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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES November 16, 2016

Call to Order:

Mr. Auerbach called the meeting to order at 7:02 p.m. Present were Supervisors Dea, Snyder, Torres and Schenk. Also present were Township Solicitor Mark Thompson, HC/HARB Chairman Paul Lagasse, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. Planning Commission Chairman Dave Hoffman arrived at 7:12 p.m. There were 15 members of the public in attendance.

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

Announcements: Chairman Auerbach announced that there will be an Executive Session after the meeting to discuss a personnel issue.

Public Comment: There was no public comment.

Approval of Minutes:

- a. *BOS Minutes of October 19, 2016:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the October 19, 2016, v2 Minutes, as presented by the Township Secretary. Motion passed 4-0-1 abstention from Mr. Torres.
- b. *Disposition of Records – Resolution 2016-24:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve Resolution 2016-24 regarding the Disposition of Records for the Board of Supervisors' meeting of October 19, 2016 and the PC meeting of October 6, 2016. Motion passed 5-0.

Reports:

- a. *Treasurer's Report for October 2016:* Mr. Auerbach moved, seconded by Mr. Torres, that the Board approve the October 2016 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$114,932.60; the Park & Recreation Fund with disbursements of \$7,881.63; the Open Space Fund with disbursements of \$7,172.61; the Capital Reserve Fund with disbursements of \$18,617.19; the Emergency Services Fund with disbursements of \$29.99, leaving a balance in all funds totaling \$881,281.42. Motion passed 5-0.
- b. *Zoning Officer's Report:* Chairman Auerbach reported that during the month of October, 10 new permits were issued. Ten various inspections were performed. Building/Zoning fees collected were \$1,442.00; Recreation and Impact Fees \$0; and Miscellaneous Fees were \$1,040.00. There are two on-going zoning issues.
Note: Dr. Hoffman arrived at this point in the meeting.
- c. *Planning Commission Report(PC):* PC Chairman, Dave Hoffman, provided a summary of the November 3rd Planning Commission Meeting, at which the Vineyard Church Sketch Plan was reviewed. Also, after a preliminary discussion of ordinances dealing with billboard signs and mini cell towers, the PC requested that the Solicitor attend their next meeting to offer guidance regarding revisions to these two ordinances. Details of these discussions may be found in the approved minutes of this meeting.

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- d. HARB/HC Report: Chairman Paul Lagasse provided a summary of the November 2nd meeting of the Historical Commission, at which they reviewed the status of Eastern Shore Natural Gas pipeline's work with respect to its effect on historical properties in the Township. They touched on the status of the roadwork on 896 and talked about the HC's progress on their proposed Facebook page. Mr. Lagasse noted that, on Election Day, the HC distributed approximately 750 pieces of information regarding the HC and the history of the Township. He reported that a presentation entitled "A Few Old Homes", was presented on November 10th by New London and Franklin Historical Societies, and was well attended and very enjoyable. The quarterly meeting of the HARB was held immediately following the HC meeting, at which the minutes of the previous meeting were approved and training opportunities were discussed. Complete details of these discussions may be found in the approved minutes of the meetings.
- e. Franklin Sportsmen's Association (FSA) Report: Mr. Jim German of the FSA presented the monthly report. Archery hunting closes November 26th and Shotgun Season starts November 28th. Two more deer were harvested, bringing the current total to 10. He advised that the migratory bird season has begun which permits goose hunting and reminded residents that rapid fire heard first thing in the morning probably represents hunters firing at a flock of geese. Mr. Lauria reported finding a deer head on Creek Road and Mr. German reminded the public to report such instances to the PA Game Commission. Paul Overton asked about a deer stand in Banffshire Preserve and Mr. German said it doesn't belong to the FSA but he will have it removed. Mrs. Lauria asked how many deer were harvested from Banffshire and Mr. Overton requested that the number harvested from each preserve be included in future monthly reports.

Escrow Release:

- a. Wyndemere Phase 2 Release 13: Mr. Auerbach moved, seconded by Mrs. Schenk, that the Board of Supervisors, based on the recommendation of the Township Engineer in his October 28, 2016 letter, authorize the final Escrow Release No. 13, for phase 2 of the Wyndemere Subdivision in the amount of \$112,092.29. Mr. Eisenbrown has confirmed that the Maintenance Bond provided by Wilkinson Builders is acceptable in the amount of \$56,229.51. Motion passed 5-0.

Business:

- a. Wyndemere Road Dedication – Resolution 2016-25: Now that Wyndemere is completed, the Board will consider adopting Resolution 2016-25, accepting the Deed of Dedication for Catherine Lane and the remainder of Castlebay Lane. Engineer Eisenbrown has recommended that the Township take dedication of the roadways conditioned upon the following: 1) Receipt of the maintenance bond; 2) Payment of the liquid fuels amount; and 3) payment of any outstanding bills.

Mr. Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors adopt Resolution 2016-25, accepting the dedication of Catherine Lane and the remainder of Castlebay Lane in the Wyndemere subdivision. The Liquid Fuels amounts have been paid, and the Solicitor has reviewed all of the required documentation which includes the Deed of Dedication, the Maintenance Agreement and Bond. Said approval is contingent upon the payment of any and all outstanding bills.

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Discussion: Mr. Auerbach inquired about an issue with inlets in the development and Mrs. McVaugh advised that all such issues will be taken care of prior to releasing the maintenance bond. Whether there is a requirement for a bridge over the gully/stream connecting the Wyndemere trail to the Keen trail was discussed. The relevant language in the agreement and on the plan states that Wilkinson will construct a trail and the Township will be responsible for any additional features added to the trail. Mr. Overton believes that “construct a trail” includes the bridge. Mr. Romanelli of Wilkinson Associates, disagrees, stating that Wilkinson completed the trail work including leveling the area where a bridge could be built, but never agreed to build the bridge. He stated that such a significant endeavor would have been spelled out in the agreement. Chairman Auerbach agreed with Mr. Romanelli. Mr. Overton inquired about the possibility of the Township buying the wood and volunteers building the bridge. Mr. Auerbach expressed an overriding concern regarding the potential for Township liability if the Township contributes to, or is involved in, the construction of the bridge. In that regard, Solicitor Thompson indicated that since neither the Wyndemere nor the Keen property is owned by the Township, the Township would not, necessarily, have any liability, but he will look into it more thoroughly. The bridge would be approximately 25’ long and 4’ wide, with a free span of approximately 12 ft., and would be approximately 18” off the ground (similar to a boardwalk). After further discussion, the Board agreed to look into the possibility of purchasing the lumber for the bridge and donating it to the HOA, who would be responsible for building and maintaining the bridge. Mr. Overton was asked by the Board to submit a materials list and cost estimate. The following members of the public participated in this discussion: Julia Engelis, Tony Lauria, Nancy Morris, Ginger North, Paul Overton and Chris Perkins.

Motion to adopt Resolution 2016-25 was passed 5-0.

- b. *Gourmet’s Delight Update on traffic issues and combustibles:* Regarding hay bale fires, Mr. Auerbach met with the Fire Chief who assured him that there are sufficient safeguards in place to extinguish any fires that could be caused by hay bales. If there is any damage to neighboring property, Gourmet’s Delight will be held responsible. Regarding passing an ordinance restricting the placement and size of hay bales, Mr. Auerbach needs to do more research to ensure there won’t be unintended consequences on other local farmers.

The other major issue was the traffic on Auburn Road with emphasis on the safety issues caused by large trucks navigating the “S” curve in London Grove Township. The residents want the truck traffic to and from Gourmet’s Delight to be restricted from using the Auburn Road entrance. It was explained again, that the Board has no authority, either by ordinance or otherwise, to restrict Gourmet’s from using the Auburn Rd. entrance. Weight restricting Auburn Rd. doesn’t work because local delivery trucks would be exempted from the restriction. Mr. Auerbach met with London Grove officials regarding the prospect of improving the “S” curve and was pleased to report their interest in working toward a solution. This information was met with mixed feelings from the residents who decided they do not want the Board to immediately commence meetings with London Grove. The road improvement most likely will encourage increased use and increased speed. The residents prefer to take a wait-and-see approach. The following residents participated in this

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discussion: Julia Engiles, Bob Konopka, Tony Lauria, Ginger North, Paul Overton and Janet Smith.

Mr. Auerbach noted two other issues related to Gourmet's Delight. 1) If they do not submit their final plan by Friday, November 18th, the plan will not be considered for approval in December. 2) He confirmed that Gourmet's is aware that they need to withdraw the Zoning Hearing Board plan before the development plan can be approved.

- c. 2017 Budget: Mr. Auerbach explained the reasons for creating the Reserve Fund and stated that there is no specific target for those funds at this time. He also noted that Mrs. McVaugh created a 5-year projection which will be closely monitored going forward. In addition, a benchmark study on which he and Supervisor Torres have been working, will be used to compare Franklin Township's operation to London Britain, New London, London Grove and Penn Townships. Mr. Auerbach moved, seconded by Mr. Snyder, that the Board of Supervisors approve the 2017 Preliminary Budget and authorize the staff to advertise the Preliminary Budget in the Daily Local News for adoption at the December 21, 2016 Board of Supervisors meeting. The Preliminary Budget will be available in the Township Office for public review.

Discussion: The Board had no issues with the Budget. They expressed their appreciation to Mrs. McVaugh for a job well done.

Motion carried 5-0.

- d. Conservation Easement Discussion: This subject was introduced at the September BOS meeting and remains in the discussion phase. No action will be taken on this item at this meeting. It relates to two properties – a 28 acre parcel on Walker Road, adjacent to the Peacedale Preserve and a two-parcel property totaling 55.3 acres located near Pennock Bridge and Guernsey Roads. Both property owners want to place agricultural easements on their properties and Chester County has offered to contribute 55% of the cost if the Township will contribute 45%, over a five-year period. The approximate cost of the properties is \$5,000/acre. Mrs. Dea began the discussion by summarizing the advantages to the Township and its residents of accepting the County's proposal and she identified several areas in the Township's preliminary budget where the money could come from without putting the Township in jeopardy, specifically the Reserve Fund and the Capital Fund. She strongly supports purchasing the easements and believes the Board should do whatever it can to take advantage of this unique opportunity. However, she does not support raising taxes to do so. Mrs. Schenk does not support this purchase, or any additional open space expenditures until there is money in the open space fund to do so. Not only is the open space fund overspent, it is currently being subsidized from the General Fund every year to meet the debt service on the current open space loan which has a pay-off date in 2040. If there is extra money in the budget, as outlined by Mrs. Dea, Supervisor Schenk believes it should be used to lower taxes or to reduce the principal amount of the outstanding open space loan. She also noted that the County paid for the AG easement on the McMaster property without any contribution from the Township. Mr. Torres is supportive of the proposal and has identified some flexibility in the budget, mentioning the Reserve Fund and the money earmarked for snow removal which could yield an excess, if we have a mild winter. He also noted that the Township contributes more than its fair share to West Grove Fire Co. and Medic 94 and transfers money to the Emergency Services Fund and should not have a problem transferring money into an account for a defined five-year period, especially when it would have a positive effect in the long run.

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Mr. Snyder is not supportive of the concept of open space, stating that because the easements last into perpetuity, these decisions could have a significant impact on how and where future generations live. Mr. Auerbach appreciates the uniqueness of this opportunity but is not in favor of purchasing the Peacedale Road easement and will abstain from voting on the other easement because that property is adjacent to his property. The residents who were present were positive about preserving open space and offered to help by contacting land conservation organizations for possible funding.

- e. *Interim Road Program and De-icing and Snow Removal Bid Awards*: Mrs. McVaugh advised that Yardworks was the sole responsible bidder. There has been no change in Yardworks' snow removal bid over the past four years. Yardworks Road Maintenance bid this year averages approximately 30 cents more per hour. It had remained the same for the last four years as well. A provision was added to allow for a four-year extension, on a yearly basis, as long as the Township and the contractor agree which will prevent us from having to go out for bids every year. Mr. Auerbach moved, seconded by Mrs. Schenk, that the 2016-17 Interim Road Maintenance bid and the 2016-17 De-icing & Snow Removal Bid be awarded to Yardworks, Inc., the sole responsible bidder for these two projects.

Discussion: Mr. Auerbach complimented the work of Jim Dorazio and his group and commented that using Yardworks for the Township's road program saved the Township a substantial sum of money this year as well as produced a better product.

Motion passed 5-0.

Public Comment:

Mr. Zach Elwyn commented on the intersection of Appleton Road and 896 where he recently had a near-miss. He questioned whether PennDOT provided any timeframe for making improvements. The two roads are state roads and Chairman Auerbach has had no contact from PennDOT. He expects that it will be some time before anything is done and suggested caution on the part of everyone using that intersection.

Adjourn: The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

BOS Mtg. 11.16.16.v.3.ER