

# APPROVED

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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES September 26, 2018

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:01 p.m. In attendance were Supervisors Dea, Snyder and Torres. Supervisor Morris was absent. Also in attendance were Township Solicitor Mark Thompson, Manager/Treasurer Joan McVaugh, HARB/HC Chairman Paul Lagasse and Secretary Sharon Norris. Five members of the public were 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 legal issues.

**Public Comment:** Mary McVeigh of Sunset Circle thanked the Township for the paving job on the portion of Peacedale Road near Sunset Circle and the school. She mentioned that the recent heavy rains have caused deep ruts along the edge of the road. She also commented on the need for additional dumpsters at the Charter School and a concern regarding parents walking across Peacedale Road in the dark after school events. Chairman Auerbach explained that the Township used the Impact Fee money received from the Charter School's expansion project to fix the road and the Township will take care of any stormwater damage. Regarding Mrs. McVeigh's other concerns, he said they will be brought to the attention of the school administration.

### **Approval of Minutes:**

- a. *BOS Minutes of August 15, 2018:* Supervisor Dea moved, seconded by Mr. Snyder, that the Board approve the August 15, 2018 Minutes, as presented by the Township Secretary. Motion passed 4-0.
- b. *Disposition of Records – Resolution 2018-20:* Chairman Auerbach moved, seconded by Mr. Snyder, that the Board approve Resolution 2018-20 regarding the Disposition of Records for the August 15, 2018 BOS Meeting and the August 2, 2018 Planning Commission Meeting. Motion passed 4-0.

### **Reports:**

- a. *Treasurer's Report for August 2018:* Supervisor Snyder moved, seconded by Mr. Auerbach, that the Board approve the August 2018 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$98,514.66; the Park & Recreation Fund with disbursements of \$10,211.07; the Open Space Fund with disbursements of \$6,768.42; the Traffic Impact Fund East with disbursements of \$15,985.27; the Capital Reserve Fund with disbursements of \$44,782.16; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,118,873.61.

**Discussion:** Supervisor Torres asked why the costs for mowing are so much greater than last year. Manager McVaugh explained that due to this season's excessive rainfall, the contractor mowed 2 additional times and will perform 1 extra overhead cut. Motion passed 4-0.

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- b. Zoning Officer's Report: Mr. Torres reported that during the month of August, 9 permits were issued and 30 building inspections were completed. Building fees collected were \$3,887.54; Recreation, Open Space & Impact Fees collected were -0-; and miscellaneous fees collected were \$1,775.00. There are three ongoing zoning issues. Manager McVaugh updated the Board as follows: 3327 Appleton Rd. – The Solicitor is working to schedule an inspection of the inside of the building prior to the October 3<sup>rd</sup> Court Hearing. Paul Lagasse, Chairman of the HARB, noted that there are also HARB requirements that need to be discussed with the owner. 1651 New London Rd. – the property owner is working on his application for a change of use; Basic Gas Station – the miscellaneous trash, including the mattress, has been removed and the grass has been mowed. The Facebook posting that someone had been sleeping on the mattress was false. The Zoning Officer's entire report is on the Township website at [www.franklintownship.us](http://www.franklintownship.us).
- c. Planning Commission Report (PC): Mrs. Dea, an alternate member of the PC, summarized the September 6<sup>th</sup> meeting of the PC at which the land development plan for the property at 476 Chesterville Road was discussed and a recommendation was made to the BOS to approve the plan with 3 waivers and several conditions. The PC also recommended that the BOS approve the 308 Heather Hills Drive lot line change, with conditions. The approved minutes of the PC meeting will be posted on the Township's website.
- d. HARB/HC Report: Chairman Lagasse reported on the August 22<sup>nd</sup> HARB meeting where they discussed the Kennedy House (3327 Appleton Rd.) and the fact that an application to the HARB for a Certificate of Appropriateness will ultimately be required. Training opportunities were also discussed. Mr. Lagasse advised that the September 20<sup>th</sup> talk on Sunset Park was well attended and interesting. Also, PennDOT has begun posting evaluations of historic properties and the HC is commenting where appropriate. The approved minutes of the meeting are posted on the Township website.
- e. FSA Report: Jim German provided the first FSA report of the season. There are currently 34 registered members. They had 7 openings this year and have filled 6 of them. The annual proficiency shoot was held on September 8<sup>th</sup> and 9<sup>th</sup>. Ten members still need to complete proficiency testing prior to hunting. All hunting zones are clearly marked, signs have been updated. Mr. German noted that archery season for this area (5C) starts earlier than in other parts of Pennsylvania due to the large deer population in this area. Archery opened September 15<sup>th</sup> and Shotgun opens November 28<sup>th</sup>. The FSA has completed numerous service projects from July through September totaling 80 hours of service. On behalf of the Township, the Chairman thanked the FSA for saving the Township thousands of dollars and for their continued service to the Township.

### **Business:**

- a. HARB and Historical Commission Appointments: Supervisor Snyder moved, seconded by Mr. Torres, that the Board of Supervisors appoint Liz Randby to a 5-year term on the Historical Commission to expire December 31, 2022. Motion carried 4-0.

Supervisor Snyder moved, seconded by Mrs. Dea, that the Board of Supervisors appoint Liz Randby to a 5-year term on the Historical Architectural Review Board (HARB) to expire on December 31, 2022. Motion carried 4-0.

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Supervisor Snyder moved, seconded by Mr. Auerbach, that the Board of Supervisors appoint Nan Latimer to a 5-year term on the Historical Architectural Review Board to the position of Realtor to expire on December 31, 2022. Motion carried 4-0.

- b. Ordinance 2018-01 Bamboo Ordinance: Supervisor Torres moved, seconded by Mr. Snyder, that the Board enact Ordinance 2018-01, amending the Township Code of Ordinances Chapter 10, adding a new Part 3, regarding the planting and maintenance of bamboo. Solicitor Thompson opened the public hearing and named the following exhibits:

- Exh. T1 – Ordinance 2018-01;
- Exh. T2 – The Public Notice;
- Exh. T3 – The Proof of Publication.

The Solicitor summarized the Ordinance stating that it regulates the growth of bamboo primarily within 40 ft. of the Township right-of-way and within 10 ft. of all property lines. It allows bamboo to be grown but restricts the areas where it can be planted. The Solicitor called for public comment. Hearing none he called for comments or statements from the Board of Supervisors. Chairman Auerbach reiterated his position stated at a previous meeting, that he is in favor of the 40 ft. setback along the roadway but does not support the 10 ft. setback from property lines, considering it over-regulation. Mr. Torres called for the vote. The motion passed 3-1 with Mr. Auerbach voting Nay. The Solicitor closed the hearing.

- c. 476 Chesterville Road Land Development Plan: This Plan proposes to place a 2<sup>nd</sup> single family residential dwelling, detached garage and a stormwater basin on the subject property. The Zoning Officer has determined that this is allowable and the PC has recommended approval of the Plan.

Supervisor Dea moved, seconded by Mr. Auerbach, that the Board of Supervisors approve the Land Development Plan for 476 Chesterville Road Land Development Plan (Ludgate Engineering Plan #D770117), with the following waivers and conditions:

- §22-401.3.B – in order to allow for combined preliminary/final plan submission;
- §22-412 – which requires financial security, since this is covered by the bldg. permit;
- §22-411 – which requires a developer's agreement, since this is covered by the bldg. permit;
- Receipt of the NPDES Permit;
- Payment by the applicant of an Impact Fee in the amount of \$3,510.60 at the time of obtaining a bldg. permit.

Sidewalks and street lighting are not required due to the rural nature of the area. There is no Fee-in-Lieu of open space as no new lots are being created. Before recording, all outstanding issues in the Township Engineer's review letters must be addressed, and any and all outstanding fees must be paid in full.

**Discussion:** Chairman Auerbach summarized the applicant's intentions for the property and the applicant provided information on what steps they have taken in their efforts to be compliant at this planning stage. Supervisor Torres had a question regarding compliance with stormwater regulations. Chairman Auerbach advised that there will be many compliance issues which will be dealt with during the permitting and construction phases of the project. Motion passed 4-0.

- d. American Tower (AT): A letter dated 8/13/18 was received from Brendan Booth of AT requesting to change the current lease agreement. Helen Mountain of Lamb McErlane has

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recommended that the Township not change the lease terms. Chairman Auerbach moved, seconded by Supervisor Torres, that the Board of Supervisors deny American Tower's request to decrease their monthly rent, decrease their annual escalation, and increase the length of the contract for their site at Crossan Park, as advised by the Township Solicitor in her email dated September 20, 2018.

**Discussion:** Mr. Auerbach read Solicitor Mountain's email dated 9.20.18 recommending denial of AT's request. Supervisor Torres inquired what AT might do if the Township denies their request, are they likely to remove the tower. Solicitor Thompson and the Chairman both said they think it is unlikely that they would remove the tower due to the difficulty and the cost to do so and the scarcity of other possible locations. This lease expires in 2035. Mrs. McVaugh noted that it is a regular practice of cell tower companies to petition their landlords for lower rentals and more favorable terms.

The motion to deny their request passed 4-0.

**Public Comment:** Eric Brindle, resident and taxpayer, former supervisor and PC member, suggested that the Township contact State Representative John Lawrence about purchasing the former Insinga house and property and using that land to put in a road to bypass traffic from the historic section of Appleton Road. The current owner of that property has an approved plan to build another 3 houses. Chairman Auerbach said he would look into it.

Paul Lagasse asked the Board to consider inviting Karen Marshall, Heritage Preservation Coordinator, Chester County Planning Commission, to a Board meeting to discuss applying for grant money to perform a feasibility study of the Historic District to see if it can be made a more walkable and livable community. The Township responsibility would be approximately 10-20% of the cost. He feels this study might lead to a situation in which village property would be more valuable and less likely to fall into disrepair. The Board agreed to have Mrs. Marshall come to a future BOS meeting to present her ideas for improving the village and to discuss what grant money may be available to do a feasibility study.

Mr. Torres noted that the "Love Seed Mamma Jump" concert at Paradox Vineyard last Saturday was very well attended.

**Adjourn:** The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

Mtg. 09.26.18.v.3.er