

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES March 16, 2016

Call to Order:

Mr. Auerbach called the meeting to order at 7:03 p.m. Present were Supervisors Dea, Schenk, Torres and Snyder. Also present were Township Solicitor Mark Thompson, Manager/Treasurer Joan McVaugh and Secretary Sharon Norris. Planning Commission Chairman Dave Hoffman arrived at 7:10 p.m. There were 16 members of the public in attendance.

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

Public Comment: Chairman Auerbach announced that public comment would be permitted during several of the agenda items due to significant public interest.

Approval of Minutes:

- a. *BOS Minutes of February 17, 2016:* Mr. Auerbach revised the wording of the first sentence under New Business, pg. 3, item "c" Communication Tools, 3rd line to read as follows: "...expensive to publish and in his conversations with residents, it became clear that the newsletter was seldom read." Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the February 17, 2016.v.2 Minutes, as amended.
Motion passed 4-0. Supervisor Dea abstained due to not being present at the 2.17.16 BOS Meeting.
- b. *Disposition of Records – Resolution 2016-10:* Mr. Auerbach moved, seconded by Mr. Torres, that the Board approve Resolution 2016-10 regarding the Disposition of Records for the Board of Supervisors' meeting of February 17, 2016, and the Planning Commission Meeting of February 4, 2015. Motion passed 5-0.

At this point in the meeting, the order of the agenda was changed to accommodate people's schedules. The minutes reflect the order of the original agenda.

Reports:

- a. *Treasurer's Report for February 2016:* Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board approve the February 2016 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$164,411.12; the Park & Recreation Fund with disbursements of \$4,152.84; the Open Space Fund with disbursements of \$7,172.61; the Capital Reserve Fund with disbursements of \$5,707.93; 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 \$438,596.22.
Motion carried 5-0.
- b. *Zoning Officer's Report February 2016:* Mr. Auerbach reported that during the month of February, 4 new permits were issued (2 for new homes) and 40 various inspections were performed. Building/zoning fees collected were \$4,814.75; Recreation and Impact fees were \$4,692.71; and \$1,640.00 in miscellaneous fees were collected. There are no zoning issues.
- c. *HARB/HC Reports:* Chairman Lagasse was absent due to attending a training session, and submitted written reports of the March 2nd meetings. Mr. Auerbach read the highlights of the reports. These reports will be posted on the Township website and further details may be found in the approved minutes of the meetings.

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Planning and Zoning:

- a. Planning Commission (PC) Report: Planning Commission Chairman Dave Hoffman reported on the March 3rd PC Meeting at which they discussed the Keen 3-lot Plan and ordinance revisions, including the ordinance prepared by the Attorney General's office regarding the ACRE action against the Township. Complete details of the meeting may be found in the approved minutes of the meeting. A discussion followed regarding ordinance revisions during which Paul Overton, Township resident and former supervisor, expressed a concern that certain ordinances were being made more restrictive. Mr. Auerbach explained that the revised ordinances are less restrictive related to the keeping of chickens and horses.
- b. Ordinance Revision - Authorization to advertise: This is a discussion regarding the authorization of the Solicitor to advertise several ordinances for adoption at the April Board meeting, as follows:

Ordinance 2016-02 Amending Zoning Chapter 27: This Ordinance was crafted by the Attorney General in response to the challenge of the Township's Zoning Ordinance brought by Gourmet's Delight under the ACRE law. The Ordinance amends Chapter 27 to add and delete definitions, to permit Agriculture and buildings related to agriculture in the AR Zoning District, provide for building setbacks, permit a commercial compost fertilizer or mulch operation in the Special Use District, delete Section 1506 governing composting, add a new section 1720 governing design standards for Normal Agricultural Operations, repeal Part 26 governing mushroom substrate processing and amend Chapter 22, Subdivision and Land Development to add the definition of Normal Agricultural Operation and amend Parts 6 and 7 to specify provisions applicable to Normal Agricultural Operations. Solicitor Thompson provided the background information regarding Gourmet's attempts to obtain Township approval to expand their mushroom growing and substrate processing operation and the position taken by the Township under the Township's Zoning Ordinance. He explained the action taken by Gourmet under the ACRE statute and how it has allowed the Attorney General access to the Township's Zoning and SALDO ordinances relative to all activities related to agriculture. He explained that his efforts have been to preserve as much regulatory status as possible in this regard. Mr. Auerbach stated that, as part of the land development process, he intends to continue to communicate with Gourmet regarding steps they can take to mitigate any negative impact their expanded operation may have on neighboring residents. Residents who participated in this discussion included Pat & Linda Talwin, Paul Overton, Chris Farmer, Barbara Mack and Mr. & Mrs. Walker.

Ordinance 2016-03 Adding a new Section 1515, Keeping of Horses, to Zoning Chapter 27: Mr. Auerbach noted that the reason for the revisions was to make the ordinance less restrictive for residents who wanted to have horses. The Solicitor cautioned that there may be a problem with the Township regulating the number of horses/acre.

Ordinance 2016-04 Amending Zoning Chapter 27 to allow Agriculture as a use by right in all districts: No discussion.

Ordinance 2016-05: Amending Zoning Chapter 27 to add, amend and delete definitions to Part 2, Section 27-202: Supervisor Dea asked for clarification of the definition of Pets, Indoor and Outdoor. Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors authorize the Solicitor to advertise the following Ordinances for adoption at a public hearing to be held at the April 20, 2016 Board of Supervisors Meeting:

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1. Ordinance 2016-02 – Amending Chapter 27 to add and delete definitions, to permit Ag and buildings related to Ag in the AR Zoning District, provide for building setbacks, permit a commercial compost, fertilizer or mulch operation in the Special Use District, Delete Section 1506 governing Composting, add a new Section 1720 governing design standards for normal Ag operations, repeal Part 26 governing mushroom substrate processing and amending Chapter 22, Subdivision and Land Development to add the definition of Normal Ag operation and amend parts 6 and 7 to specify provisions applicable to normal Ag operations;
2. Ordinance 2016-03 – Adding a new Section 1515 to Chapter 27, Zoning, governing the Keeping of Horses;
3. Ordinance 2016-04 – Amending Chapter 27, Zoning, Sections 802 (Village), 904 (TND) and 1102 (Light Industrial) to allow agriculture as a use by right;
4. Ordinance 2016-05 – Amending Chapter 27, Zoning, to add, amend and delete definitions to Part 2, Section 27-202.
Motion passed 5-0.

New Business:

- a. **Keen 3-Lot Subdivision Plan:** The property is located on Auburn Road, just south of the Church Hill Road intersection. Margaret Walker and Linda Talwin, residents, expressed concern regarding the dangerous curve on Auburn Road and asked if the Township had considered making improvements to the Road prior to approving the Subdivision Plan. Mr. Auerbach explained that the Keen Estate Subdivision Plan was approved in 2012 with a condition that a land development plan would be required prior to construction of dwelling units. Mr. Alan Hill from Hillcrest Associates, representing the applicant, pointed out that the area where the curve is located is not part of the plan. He also advised that two driveways for the three building lots have been approved for sight distance by PennDOT. Mr. Auerbach noted that due to the surrounding topography, there is usually little the Township can do regarding structural improvements to Township roads. However, as in the past, the Township will study the area to see if there is anything further that can be done to help insure the safety of the public. Mr. Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors, based on the recommendation of the Planning Commission at their March 3, 2016 meeting regarding the Keen 3-Lot Land Development Plan, grant approval for the Keen 3-Lot Land Development Plan with the following conditions:
 1. The approval and issuance by the Chester County Conservation District of a NPDES permit and receipt by the Township of evidence of such approval.
 2. Satisfactory resolution of any and all outstanding issues outlined in Engineer Eisenbrown's review letter of February 26, 2016.
 3. Payment by the applicant of all outstanding and expected legal and consultant review expenses and funding of any and all escrow accounts in accordance with Township policies and requirements prior to the Plan and Agreement(s) being released for recording.

Discussion: Supervisor Dea inquired how the outstanding issues listed in the review letters would be satisfied and Supervisor Torres asked why the Board doesn't wait to approve the plan until all outstanding items have been completed. Mr. Hill explained that many of the listed requirements are generic in nature and do not require a specific action and Township Engineer Eisenbrown is satisfied that all the items in his February 26, 2016 review letter have

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been addressed. The NPDES Permit is a requirement and the application is currently being reviewed by the County. Solicitor Thompson responded to Supervisor Torres explaining that there are four standard agreements to be approved and executed by all parties prior to recording the plan and there are no issues with them. It has been the Township's practice, once all the technical issues have been addressed, to grant final approval conditioned on the completion of these administrative items. The plan cannot be recorded until all conditions are met and the applicant cannot implement the plan until it is recorded. The Motion passed 4-1 with Mr. Torres voting nay. After the vote Mr. Paul Overton inquired whether the special septic requirements for this project are recorded on the plan. Mr. Romanelli confirmed that they are.

- b. Paradocx Proposed Brewery Use Discussion: Drs. Mark Harris and Dave Hoffman, co-owners of Paradocx Vineyard, discussed their desire to secure a license and establish a brewery at their winery location. Drs. Harris and Hoffman provided some of the history of their winery operation. Their goal is to obtain a "brewpub" license which allows them to serve both beer and wine, but requires that the operations be physically separated. Therefore, they plan to have the brewery operation on the first floor and move the wine tasting operation to the second floor and to grow their own hops and/or barley. They would also propose changing the hours of operation to allow the facility to stay open to 11 p.m., rather than the current 9 p.m. Dr. Hoffman also mentioned the setback requirements which currently require outside activities to be at least 100 ft. from the adjacent property line, which precludes having a wedding ceremony on the patio. He would like the setback requirement to be 50 ft. Mr. Auerbach mentioned the issue of the Township being a dry township and asked the doctors to do the research necessary to determine how their plans could be affected by that fact. The Township staff and solicitor will look into revising the Township ordinance to allow more liberal hours of operation, make a brewery an accessory to agriculture and either decrease the setback requirement or allow for a waiver of the 100 ft. requirement for a special event. The Board is generally in favor of the proposal but expressed a need to be sure that servers are properly trained not to overserve and to flag customers they believe are intoxicated. *Note: Mr. Snyder left at this point in the meeting.*
- c. FSA Hunting License Renewal – Resolution 2016-11: Mr. Auerbach moved, seconded by Mrs. Dea, that the Board of Supervisors adopt Resolution 2016-11, issuing a license to the Franklin Sportsman's Association to hunt on the following Township Preserves for the 2016-2017 hunting season: Banffshire, Goodwin, Franklin and White Clay Crescent. Motion passed 5-0. *Note: This item was discussed and voted on prior to Mr. Snyder's departure.*
- d. Eagle Scout Project: Nick Dinsmore has requested permission to build a rain garden, approximately 310 sq. ft., adjacent to the municipal building for his Eagle Scout project. He expects that most of the materials will be donated by local businesses and his estimated cost for the purchase of native plants is \$455. He plans to start the project in the spring and should complete it within 3 weeks. Nick will provide maintenance guidelines for the rain garden to the Township. Chairman Auerbach thanked Nick for his presentation and stated that the Township will donate up to \$500 toward the project. He suggested that Nick contact Steve Castorani at North Creek Nursery for information and materials. Mr. Auerbach advised Nick that the Franklin Sportsman's Association (FSA) intends to do some planting around the flagpole this spring and Nick should coordinate his project with theirs for both timing and location. Also FSA members may be able to help with labor and equipment. Since the Township is being required to implement more stringent stormwater management

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regulations, Dr. Hoffman suggested providing Nick with the County's standards for rain gardens. Mr. Auerbach moved, seconded by Ms. Dea, that the Board of Supervisors support Nick Dinsmore's rain garden project adjacent to the Township building and authorize assistance in an amount up to \$500. Motion carried 4-0.

- e. Tax Collection Committee Delegates: Mr. Auerbach moved, seconded by Mrs. Schenk, that Supervisor Torres be designated as the primary delegate and Supervisor Snyder be designated as the secondary delegate to the Tax Collection Committee, regarding the County collection of the EIT tax, filling the positions previously held by Eric Brindle and Ralph Olivier. Motion carried 4-0.
- f. Resolution 2016-12 Emergency Management Manual Update: Mr. Auerbach moved, seconded by Mr. Torres, that the Board adopt Resolution 2016-12, updating the Township's Emergency Management Manual.

Discussion: Harold Walls, Emergency Management Coordinator, explained that the County requires the operational manual to be revised every two years. No procedural changes were made, only administrative updates. Supervisor Schenk inquired about training for supervisors. Mrs. Schenk will put together a list of attendees and will work with Mr. Walls to schedule the training. Mr. Auerbach thanked Harold for his service to the Township. Motion passed 5-0. *Note: This item was discussed and voted on prior to Mr. Snyder's departure.*

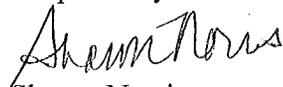
Old Business:

- a. Tree in honor of Ralph Olivier: Mr. Torres spoke to a local landscaper regarding the type of tree and the cost and Mr. Auerbach will contact someone he knows for additional input. The Board agreed to plant a tree and install a plaque on the Township property in memory of Ralph Olivier. Mr. Auerbach moved, seconded by Mr. Torres, that the Board approve an expenditure of up to \$500 to purchase a tree and a plaque, in memory of Ralph Olivier, past Planning Commission Chair. Motion passed 4-0.
- b. Communication Tools for the Township: Mr. Auerbach commented on the ineffectiveness of the Township newsletter when compared with the communication methods now available through social media. The Township Webmaster, Frank Norris, was present to discuss the Township's newly created Facebook Page entitled "Franklin Township, Kemblesville, PA." and to discuss the future of the website. GoDaddy, the current provider, is discontinuing version 6 of the template and the new version will not provide the features the Township needs. The Board has requested Mr. Norris to prepare a proposal to create a new website using Word Press and present it to the Board within the next two months.

Public Comment: There was no public comment.

Adjourn: The meeting was adjourned at 10:25 p.m.

Respectfully submitted,


Sharon Norris
Township Secretary