

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES June 19, 2019

Call to Order:

Chairman Auerbach called the meeting to order at 7:03 p.m. In attendance were Supervisors Dea, Snyder and Torres. Supervisor Morris arrived at 7:18 p.m. Also in attendance on behalf of the Township were Solicitor Mark Thompson, HARB/HC Chairman Paul Lagasse, Township Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. There were 4 members of the public present.

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

Public Comment: There was no public comment.

Approval of Minutes:

- a. Board of Supervisors (BOS) Minutes of May 15, 2019: Mrs. Dea moved, seconded by Mr. Snyder, that the Board approve the May 15, 2019 Minutes v.3, as submitted by the Township Secretary. Motion passed 4-0.
- b. Disposition of Records – Resolution 2019-12: Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve Resolution 2019-12 regarding the Disposition of Records for the May 15, 2019 BOS meeting. Motion passed 4-0.

Reports:

- a. Treasurer's Report for May 2019: Mr. Snyder moved, seconded by Supervisor Torres, that the Board approve the May 2019 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$175,173.26; the Park and Recreation Fund with disbursements of \$18,744.49; the Open Space Fund with disbursements of \$6,553.17; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,384,627.38. Motion carried 4-0.
- b. Zoning Officer's Report: Mr. Torres reported that during the month of May, 6 permits were issued and 25 building inspections were completed. Building Fees collected were \$1,555.71; Recreation, Open Space & Impact Fees, zero; and \$1,150.00 in miscellaneous fees were collected. There are 2 zoning issues: 1620 New London Road – the owner indicated that he's selling the property because the stormwater requirements are cost prohibitive. The Zoning Officer informed the owner he must cease all of the business activity at the property by June 26th if he hasn't complied with the Conditional Use requirements by that time. 3327 Appleton Road – still waiting for the Court of Common Pleas Judge to make a ruling. Solicitor Thompson reiterated that the Judge works alone and there are no time requirements for issuing a ruling. Mr. Thompson thought the Township could expect a ruling sometime this summer. The entire report can be reviewed on the Township website (www.franklintownship.us).
- c. PC Report: Having no business before it the PC did not meet in June.
- d. HARB & Historical Commissions: Chairman Lagasse reported that these two commissions did not meet in June. He updated the Board regarding the talk presented by the Oxford Area Historical Society entitled "On the Homefront – Tales of the Revolutionary War" told by Susannah Brody, has

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been rescheduled for tomorrow, Thursday June 20th at the Oxford Masonic Lodge, 245 N. Third St. Oxford, PA at 7 p.m. He also reported that the Chester County Planning Commission's Town Tours and Village Walks summer program has begun. For more information visit:

<http://www.chescoplanning.org/His Resources/Town Tours.cfm>.

Note: Supervisor Morris arrived at this point in the meeting.

Business:

- a. *MS4 Permit Application:* Chairman Auerbach summarized for the Board that at the April Board meeting, the Township Engineer was authorized to advertise the Total Maximum Daily Load (TMDL) Plan for the White Clay Creek/Christina River Watershed and the Pollutant Reduction (PRP) Plan for the Big Elk Creek/Chesapeake Bay Watershed. The advertisement requested input from the public. Because of the way the meeting dates fell, instead of a 30-day review period, there was approximately a 61-day review period. The Township did not receive any input from the public. The Chairman asked the following questions:

- Has the Township received any written comments? No written, emailed or in-person comments were received.
- Are there any comments from the public tonight? There were no comments from the public at this meeting.
- Are there any comments from the Board? There were no comments from the Board.

Chairman Auerbach moved, seconded by Supervisor Snyder, that the Board of Supervisors authorize LTL Consultants to submit the revised MS4 Permit Application to be received by the DEP no later than June 28, 2019. Motion passed 5-0.

- b. *Solar Array Ordinance Discussion:* This will most likely be the first of many discussions on this topic. Several months ago the Zoning Officer, Jeff Vogels, approached the Board regarding the development of a solar array/alternative energy ordinance. At that time the Board did not feel there was a pressing need, however recently there have been several inquiries on the subject and the Board has decided to move forward in developing an ordinance on the subject. Documents provided to assist the Board's discussion include the following: 1) a letter from Jeff Vogels dated June 7, 2019 which provides a suggested outline for such an ordinance; 2) East Drumore's ordinance and an amendment to that ordinance; and 3) Solicitor Thompson provided an ordinance which he developed for West Whiteland Township as well as 3 other model ordinances on the subject. Chairman Auerbach noted that there are potentially 3 types of applications to consider, i.e., single family residence; farming applications where a farmer may want to power more than just a residence (neither of these applications will be exporting power); and the commercial/industrial application which will be interested in exporting power for profit. The Board discussed how some of the Township's existing ordinances will apply to these types of installations and agreed with the Zoning Officer's assumption that small and medium solar installations would follow the regulations for accessory structures. The proposed ordinance should be directed primarily to the commercial/industrial applications. The Board highlighted the following provisions for inclusion:

- The need to carefully consider zoning for different districts;
- The need to be specific, i.e., no grey areas;
- The need for a contract/commitment that the solar panels will remain for a fixed period of time, but allowing for the property owner to take advantage of technology upgrades;
- Financial security to fund decommissioning costs;
- No concrete foundations;
- Setbacks, buffering, reflectivity and glare – all very important;

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- Important for Jeff Vogels to include his priorities since he will be the enforcer;
- Stormwater management must be included. Property owners will be required to demonstrate that their plan works;
- Chairman Auerbach will consult with Chester County Water Resources, Chester County Planning and LTL to determine their level of knowledge in this area;
- The Board agreed that the ordinance should cover wind power and other alternative power sources;
- East Drumore's ordinance is a good resource.

Mr. Matt Goin and Mr. Dave Gerstenhaber participated in this discussion.

Supervisor Snyder moved, seconded by Supervisor Torres, that the Board of Supervisors direct the Zoning Officer to draft an outline of a solar ordinance for initial review at a future meeting. Motion passed 5-0.

- c. Township Bldg. Heater: As previously discussed, the heat exchanger on the existing heater is leaking and the heater needs to be replaced. The board determined that they want to install a high efficiency condensing heater but needed assurance that the pipe that takes the water from the heater to the drain, which is located in an unheated area of the building, would not freeze. The contractor explained to the Board's satisfaction, how this issue will be managed. Supervisor Torres moved, seconded by Supervisor Snyder, that the Board authorize the Township Manager to move forward with the purchase of a new heating system for the Township building from Marano Plumbing and Heating in an amount not to exceed \$7,000.00. Motion carried 5-0.
- d. Water Issue Ways Run: Mrs. Morris took the lead in this discussion and explained why this issue has been brought before the Board. Recently the township fixed part of the cul-de-sac on Ways Run by putting the crown back into the road so that the stormwater would flow properly. Now that the stormwater is flowing as it should, down to the inlet box, it washed out a resident's gravel driveway and he has complained to the Township. The Township's contractor went out to look at the resident's driveway and found that a nearby pipe was completely non-functioning due to the outfall being completely covered. The Township is responsible for the pipe work and the cost of that work, together with fixing the resident's driveway was estimated to be approximately \$4,000. The cost of the pipe work will be approximately \$2,500. Road issues are discussed at the weekly staff meetings and estimates are reviewed and approved or not approved. This issue was brought to the Board because of the total estimated cost and because there was a scheduled Board meeting that night. Regarding the resident's complaint, the Township ordinance requires property owners to pave the first 25% of any driveway. The resident had a permit but the driveway in question is gravel all the way to the road. Since it was determined that the stormwater is flowing as it should to the inlet box, and since the resident is in violation of the Township's ordinance regarding not having the first 25 ft. of his gravel driveway paved, the Board's conclusion is that the resident is responsible for bringing his driveway into compliance with the Township's ordinance. The Township Zoning Officer will follow up on this issue.

Public Comment: Mr. Paul Lagasse inquired about what needs to be done now that the referendum was passed. Solicitor Thompson advised that the results were certified by Voter Services and will be sent to the Liquor Control Board. Nothing needs to be done by the Township. Mr. Lagasse also mentioned that he has some personal experience with Wind Farms as this was a topic in the Poconos where he has a home. However, those turbines are 300' high and most likely turbines located in Franklin would be no higher than 40'.

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Adjourn: The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

Mtg. 06.19.19. v.2.er