 5-year terms on the HARB, both terms to expire on 12.31.16. Motion passed unanimously.

### **Resolutions:**

1. Resolution 2012-01 (Barbacane Thornton): Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors approve Resolution 2012-01 authorizing the firm of Barbacane Thornton to conduct the 2011 Township Audit. Motion carried.

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2. Resolution 2012-02 (Fees and Salaries): Mr. Auerbach moved, seconded by Mr. Brindle, that the Board of Supervisors approve Resolution 2012-02, setting the fees and salaries of Township engineers and consultants.

Discussion: There were questions from the public regarding the percent of increases to the fees over last year. It was noted that most of the fees did not increase for 2012 and those that did are in the 2-3% range. The exceptions included a 4% increase for the Commercial Building Inspector and a 10% decrease from Walt Leis, the Hydrogeologist, because his insurance was reduced by that amount and he passed the savings on to the Township. Motion passed unanimously.

3. Resolution 2012-03 (Fire Hydrant Tax): Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve Resolution 2012-03, referencing the fire hydrant tax of \$42.82 per parcel.

Discussion: Parcels that are located within 780 ft. of a fire hydrant pay the tax and they receive a reduction in insurance. Motion carried unanimously.

4. Resolution 2012-04 (Financial Institutions): Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve Resolution 2012-04, authorizing the use of National Penn Bank, the Pennsylvania Local Government Investment Trust (PLGIT), and M & T Bank as designated financial institutions for Franklin Township.

Discussion: These banks have been used for a long time by the Township and National Penn has a good rating for stability. Motion carried unanimously.

5. Resolution 2012-05 – Fee Sheet Resolution: Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve Resolution 2012-05, an updated fee resolution, listing all the costs involved in doing business within the Township.

Discussion: Mr. Auerbach provided an overview of the list of fees. Mrs. McVaugh advised that the only increase was for driveway permits – from \$50 to \$100. She also explained that the intent is to break even with the expenditures the Township incurs for consultant services, not to make a profit. Normally the Township spends a little more than it takes in. A question was asked by a member of the public regarding fees for installing a geothermal system. It evolved into a discussion of a specific situation which will be looked into by the Township Mgr. Motion carried unanimously.

6. Resolution 2012-06 – Check Signing: Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve Resolution 2012-06, the check signers' resolution, adding Penelope Schenk and John Auerbach as authorized Township check signers and removing Norman Hughes and William Skalish from the list. Motion passed unanimously.

**Township Meeting Dates**: Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve the advertising for the 2012 Township meeting schedule as follows:

- Setting the Board of Supervisors meetings on the 2<sup>nd</sup> and 3<sup>rd</sup> Wednesday of each month beginning at 7:00 p.m.
- Setting the Planning Commission meetings on the 1<sup>st</sup> Thursday of each month beginning at 7 p.m.
- Setting the HARB meetings for the 1<sup>st</sup> Tuesday of every month as needed beginning at 7 p.m.

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- Setting the Open Space Committee meetings for March 13, June 12 and November 13, 2012.  
Motion passed unanimously.

**Township Holiday Schedule:** Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve the following dates as official paid holidays for the Township staff in 2012 and authorize the Township office to be closed on those days:

January 2	New Year's Day
January 16	Martin Luther King Day
February 20	President's Day
April 6	Good Friday
May 28	Memorial Day
July 4	Independence Day
September 3	Labor Day
November 22	Thanksgiving Day
November 23	Friday after Thanksgiving
December 24	Christmas Eve
December 25	Christmas Day

Motion passed unanimously.

**Designation of Newspaper for legal advertising:** Mr. Auerbach moved, seconded by Mr. Brindle, that the Board authorize the use of the Daily Local News, Avon Grove Sun and the Chester County Press for all legal advertising. Motion passed unanimously.

**Treasurer's Bond:** Mr. Auerbach moved, seconded by Mr. Brindle, that the Board approve the Treasurer's Bond for 2012 to be set at \$2,500,000. Motion carried unanimously.

**PSATS Annual Convention:** Mr. Auerbach moved, seconded by Mr. Brindle, that the Board authorize the Chairman of the Board and/or the Township Manager to attend the PSATS Annual Convention held in Hershey, PA on May 6-9, 2012.

Discussion: Mr. Auerbach provided a brief description of the services that are available through PSATS. Motion carried unanimously.

### **New Business:**

- a. *Historic Commission:* Mr. Auerbach provided some background information on the Historic Commission which was formed in 2002 for the purpose of identifying historical sites and resources in Franklin Township. It is on the agenda because the terms of all current members, with the exception of Ralph Olivier, expired on December 31, 2011. With the barn decision pending, it was felt that perhaps recommendations from the Historical Commission might be needed or required. After some discussion, it was decided that the staff will contact the current members to see if they are interested in extending their terms and if not, to determine if there are others in the Township who may want to be involved. The results of this investigation will be

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reported to the Board members and any appointments and/or reappointments, if required, will be made at the next Board meeting.

- b. *Video Recording of BOS Meetings*: The Board decided in July 2011 to start videotaping the Board meetings and making the video available on the website for public access. A sense of the Board is requested to decide 1) whether to continue to videotape the meetings and 2) if so, to authorize the staff to purchase a tripod and camera for Township use. The equipment that is being used currently belongs to one of the supervisors. After discussion which included many questions and comments from members of the public, the sense of the Board was to continue videotaping the meetings for public access and to authorize the staff to purchase the necessary equipment to do so.

### **Public Comment:**

**Mr. Marvin Paisley** requested information regarding how the Township communicates with the residents.

Several other members of the public, who did not identify themselves for the record, spoke about issues related to communication.

Ms. Latimer, Mr. Brindle, Mr. Overton, Mr. Auerbach and Mrs. McVaugh answered questions and provided information on the efforts made by the Township to communicate with the residents. Mrs. McVaugh explained that the Township is attempting to get as many email addresses as possible so that the Township's data base can be used effectively in the Township's communication efforts. Mr. Brindle encouraged residents to be proactive in this regard and to contact Sharon Norris and give their permission to use their email addresses for Township communications.

**Mr. Jeff Schenk** expressed concern regarding the fact that he provided his email address to the Township and then began receiving emails from individuals to whom he had not given his email address. Mrs. McVaugh and Ms. Latimer assured him that the Township did not give out his email address and will not give out anyone's email address to another person or organization.

Regarding Ms. Latimer's previous efforts to communicate with the residents by providing summaries of the meetings, etc., Mr. Auerbach stated that he believes her intent was noble and it was a good effort and that he hopes that the Board can work together to do the best possible job in the future.

**Ms. Teddy Price** introduced herself as a member of the Township's Open Space Committee and a former member of the Board for four years, as well as a resident. She welcomed Penny Schenk and John Auerbach to the Board and referenced a written campaign communication that was sent out towards the end of the campaign in which they stated that they were not pro development, were not interested in selling Township properties to raise funds and did not want to cut services. She hopes they keep those promises. She commented that she and others have worked hard over many years to make the Township a great place to live by limiting development and keeping it rural, by adopting and enforcing strict ordinances, running a tight budget and by having excellent consultants. She hopes that will continue in the future.

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**Mr. John Lawrence** stated that, in his opinion, the reason John and Penny's campaign made those statements in that final newsletter was to respond to completely inaccurate information from other parties who stated that they were going to do those things which they had absolutely no intention of doing. Mr. Lawrence said that he wanted it to be a matter of public record that we (John and Penny) never intended to sell any Township properties or cut services in any way and it was nothing more than an inappropriate and slanderous attack that should be completely forgotten now that the campaign is over.

Mr. Auerbach agreed with Mr. Lawrence's comments. He reiterated that he is not pro development, has no intention of selling public property, or deliberately cutting services. He added, however, that in a tight budget something might have to be done. He said he is only interested in having a functioning Board that communicates across all levels.

**Carl Hayes** added that it's all in the past and to give the new Board the opportunity to work together.

**Adjourn:** The meeting was adjourned at approximately 8:35 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

BOS 1.3.12.v.3.er