

# APPROVED

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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES July 18, 2018

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:02 p.m. In attendance were Supervisors Dea, Morris, Snyder and Torres. Also in attendance were Township Solicitor Mark Thompson, Historical Commission and HARB Chairman Paul Lagasse, Manager/Treasurer Joan McVaugh, Assistant Mgr. Jeff Eastburn and Secretary Sharon Norris. There were 4 members of the public in attendance.

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

**Announcements:** There will be an executive session after tonight's meeting to discuss potential litigation.

**Public Comment:** There was no public comment.

### **Approval of Minutes:**

- a. *BOS Minutes of June 20, 2018:* Mrs. Morris moved, seconded by Mrs. Dea, that the Board approve the June 20, 2018 Minutes, as presented by the Township Secretary. Motion passed 4-0-1. Supervisor Dea abstained because she did not attend the June BOS meeting.
- b. *Disposition of Records – Resolution 2018-18:* Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve Resolution 2018-18 regarding the Disposition of Records for the June 20, 2018 BOS Meeting. Motion passed 5-0.

### **Reports:**

- a. *Treasurer's Report for June 2018:* Chairman Auerbach moved, seconded by Mr. Torres, that the Board approve the June 2018 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$89,169.65; the Park & Recreation Fund with disbursements of \$10,297.52; the Open Space Fund with disbursements of \$7,127.17; the Capital Reserve Fund with disbursements of \$6,882.00; the Emergency Services Fund with disbursements of \$51,930.62; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,228,241.91. Motion passed 5-0.
- b. *Zoning Officer's Report:* Mr. Snyder reported that during the month of June, 10 permits were issued and 31 building inspections were completed. Building fees collected were \$2,932.50; Recreation, Open Space & Impact Fees collected were -0-; and miscellaneous fees collected were \$1,960.00. There are four ongoing zoning issues, as follows: 1651 New London Road – the homeowner picked up the paper work to begin the permitting process for a change of use permit, but has not yet submitted it; 3300 Appleton Rd., the property owner was fined \$10,000 for two separate charges and he has filed an Appeal, and the Township has filed an Answer to the Appeal; 3327 Appleton Rd., the owner has been served and the hearing is scheduled for August 9<sup>th</sup> at 11:00 a.m. in Kennett; and 1620 New London Rd., the Township has been working with the property owner to complete the work required by his Conditional Use. The Zoning Officer's report is on the Township website at [www.franklintownship.us](http://www.franklintownship.us).
- c. *Planning Commission Report(PC):* The PC did not meet in July.

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d. HARB/HC Report: The HARB and Historical Commission did not meet in July.

### **Business:**

- a. Kaitlin O'Reilly Girl Scout Gold Project: Kaitlin is a senior at Avon Grove High School. Previously Kaitlin built a hexagonal shaped wooden picnic table and planted a tree in Crossan Park for her Girl Scout Silver project. For her Gold project, she plans to use a drone to make a video that will showcase Crossan Park and Nichol Park, highlighting the playgrounds, trails, ball & tennis courts, dining areas and other features that benefit the community. Her purpose is to encourage people to spend more time outdoors and to participate in activities that are available locally. Kaitlin plans to use social media and the Township's website, as well as flyers and signs to publicize the video. Chairman Auerbach mentioned that there may be some video clips available of events that have been held at Crossan Park that Kaitlin could use in her project. The Board encouraged Kaitlin to move forward with her project and indicated that funds up to \$500 would be available from the Township, if needed.
- b. Keen 3-Lot Subdivision Final Escrow Release: The developer of this 3-lot subdivision has completed the project and has requested the release of their escrow funds. Supervisor Dea moved, seconded by Supervisor Morris, that based on the recommendation of the Township Engineer in his letter dated July 11, 2018, the Township release the final escrow amount of \$9,500.00 for this project. Motion passed 5-0.
- c. Ordinance Discussions:
  1. Solicitation in the Township: The Township continues to receive complaints from residents regarding door-to-door solicitations, especially those that come late in the evening. Some residents would like the Township to adopt an ordinance or, at a minimum, require all sales people to apply for a solicitation permit from the Township. The subject was discussed at the June 20<sup>th</sup> BOS meeting and the consensus of the 4 supervisors present was not to proceed with a "no solicitation" ordinance based on cost vs. benefit to the residents. The reasoning was that the ordinance would be unenforceable unless the Township had a police force. It is being discussed at tonight's meeting because the Chairman wanted Supervisor Dea to have the opportunity to weigh in on the matter. The Solicitor provided a sample of the language that would need to be included in such an ordinance to allow for free speech and the distribution of religious and political information. After watching the video of the discussion and reviewing all of the background information, Mrs. Dea agreed with the other Board members not to adopt a "no solicitation" ordinance.
  2. Bamboo: The issues created by unattended bamboo plants in the Township were discussed at last month's meeting and reiterated in Mrs. McVaugh's memo to the Board dated July 13, 2018. The Board decided last month to have the Solicitor draft an ordinance that would require homeowners to keep their bamboo plants at least 40 ft. from the roadway and 10 ft. from all property lines and to maintain the height so that even if weighed down by snow/ice, it can't fall into the roadway and impede traffic. In addition, in the event the bamboo is not maintained, the ordinance would allow the Township to recoup the costs of removing the bamboo from Township roads when necessary. The Board reviewed the draft ordinance and further revisions were discussed with the Solicitor. The revised ordinance will be discussed at next month's meeting.

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**Public Comment:** Paul Lagasse discussed his concerns regarding the property at 3327 Appleton Rd. As Manager McVaugh reported earlier, the owner has been served and a hearing is scheduled for August 9<sup>th</sup> in Kennett Square. Mr. Lagasse said that he wanted to state publicly, as Chairman of the Township Historical Commission and HARB, that the HARB will require the most historically acceptable remedy regarding rehabilitation of the property and he would like a commitment from the Board that the conditions originally applied to that property be upheld no matter what happens to the existing structure. There was significant discussion among the Board members and the Solicitor with input from the Township Manager. Solicitor Thompson mentioned other actions that can be taken regarding code violations and something called the “Blight Act” which involves appointing a conservator. Supervisor Morris suggested that the Solicitor write the owner a letter explaining that letting the property deteriorate due to neglect is not a way of avoiding his responsibility to renovate the property according to Historical District Standards. Chairman Auerbach suggested waiting to see what happens at the hearing on August 9<sup>th</sup> at which time it will be made clear to the Judge what the code violations and safety concerns are and how the owner’s continued unresponsiveness has greatly increased the seriousness of the situation and made the ultimate solution more difficult and more costly.

**Adjourn:** The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

Mtg. 07.18.18.v.2.ER