

FOR APPROVAL

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES April 15, 2020

Call to Order:

This was the Township's first remotely-held meeting. Using the ZOOM Meeting Platform, Chairman Morris called the meeting to order at 7:02 p.m. In attendance via ZOOM were Supervisors Auerbach, Dea, Gerstenhaber and McVeigh. Also in attendance were Solicitor Mark Thompson, Township Manager/Treasurer Joan McVaugh, Assistant Manager Jeff Eastburn and Secretary Sharon Norris. There were 7 members of the public attending via ZOOM.

The meeting was commenced with Chairman Morris's review of the remote meeting protocol.

Lt. Nicole Palmer: Lt. Palmer is the new Commander of the Avondale Police Barracks. She introduced herself and provided arrest statistics for the 1st quarter of 2020 compared to that same period in 2019. There has been a slight decrease in the number of crimes committed during this period, however there have been 18 car crashes, 3 of which were DUIs. In answer to Mr. Gerstenhaber's question, the lieutenant thought that the hot spots for the crashes were New London at Chesterville, Gypsy Hill and Den roads and Strickersville road. She will send a map showing the location of the crashes to the Township Manager. She reminded residents that they can advise the Police of a planned vacation or time away from their homes by calling the non-emergency number (610-268-2022) and providing the necessary information and each shift will automatically be dispatched to do a patrol check at that location. She also encouraged residents to call and report anything that seems unusual or is a concern such as unknown vehicles or individuals in their communities. Chairman Morris thanked the Lieutenant for her service, especially during this difficult time.

Public Comment: Chairman Morris announced that public comment would be available after each agenda item, and non-agenda items will be discussed at the last Public Comment prior to adjournment. Supervisor Gerstenhaber provided additional information for those using YouTube.

Approval of the Minutes:

- a. Board of Supervisors (BOS) Minutes of February 19, 2020: Supervisor McVeigh moved, seconded by Chairman Morris, that the Board approve the February 19, 2020 v.3 Minutes, as submitted by the Township Secretary. Motion passed 5-0.
- b. Disposition of Records – Resolution 2020-09: Supervisor McVeigh moved, seconded by Mr. Gerstenhaber, that the Board of Supervisors adopt Resolution 2020-09 regarding the Disposition of Records for the Board of Supervisors' meeting of February 19, 2020 and the Planning Commission meeting of February 6, 2020. Motion passed 5-0.

Reports:

- a. Treasurer's Report for February 2020: Supervisor Auerbach moved, seconded by Mrs. Morris, that the Board approve the February, 2020 Treasurer's Report which includes the following disbursements and transfers: The General Fund with disbursements and transfers of \$87,389.05; the Park and Recreation Fund with disbursements of \$276.49; the Open Space Fund with disbursements of \$6,330.74; the Capital Reserve Fund with disbursements of \$2,878.25; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$513,543.56.

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Discussion: Mr. Auerbach asked about the March Treasurer's report. Mrs. McVaugh advised that due to a variety of reasons associated with the pandemic and preparing for this first remote meeting, she was unable to get the report ready for this meeting. It will be emailed to the Board tomorrow, April 16th and once approved, will be posted on the website. In answer to the Chairman's question regarding the auditors, Mrs. McVaugh said the auditors will be on the May agenda. The motion to approve the February Treasurer's report passed 5-0.

Business:

- a. **Website Redesign:** Supervisor Dea moved, seconded by Supervisor McVeigh, that the Board of Supervisors move forward with the proposal from CivicPlus, Inc. for a new website in an amount not to exceed \$10,000 for the first year.

Discussion: Mrs. Dea began the discussion by thanking Supervisors McVeigh and Gerstenhaber for their work in obtaining the proposal from CivicPlus and advised that she supports the decision to move forward with them. She expressed regret, however, at the reaction of the Board majority when she pressed for a second proposal which was received from EVOGOV, and conveyed her hope that, in the future, the Board will be more receptive to opinions and ideas from all the supervisors. Supervisor Gerstenhaber explained his reasons for being in favor of redesigning the website, most of which are centered around making the website easier for residents to use and making it ADA compliant. Mrs. McVeigh asked the Board and Staff to formulate their questions and concerns, as well as a list of what they want to see on the website in preparation for the next meeting with CivicPlus. Supervisor Auerbach expressed concern regarding the increase in the work load for the Township's three-person staff. In that regard, Supervisor Dea and Manager McVaugh, both of whom have created and managed websites in the past, cautioned that maintaining a website and presenting it in a professional manner can be time consuming and requires an atmosphere conducive to the ability to concentrate. Mrs. McVaugh also mentioned the issue of residents who do not have a fast internet, explaining that currently recorded meetings are converted to a MP3 file before being posted on the website and the current webmaster indicated that half his time is spent on this process. She advised the Board to consider whether they want to continue the practice. The Board agreed that they have to deal with all the issues that have been discussed. The motion carried 5-0.

- b. **Banffshire Bridge Design:** Supervisor Gerstenhaber moved, seconded by Mrs. Morris, that the Board of Supervisors direct Pete Eisenbrown to resubmit the DEP permit application for a wooden bridge at the Banffshire Preserve, per the DEP guidance. The construction cost of this project should not exceed \$10,000.

Discussion: In a very thorough discussion, concerns were expressed by Supervisors Dea and Auerbach regarding not having the actual costs of the new bridge design because the actual bridge that meets the necessary parameters at the entrance to the Banffshire Preserve, has not yet been designed. Therefore, the actual cost of the bridge is not known at this moment. Mr. Auerbach is also opposed to installing a wooden bridge at the site rather than the more robust culvert style design which was previously proposed and has been successfully used throughout the Township. In addition, he has requested that the abandoned design costs be made available. Mrs. McVaugh said that she has that information and will provide it to him. Chairman Morris explained that DEP has said they do not want a culvert bridge and has requested that the Township Engineer submit a design for a wooden footbridge. Township Engineer Pete Eisenbrown had access to a recently prepared wooden footbridge design which he submitted as an "example" of what the Banffshire bridge will look like. He is hopeful that DEP will not require a completely new permit, but rather will allow him to simply replace the drawing of the culvert bridge with the final drawing of the wooden

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footbridge that is designed specifically for the Banffshire site. At that point the exact costs of the bridge will be available. Chairman Morris noted that the motion to approve the resubmission, includes a maximum cost not to exceed \$10,000, and is simply an effort to keep the project moving forward. Engineer Eisenbrown and Paul Overton will be working to arrive at a more accurate cost figure prior to the DEP resubmission and if it appears that the cost of the footbridge will exceed the maximum of \$10k the application will not be resubmitted and the Board will revisit the situation. The motion carried 4-1, with Supervisor Auerbach voting Nay.

- c. Certificate of Appropriateness 1731 New London Road: Supervisor McVeigh moved, seconded by Mrs. Morris, that the Board of Supervisors, based on the recommendation of the HARB, approve the Certificate of Appropriateness for new windows at 1731 New London Road based on the findings that this application is in compliance with sections A, C, D and G of the Secretary of the Interior's standards; Sections H and J of the standards are not applicable. The proposed work will alter the current appearance of the structure but will have limited effect on the current historical character of the structure and its environment. The motion passed 5-0.
- d. Comprehensive Plan – Committee Appointments: Chairman Morris moved, seconded by Mr. Gerstenhaber, to nominate the following people to be members of the Comprehensive Plan (Comp Plan) Task Force Committee: Kathy Goin, Barry Walker, Dave Hocking, Jerry Hapka, Raymond Riale, Cindy Aldridge, Nan Latimer, Paul Overton, Chuck Phillips, Dave Gerstenhaber and Mary McVeigh.

Discussion: Chairman Morris explained that the County recommends that the Comp Plan be updated every 10 years. Since the last update occurred in 2006, the Board feels it is time to get on with the update. Mrs. Morris advised that the work will be done over the next two years in a cost effective, efficient manner by working with the Chester County Planning Commission that will facilitate the work of the task force going forward. The Township has secured a Vision Partnership Grant from the County to subsidize the development of the Plan. The intent is to use as much of the existing plan as possible by employing the talents of a diverse task force selected from a slate of volunteers who expressed interest in the project. Selections were based on location and diversity of age, backgrounds and interests, representing Township residents who are young, retired, working, small business owners, new to the area, life-long residents, farmers, trades people, hunters, fisherman, hikers, bikers, etc. The County recommends keeping the task force to a maximum of 10-12 members and requires that all the organized boards of the Township be represented including two members from the Planning Commission (PC) and Board of Supervisors (BOS). In that regard, Nan Latimer represents the Historic Commission; Paul Overton the Park Board, Open Space and trails; Chuck Phillips the PC; Dave Gerstenhaber both the PC and the BOS; and Mary McVeigh the BOS. At this point, Supervisors Dea and Auerbach expressed some confusion and dissatisfaction regarding the process that was followed in selecting the members of the task force. Mrs. Dea said she was under the impression that the slate of volunteers would be presented and discussed at this meeting and all the supervisors would have input. Chairman Morris said that she worked primarily with Township Mgr. Joan McVaugh in making the selections. Mgr. McVaugh provided background information on each of the selected volunteers including where they live in the Township emphasizing the effort that was made to have the entire Township represented geographically. At the request of Supervisor Dea, Chairman Morris agreed to increase the task force membership from 10 to 11, to include Cindy Aldridge. Supervisor Dea also strongly recommended that one of the BOS representatives on the task force be replaced by John Auerbach because of his unique experience and knowledge as well as length of time as a Township resident. Mr. Auerbach spoke on his own behalf regarding his experience and education in zoning and land development. In answer to

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the criticism of Supervisor Gerstenhaber regarding Mr. Auerbach's failure to focus on updating the Comp Plan in a timely manner, he explained that the Township was undergoing major zoning challenges in 2016 from the State of PA regarding the ACRE law, which would have made it inadvisable to begin this project during that time. He also believes it is a mistake to put the two newest members of the Board on the task force rather than the most experienced BOS supervisor. Supervisors McVeigh and Gerstenhaber both expressed reasons why they are qualified and deserve to be on the task force. The Motion passed 4-1 with Mrs. Dea voting Nay. She explained that although she supports those that have been selected, she feels strongly that John Auerbach should have been selected because of his unique qualifications for this project.

- e. Live Streaming BOS and PC Meetings: Supervisor Auerbach moved, seconded by Mrs. Morris, that effective immediately Board of Supervisors' Meetings and Planning Commission meetings be live streamed via Facebook and/or YouTube.

Discussion: Supervisor Gerstenhaber strongly supports live streaming the meetings in order to make it easier for more residents to participate. Mr. Gerstenhaber thanked the staff for their efforts saying that Jeff, Joan and Sharon are now YouTube stars. Mgr. McVaugh emphasized Jeff Eastburn's contributions to the effort, as did Mr. Gerstenhaber and Chairman Morris thanked everyone for "getting it done".

- f. Resolution 2020-10 – License to Hunt Season 2020-2021: Mrs. Dea moved, seconded by Mr. Gerstenhaber, that the Board adopt Resolution 2020-10, issuing the 2020-2021 Hunting License to the Franklin Sportsman's' Association.

Discussion: Supervisor Gerstenhaber noted that he attended a meeting of the FSA a while back and was impressed with their safety program and their community service contributions. Supervisor Dea also commented on the amount and quality of their community service work. Motion passed 5-0.

- g. Appointing Secondary Delegate to Chester County (CC) Tax Collection Committee: Supervisor Gerstenhaber moved, seconded by Mrs. Dea, that the Board appoint Supervisor Morris to serve on the secondary delegate to the Chester County Tax Collection Committee effective immediately. Motion passed 5-0.

Public Comment: Zach Elwyn recommended that going forward, the Township not use Face Book to live stream the meetings. He has concerns regarding their reputation on privacy issues. Supervisor Gerstenhaber agrees and said that's why he recommends using multiple platforms and eventually to live stream through the Township website. Mrs. McVaugh suggested not eliminating Face Book because it is widely used as shown recently when Sharon posted an accident at 896/Chambers Rock that received 6,000 hits on Face Book. Paul Overton sent a comment/question to Joan McVaugh (which wasn't received) regarding live streaming the meetings. His question is – If there are technical difficulties and the live stream fails, can the meeting still proceed? Solicitor Thompson stated that under normal circumstances (no Covid19 restrictions) there would be a live public meeting in the meeting room that would be live streamed. If, under those conditions, technical difficulties interfere with the live streaming, the live meeting is still a legal meeting. Mr. Overton also suggested that all the supervisors be videoed during the meeting for identification purposes and also they should confirm their verbal votes by some physical gesture such as a thumbs up/down. These are glitches that will be worked out going forward.

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Adjourn: The meeting was adjourned at 8:43p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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