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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES October 19, 2016

### **Call to Order:**

Mr. Auerbach called the meeting to order at 7:04 p.m. Present were Supervisors Dea, Snyder and Schenk. Supervisor Torres was absent. Also present were Township Solicitor Mark Thompson, Planning Commission member Brent Van Lith, Manager/Treasurer Joan McVaugh Assistant Township Mgr. Jeff Eastburn, and Shane Morgan representing the White Clay Creek Wild & Scenic Management Committee. There were 18 members of the public in attendance.

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

Mr. Auerbach announced that following the PC report, there will be a discussion regarding two of the items which were of concern to the residents regarding the Gourmet's Delight Preliminary Plan. Also, at the end of the meeting, Mrs. McVaugh will provide an update regarding the Open Space item that was discussed at last month's meeting, however no action will be taken at this time.

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

### **Approval of Minutes:**

- a. *BOS Minutes of September 21, 2016:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the September 21, 2016, v2 Minutes, as presented by the Township Secretary. Motion passed 4-0.
- b. *Disposition of Records – Resolution 2016-22:* Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board approve Resolution 2016-22 regarding the Disposition of Records for the Board of Supervisors' meeting of September 21, 2016 and the PC meeting of September 1, 2016. Motion passed 4-0.

### **Reports:**

- a. *Treasurer's Report for September 2016:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the September 2016 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$61,877.35; the Park & Recreation Fund with disbursements of \$8,785.52; the Open Space Fund with disbursements of \$7,172.61; the Traffic Impact Fund – West, with disbursements of \$2,034.24; the Capital Reserve Fund with disbursements of \$17,938.03; the Emergency Services Fund with disbursements of \$34,943.99; and the Fire Hydrant Fund with disbursements of \$580.80, leaving a balance in all funds totaling \$936,358.60. Motion passed 4-0.
- b. **Zoning Officer's Report:** Chairman Auerbach reported that during the month of September, 8 new permits were issued, including 3 new homes on Auburn Road (Keen 3-Lot subdivision). There were 20 various inspections performed. Building/Zoning fees collected were \$7,064.70; Recreation and Impact Fees \$2,002.23; and Miscellaneous Fees were \$1,890.00. There is one ongoing zoning issue.

**Discussion:** Mrs. Dea inquired about the property at 1620 New London Rd., noting that the Board had a long discussion with the owners of the property at the September meeting which

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is not reflected in this month's zoning report. Mrs. McVaugh will follow up with the Zoning Officer.

- c. Planning Commission Report (PC): PC member, Brent Van Lith provided a summary of the October 6<sup>th</sup> Planning Commission Meeting, at which the Gourmet's Delight Preliminary Plan was discussed. The Commission reviewed Mr. Talwin's list of residents' concerns including Water Consumption, Traffic Impact Study, Stormwater Management and the possibility of hay bale fires and how they would be handled, as well as the applicant's response letter of September 30<sup>th</sup>. The PC recommended that the Board approve the Preliminary Plan with four waivers and several conditions.

### **Discussion:**

After the PC report, there was significant discussion regarding the potential for hay bale fires on Gourmet's property and the effect their operation will have on truck traffic on Auburn Road. Regarding the issue of hay bale fires, Mr. Harold Walls, the Township's Emergency Management Coordinator and Chief John Chambers of the West Grove Fire Company (WGFC) were requested by the Board to do an on-site inspection of Gourmet's facilities regarding anything that needed to be changed or improved to ensure the safety of area residents and their properties, in the event of a hay bale fire. They concluded, based on the location of the stored materials, and the resources that are available on site as well as from WGFC, that there is no immediate danger to any structure in the area. Chief Chambers noted that DEP has requested that fire companies let a hay fire burn itself out, rather than wetting it down due to pollution caused by unintended runoff. Regarding an ordinance to better regulate all the concerns surrounding this issue, Mr. Auerbach advised that the Township does not have an ordinance and the only township in the area that does have an ordinance is London Grove Township (LG). He read the portion of LG's ordinance that pertains to outdoor storage of hay bales as follows: *"The size of the hay bales can be 100 ft. long x 35 ft. wide and 20 ft. high, with a minimum distance between bales, or from any structure, of 25 ft. Minor deviations can occur due to varying hay bale sizes."* The applicant's engineer, Ron Ragan, indicated that the stored hay bales will be 150 ft. from the closest residence. Chief Chambers said that 150 ft. is normally more than enough, but cautioned that there are a lot of variables to consider when fighting a fire – weather conditions, specifically wind, being one of them. He added that the fire company has experience dealing with fires in all types of conditions and will use whatever resources are needed to protect the residents and their properties. Other concerns raised by residents included the possible need for a Township evacuation plan; issues related to allowing a hay bale fire to burn itself out vs. extinguishing it quickly; water resources if the wet pond is dry; Gourmet's insurance coverage for damage to residents' homes, including smoke and ash damage. Mr. Walls does not see the need for a dedicated evacuation plan but will work with the Township to prepare a list of all residents who might be affected by such an incident. Chairman Auerbach acknowledged that allowing a fire to burn itself out may cause an inconvenience to the surrounding community but there will not be an increased danger of fire spreading to surrounding properties. Mr. Ragan will report back to the Board concerning Gourmet's insurance coverage. Regarding water resources, Chief Chambers noted that many ponds in the area are dry during the summer months and this does not interfere with WGFC's effectiveness due to the many other water sources to which they have access. Mr. Ragan added that there will normally always be at least 4 ft. of water in the pond. Regarding an ordinance to regulate hay bales, Mr. Auerbach

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stated that he would look into it and would collaborate with surrounding townships. Chairman Auerbach thanked Mr. Walls and Chief Chambers for their efforts and their contributions to this discussion.

Regarding truck traffic on Auburn Road, the residents requested that the Township restrict trucks from using Auburn Rd. Solicitor Thompson stated that the PA Vehicle Code allows townships to weight restrict trucks on local roads for two reasons – 1) if an engineering study confirms that the road could be damaged or destroyed and 2) if the trucks create a safety issue to the traveling public. Both of these prohibitions have exemptions for emergency vehicles and local deliveries. Therefore, even if the Township developed a weight limit for trucks using Auburn Road, the exemption would apply and trucks would be allowed to make deliveries to Gourmet's Delight or any other address on Auburn Rd. The proposed development plan is for a property that is wholly in Franklin Township and the law requires appropriate ingress/egress to the property. A specific concern is the "S" curve in London Grove Township and the residents asked that the Township work with London Grove to see if something can be done to improve safety in that area. The Board of Supervisors and Gourmet's representatives acknowledged the residents' concerns. Chairman Auerbach will initiate a discussion with London Grove's Board of Supervisors regarding the issues.

The residents who participated in the above discussions included Janet Smith, Mary Ann Hitchens, Linda Tiberia, Tony and Linda Lauria, Julie Engiles, Paul Overton and Gary and Barbara Mack.

- d. HARB/HC Report: Having no business before them, these commissions did not meet in October.
- e. Franklin Sportsmen's Association (FSA) Report: Mr. Jim German of the FSA reported that membership remains full for this season. Two more members completed their proficiency test, enabling 27 members to hunt with a bow and 25 members to hunt with shotgun. Seven deer have been harvested – one buck and six doe – from Banffshire, Franklin and White Clay Preserves. The FSA has recently completed the clean-up on Chesterville and Creek Roads in partnership with PennDOT, and also has cleared trails at Crossan Park. Archery season began September 17<sup>th</sup> and closes November 26<sup>th</sup>, reopening December 26<sup>th</sup> until January 28, 2017. Shotgun season opens November 28<sup>th</sup> and closes December 10<sup>th</sup>, reopening on December 26<sup>th</sup> through January 28, 2017.

### **Plans:**

- a. Gourmet's Delight Preliminary Land Development Plan Phase 1, 2 & 3 Composting Facility: Mr. Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors approve the Gourmet's Delight Preliminary Land Development Plan Phase 1, 2 & 3 Composting Facility dated April 25, 2016, last revised September 30, 2016 with the following conditions and waivers:

The following is a list of waivers:

- Section 19-312.1.A(2). Basins shall be 50 ft. from any property line. The wet pond is located less than 50 ft. from the property line to the north (property owned by Gourmet located in adjoining township).

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- Section 19-313.3.E. The minimum cover of stormwater pipe shall be 24 inches.
- Section 19-313.3.B. All pipes shall be reinforced concrete Class III or better, meeting PennDOT 100-year life criteria. HDPE pipe is being proposed.
- Section 19-313.4.N. Inlets in paved areas shall be equipped with bicycle safe grates.
- Section 19-313.4.S. Adjustment rings shall only be made of a single pre-cast concrete structure, a maximum of 6 inches in height.

The following is a list of conditions:

- SALDO Section 22-722.11.D. requires a plan note which prohibits disturbance of primary and replacement sewage system area. A note should be added to Sheet 1 of the plan to address this requirement.
- Compliance with all outstanding comments set forth in the Township's consulting engineers' review letters, including but not limited to LTL Consultants letter dated September 26, 2016; AECOM letter dated September 30, 2016;
- Issuance by the Chester County Conservation District/PADEP of the stormwater NPDES permit and CCCD approval of the E & S Plan;
- The applicant shall provide in recordable form Stormwater Management Facilities Maintenance Agreement and Stormwater Easement Agreements to the satisfaction of the Township Solicitor and Township Engineers;
- The applicant shall agree to pay all outstanding and expected legal and consulting review expenses prior to the start of this project.

**Discussion:** Mrs. Schenk commented that although she understands the residents' concerns, there are no legal reasons to withhold moving forward on this plan. Chairman Auerbach noted that the review on this plan was more thorough than any he's seen. Mrs. Dea expressed the hope that Gourmet's representatives also hear the residents' concerns and will make an effort to be good neighbors and to work with the residents.

The motion passed 4-0.

Chairman Auerbach expressed his gratitude to everyone involved in the process of reviewing and approving Gourmet's Preliminary Plan. There will be Final Plan approval sometime in the future.

### **Extensions:**

- a. Abel Plan: Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors approve an extension to the review clock for the Abel Subdivision to April 20, 2017. Motion passed 4-0.

### **Business:**

- a. Fox Chase Farm Possible Conditional Use Application: Kim and Scott Wilkinson are the owners of Fox Chase Farm (the former Ford Farm). Mr. Ken Crossan, representing the Wilkinson's, explained that the Wilkinson's, along with the Cody's, the owners of The 1723 Vineyard on McMaster Blvd., want to combine their efforts to create a winery at Fox Chase Farm, repurposing the existing barn on the property. Since this would require a Conditional Use Hearing, they are looking for a consensus of the Board. All members of the Board that

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were present thought this would be a positive addition to the Township and a good use for the barn.

- b. Stormwater – Resolution 2016-23: Mr. Auerbach gave a brief summary of the pilot program sponsored by the Christina Watersheds Partnership Collaboration Project. Ms. Shane Morgan of the White Clay Wild and Scenic Association was present to answer any remaining questions and to update the Board on the status of the other townships that are involved. At this point London Grove and New Garden Townships have adopted the resolution. Avondale and West Grove have expressed interest but have not yet signed on, and London Britain is holding out for a waiver. The resolution will enter the Township into a two-year commitment at the cost of \$1,000 per year. Mr. Auerbach moved, seconded by Mrs. Dea, that the Board of Supervisors adopt Resolution 2016-23, authorizing the Township's participation for the next two years in the Christina Watersheds Partnership Pilot Collaboration Project under the direction of the White Clay Wild and Scenic River Program Administrators at a cost of \$1,000 per year.

**Discussion:** In answer to a question from Mrs. Schenk, Ms. Morgan said that if the other townships do not sign on, the three that have adopted the resolution will be allowed to work together.

The motion passed 4-0.

- c. Ordinance Updates:

- **Traffic Ordinance 2016-09**: Mrs. McVaugh explained that when the ordinances were codified in 2008, the 1988-07 Ordinance, dealing with speed limits and other traffic issues, was not transferred correctly. Therefore, by default, the speed limits on effected roads, e.g., Walker Road, would become 55mph. This ordinance will replace the existing ordinance and will correct the definitions and speed limits. Also the "No Left Turn" from Peacedale Road to Route 896, which is no longer necessary, will be removed. Mr. Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors authorize the Solicitor to revise Chapter 15 Motor Vehicles and Traffic and advertise the proposed revised Ordinance 2016-09 enacting these revisions to include all of the Township feeder roads and main streets with speed limits, definitions and other administrative changes. Motion passed 4-0.

- **Flood Plain Ordinance**. FEMA is currently redoing the Flood Maps. As part of the process the Township must adopt a new Flood Plain Ordinance within 6 months of FEMA's adoption of the new maps, or Township residents will not be able to get flood insurance. Leslie Rhoads, a representative of PSATS is assisting the Township with the preparation of an updated ordinance and she has asked for some input from the Board. The Board directed the Solicitor and Manager to develop a draft ordinance to be discussed at the next BOS meeting.

- d. Township Office Renovation & Municipal Site Improvements: The Manager's office is complete. The next step is to renovate the restroom in the meeting room to be ADA compliant. Mr. Auerbach will develop a scope of work in order to obtain bids for this work. He mentioned the plans to improve the back room storage area. He reviewed the plans for improving the external appearance of the municipal site. The first step took place last week with the planting of trees and shrubs along the fence behind the parking area. The next project will be the material storage area.

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Open Space Properties – Conservation Easements: This involves two property owners who want to place conservation easements on their properties and Mrs. McVaugh has some additional information to pass on to the Board. She learned recently from the County that if the Township agreed to participate in these projects, that commitment would move them higher up on the County's list and no funds would be needed until the end of 2017. Mr. Overton commented that if the Township did not want to commit to the full amount, they could offer less and the property owners could donate the difference. Mr. Auerbach requested that it be put on next month's meeting agenda.

- e. 2017 Preliminary Budget Discussion: Mr. Auerbach advised the Board that Mrs. McVaugh has developed a 5-year projection plan which works in conjunction with the budget. He complimented her on a job well done. Mrs. McVaugh reminded the Board that they have to approve a proposed budget in November and the preliminary budget will need to be advertised in December. Mrs. McVaugh provided some guidance to the supervisors regarding their review of the budget and asked that they come to her with their questions prior to the November meeting.

**Public Comment**: Mr. Overton discussed the construction of the Wyndemere Trail. He asked Chairman Auerbach to confirm his understanding of a meeting with the two of them and a Wilkinson representative regarding the construction of the trail. Mr. Auerbach will have a discussion with the builder regarding the trail. Mr. Overton said that he and his family provided a public service to the Township by removing six dead trees from the Banffshire Preserve. Mr. Auerbach expressed the Board's appreciation.

**Adjourn**: The meeting was adjourned at 9:38 p.m.

Respectfully submitted,



Sharon Norris  
Township Secretary