

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES March 15, 2017

Call to Order:

Chairman Auerbach called the meeting to order at 7:04 p.m. Present were Supervisors Dea, Snyder, Torres and Schenk. Also present were Township Solicitor Mark Thompson, HC/HARB Chairman Paul Lagasse, Planning Commission (PC) Chairman Dave Hoffman, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. There was 1 member of the public in attendance and Court Reporter Nancy Sage.

Announcement: There will be an Executive Session after tonight's meeting to discuss personnel matters.

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 February 15, 2017:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the February 15, 2017, v2 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. *Disposition of Records – Resolution 2017-08:* Mrs. Schenk moved, seconded by Mrs. Dea, that the Board approve Resolution 2017-08 regarding the Disposition of Records for the Board of Supervisors' meeting of February 15, 2017 and the PC meeting of February 2, 2017. Motion passed 5-0.

Reports:

- a. *Treasurer's Report for February 2017:* Chairman Auerbach moved, seconded by Mr. Torres, that the Board approve the February 2017 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$137,729.75; the Park & Recreation Fund with disbursements of \$1,687.00; the Open Space Fund with disbursements of \$6,974.10; the Emergency Services Fund with disbursements of \$4,241.99; the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$635,143.40.

Discussion: Mr. Torres inquired about the current real estate tax account which involved a transfer to the Fire Hydrant Fund.

Motion passed 5-0.

- b. *Zoning Officer's Report:* Supervisor Snyder reported that during the month of February, four permits were issued and 15 building inspections took place. Building Fees collected were \$753.90. Miscellaneous Fees collected were \$435. No Recreation, Open Space or Impact Fees were collected. There are three ongoing zoning issues, as follows: 419 Chesterville: a neighbor complained about stormwater runoff from the 419 property. The property owner at 419 was working on a solution when he had a heart attack. No further progress has been made. 1620 New London Rd.: property owner has not applied for conditional use for multiple uses. Zoning Officer will send a Violation Notice. 308 Heather Hills: letter was

APPROVED

sent requesting removal of a commercial trailer from the property on 1.20.17. Notice of Violation was issued 3.1.17.

- c. Planning Commission Report: Chairman Dave Hoffman summarized the March 2, 2017 PC meeting which included the review of Paradox Winery's CU application and a discussion of the mini cell tower ordinance. Details of these discussions may be found in the approved minutes of the meeting.
- d. HARB/HC Report: Chairman Paul Lagasse reported that the HC and HARB did not meet in March. Mr. Lagasse reported that PennDOT is continuing their assessments of historical structures along Route 896. He noted that PennDOT is proposing major realignments of the intersections of 896 and Appleton Rd. and 841 and 896 which could significantly impact some of the historic structures in the Village as well as the historic blacksmith shop at the 841 intersection.

Business:

- a. Paradox Conditional Use(CU) Public Hearing and BOS Consideration: Solicitor Thompson opened the Public Hearing for Paradox Vineyard LLC/Flint Hill Handshake Partners LP for CU Approval pursuant to Section 27-1718 of Franklin Township's Zoning Ordinance in order to permit the expansion of the existing Winery Accessory to Agriculture Use involving the construction of a patio, a new interior driveway and parking to accommodate additional customer areas in the winery building. The property consists of 17.7 acres, located at 1833 Flint Hill Rd., Tax Parcel 72-5-22, located partially in the LDR, Low Density Residential District. Pursuant to the Municipalities Planning Code (MPC), the Solicitor named the following exhibits:

- Exh. T1 – The CU Application;
- Exh. T2 – The Plan;
- Exh. T3 – The Public Notice;
- Exh. T4 – The Proof of publication in the Daily Local;
- Exh. T5 – The February 13, 2017 LTL Consultant's Review letter;
- Exh. T6 – The Stipulated Settlement Agreement dated September 15, 2009, under which the applicants are currently operating.

At their March 2, 2017 meeting, the Planning Commission recommended that the Board approve the use, extinguish the Stipulated Agreement and waive the land development requirement for this application. No one from the public requested to be made a party to the Hearing. Drs. Hoffman & Harris, upon being sworn, presented the plan. Dr. Hoffman mentioned their intent to eventually enlarge the septic system and advised that, since the PC's review, they have decided to apply an impervious surface to the patio, rather than use grass pavers. Solicitor Thompson called for comments from the public and the Board. There were no comments from the public. Supervisor Dea had concerns regarding approval of a plan which is subject to further revision and also questioned why the Board should grant a waiver of the land development requirement, as recommended by the PC. Solicitor Thompson explained that this hearing is on a zoning use governed by a Stipulated Agreement imposed in 2009, prior to the enactment of the Accessory to Agriculture section of the Zoning Ordinance. The applicants are requesting to be governed by Zoning Ordinance Section 1718, now in effect, and to have the Stipulated Agreement expunged. As for waiving the land development requirement, it was recommended by the PC because there is no

APPROVED

construction or expansion of the commercial building planned for this use. Solicitor Thompson closed the Public Hearing.

Regarding Paradox Vineyard, LLC/Flint Hill Handshake Partners, LP, Mr. Auerbach moved as follows:

1. That the Board approve the Conditional Use Application to change the upper floor to an event venue and add 3,100 sq. ft. of pervious patio and sidewalk, and 1,322 sq. ft. of impervious walkway.
2. That the Board waive the land development requirement for this use.
3. That the Board extinguish the Stipulated Settlement Agreement between Flint Hill Handshake Partners, LP, Paradox Vineyard LLC and Franklin Township dated September 15, 2009.

Motion seconded by Mr. Snyder.

Discussion: Mrs. Schenk questioned #1 of the motion, second line, should “pervious” be “impervious”? This caused a discussion leading to the following amendment of #1 offered by Mr. Auerbach:

1. That the Board approve the conditional use application to change the upper floor to an event venue, and add 3,100 sq. ft. of impervious patio and sidewalk, and 1,322 sq. ft. of impervious walkway and additional overflow parking and driveway not to exceed 5,578 sq. ft. of impervious cover.

Mr. Snyder seconded the amendment. The Amended Motion carried 5-0.

- b. Resolution 2017-09 – FSA Hunting License: Mr. Snyder moved, seconded by Mr. Auerbach, that the Board adopt Resolution 2017-09, issuing a hunting license to the Franklin Sportsman’s Association to allow for the management of the deer population by hunting on Township properties during the 2017-2018 hunting season.

Discussion: Chairman Auerbach noted that the FSA provides a tremendous benefit to the Township by not only being stewards of the land but also performing numerous public service projects during the year. Because of the FSA, many Township projects get completed without spending Township funds. The Board members thank the FSA for their service to the community.

Motion passed 5-0.

- c. Meeting Room ADA Restroom Scope of Work: Mr. Auerbach updated the Board on the progress of making the meeting room restroom ADA compliant. The contractor has been identified and has provided a bill of materials. He will begin the work the weekend of March 18th. Jeff Eastburn and Mr. Auerbach will be shopping for material this week.

- d. Road Program Update: Mr. Auerbach provided information regarding the funding of the road program and advised that approximately \$200,000 will come from the Liquid Fuels Fund this year and approximately \$400,000 from the Capital Fund. A more specific cost analysis will be forthcoming in the next several weeks. The following roads have been identified to be part of this year’s road program – not necessarily in priority order: Laurel Bridge Road, S. Guernsey Road with guiderails on both of these roads to be approved by PennDOT and completed using Liquid Fuels money. Auburn Road will be repaired using Impact Fee money. The balance of Auburn Road, Conard Mill Road, Parsons Road, Hilltop Road and

APPROVED

Hess Mill Road are also part of this year's road program. Mr. Auerbach reviewed the safety issues that exist on many of these roads and explained the plans to improve safety as well as repave them. He provided information on 3 proposed pipe replacement projects, stating that they plan on using a pipe lining technique from a company called Snap Tight, which provides significant cost savings to the Township. Snap Tight will provide engineering oversight in this initial application to make sure that our contractor's technique is correct. Mr. Auerbach also provided an update on the Hess Mill Bridge which has been reinforced with 8 pilings as an interim fix that will hopefully provide another two years before major repairs or replacement will have to be considered.

Public Comment: Ms. Suzie Harris of Kemblesville West asked about pipeline safety and emergency plans in the event of a pipeline malfunction. Mr. Auerbach suggested that arrangements be made to bring the Emergency Services Coordinator, Harold Walls, to a meeting for a discussion on this topic. Mr. Auerbach agreed that a pipeline breach is a catastrophic event, however from his past experience, he indicated that the integrity of the pipeline is very high. Nearly all failures are caused by unauthorized excavation. He stated that pipeline companies are required to surveil the pipeline every two weeks, usually by air. The staff will provide Ms. Harris with phone contact information for the pipe line company.

Adjourn: The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Sharon Norris

Sharon Norris

Township Secretary

BOS Mtg. 03.15.17.v.2.ER