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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES November 20, 2019

Call to Order:

Chairman Auerbach called the meeting to order at 7:01 p.m. In attendance was Supervisor Dea. Supervisor Snyder was expected at approximately 8 p.m. but was further delayed and did not arrive until 9:30 p.m. Supervisor Torres was out of town but joined the meeting by phone at 8:10 p.m. to participate in all voting matters. Supervisor Morris was absent from the meeting. Also in attendance on behalf of the Township were Solicitor Mark Thompson, HARB/HC Chairman Paul Lagasse, Township Manager/Treasurer Joan McVaugh, Assistant Township Mgr. Jeff Eastburn and Secretary Sharon Norris. Seven members of the public were in attendance.

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

Announcements: 1) There will be an Executive Session after the meeting to discuss personnel issues. 2) The following items are being removed from tonight's agenda: Item V.a – Avon Grove Library and Item V.h – Zoning Assessment Meeting Update. The library representatives will return in December or January, and the issue of multiple uses in the LI District has been resolved by the Zoning Hearing Board.

The Chairman explained that due to not having a quorum, discussion of agenda items that require a vote will be delayed until a quorum becomes available. The minutes will follow the discussions in the order they occurred.

Public Comment: Kathy Goin, a resident of the Township, asked if Jason Eroh, (Agenda Item V.b) will still be presenting. Mr. Eroh was not present at that time and had not contacted the Township regarding his intentions.

Reports:

- b. **Zoning Officer Report:** Supervisor Dea reported that during the month of October, 5 permits were issued, and 24 building inspections took place. Building Fees collected were \$2,751.06; Open Space and Impact Fees collected -0-; and miscellaneous fees collected were \$1,285.00. Regarding the one ongoing zoning issue at 3327 Appleton Rd., Mgr. McVaugh updated the Board as follows: The Township won the Appeal in the Court of Common Pleas and the hearing in District Court to address the violations, will be November 21 at 9:30 a.m. Repair work is ongoing at the property. Zoning Officer Jeff Vogels has examined the outside work on the stone foundation and found it acceptable. The property owner is required to replace the porch, have the bricks in the front of the house pointed, and satisfy the Zoning Officer that there is no water damage on the inside of the building. The entire report can be reviewed on the Township website at (www.franklintownship.us).
- c. **Planning Commission (PC) Report:** The PC did not meet in November.
- d. **HARB/HC Reports:** Chairman Lagasse reported that the HARB & HC did not meet in November. He reported that the November 14th talk by Marshall Decker, Professor Emeritus at West Chester University, who spoke about the Lenape Indians, was successful with 50-60 in attendance. The Oxford Historical Society may consider hosting this program at a future date. Mr. Lagasse confirmed that the Township has not heard from PennDOT concerning the 896 project.
- e. **FSA Report:** Jim German was unable to attend tonight's meeting but submitted a written report which Chairman Auerbach summarized as follows: No additional deer were harvested. 23 members

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have passed their archery proficiency test and 21 members have successfully taken their shotgun proficiency test. There are 35 members in the FSA with a long waiting list of Township residents. To date, the FSA has provided 147.5 hours of community service to the Township, most recently sanding and staining the girl scout table in Crossan Park. The next community service events will include roadside cleanup of Chesterville and Creek Roads on Sunday, November 24th; painting the handicapped parking poles at Crossan Park and adopting a family for Christmas.

Business:

Sue Walker District Director for Congressional Representative, Chrissy Houlahan 6th District: Supervisor Dea introduced Ms. Walker whose purpose was to familiarize the Board and those present with the background and initiatives of Congresswoman Chrissy Houlahan, the Congressional Representative for the 6th District of Pennsylvania, comprised of all of Chester County, the city of Reading and the southeast suburbs of Berks County. Congresswoman Houlahan is a veteran, an engineer, an educator and an entrepreneur. She is a member of the House Foreign Affairs Committee, the House Small Business Committee and she founded the Servicewomen and Women Veterans Congressional Caucus. She took office on January 3rd, 2019 and continues to make every effort to be accessible to her constituents and to make them aware of the many ways her office can advocate for them. Furthermore, she continues to work hard on her initiative to lower the cost of prescription drugs. She and her staff are working toward their goal of meeting with all the municipalities and boroughs in the district by the end of the year. In addition, she will be hosting her 13th Town Hall Meeting on November 22nd at the Coatesville Training Center. She has offices in West Chester, Reading and Washington with day and evening hours. Visit her website for more information at <https://houlahan.house.gov/>. During a brief Q&A at the end of Ms. Walker's presentation, Chairman Auerbach asked for the Congresswoman's assistance in obtaining a grant for the Hess Mill Bridge and Zach Elwyn and Eric Brindle had questions and comments regarding her availability during legislative sessions and the timeliness of email responses.

Zoning Assessment: This item had been removed from tonight's agenda however in order to allow time for a quorum to become available, the Chairman and Supervisor Dea talked about the recent meeting with the Chester County Planning Commission (CCPC) regarding the Township's Fair Share Zoning. Fair Share Zoning is a state law that requires all townships in Pennsylvania to provide a variety of zoning districts. The County determined that Franklin has a fair share of each zoning district and therefore is compliant, however the Special Use District needs some expansion. The next step will be to get assistance from the CCPC in revising the Township's Comprehensive Plan. Chairman Auerbach went on to describe the purpose of the Comprehensive Plan and the Zoning Map. He mentioned a determination made by the CCPC, which is related to Fair Share Zoning obligations, that categorizes Franklin as being "on the path of growth". This determination is based on the Township's proximity to Wilmington and Newark and other developing communities in Chester County. Chairman Auerbach disagrees with this determination and uses that same proximity to New Castle County's economic center to support his theory. He explained the impact the Earned Income Tax has on such determinations and acknowledged that, even with the loss of the TND, the Township is still compliant with Fair Share Zoning. Chairman Auerbach suggests writing to the CCPC and requesting that the "path of growth" classification of the Township be revised. This will be discussed again when the full Board is present. Ms. Goin, Mr. Elwyn and Mr. Brindle commented during this discussion.

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Note: Supervisor Steffen Torres joined the meeting by phone at 8:10 p.m. The Solicitor explained that Mr. Torres' participation and voting rights are permitted under Pennsylvania law, as long as he can hear and be heard.

Approval of Minutes:

- a. *Board of Supervisors (BOS) Minutes of October 16, 2019:* Mrs. Dea moved, seconded by Chairman Auerbach, that the Board approve the October 16, 2019 v.2 Minutes, as submitted by the Township Secretary. Motion passed 3-0.
- b. *Disposition of Records – Resolution 2019-18:* Supervisor Auerbach moved, seconded by Supervisor Dea, that the Board approve Resolution 2019-18 regarding the Disposition of Records for the October 16, 2019 Board of Supervisors' Meeting. Motion passed 3-0.

Reports:

- a. *Treasurer's Report for October 2019:* Supervisor Dea moved, seconded by Supervisor Torres, that the Board approve the October 2019 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$177,170.09; the Park and Recreation Fund with disbursements of \$9,783.44; the Open Space Fund with disbursements of \$6,553.17; the Capital Reserve Fund with disbursements of \$39,197.70; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$704,530.46. Motion carried 3-0.

Business:

- c. *Ordinance 2019-02 – Engine Retarders:* Solicitor Thompson opened the public hearing for the adoption of Ordinance 2019-02, which is an Ordinance amending the code of Franklin Township to provide for the regulation of the use of engine retarding devices. The Ordinance has been duly advertised. The Solicitor named three exhibits as follows: T1 - the Ordinance; T2 - the public notice; T3 - the Proof of Publication. The Solicitor asked the Board for comments. Chairman Auerbach provided an explanation of the devices that the Ordinance is attempting to control. The Solicitor called for Public Comment. Mr. Lagasse, 105 Walker Rd., thanked the Board for enacting the Ordinance. Solicitor Thompson closed the hearing. Chairman Auerbach moved, seconded by Supervisor Dea, that the Board of Supervisors enact Ordinance 2019-02 restricting Brake Retarders on Appleton Road in the Village. Motion passed 3-0.
- d. *Ordinance 2019-03 – Park Rules:* Supervisor Dea moved, seconded by Chairman Auerbach, that the Board of Supervisors authorize the solicitor to advertise Ordinance 2019-03 updating the park rules to allow BBQs and changing the park hours to Sunrise to Sunset, for enactment at the next Board of Supervisors Meeting.

Discussion: Mrs. Dea thanked Assistant Mgr. Jeff Eastburn for his efforts in completing the Park improvements and the FSA members for installing the BBQs. Supervisor Torres asked whether regulations regarding the use of the BBQs would be added to the ordinance. Chairman Auerbach said it was not currently being considered but can always be added later, if needed. Motion passed 3-0.

- e. *Appointment of Chuck Phillips to Historical Commission:* Chairman Auerbach moved, seconded by Mrs. Dea, that the Board of Supervisors appoint Chuck Phillips to the Historical Commission for a 5-year term expiring on November 30, 2024. Motion passed 3-0.

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- f. Server Discussion: Mrs. Dea moved, seconded by Mr. Torres, that the Board authorize the replacement of the current computer server, which reaches the end of its life in January 2020, with a Fully Cloud Based option. Motion passed 3-0
- g. 2020 Budget Discussion: The Chairman reviewed the budget fund-by-fund and discussed noteworthy points from each account. Emergency Services costs are growing by 6%; Highway Aid – Liquid Fuel monies are down; Impact Fee Accounts are down due to minimal development and not as many new homes in the Township; Open Space Fund tax revenue does not cover the amount of the payment on the \$3.5 million loan (which will be paid off in July 2040); Park and Rec Fund – the loan has been paid off. The extra money will go to the Stoltzfus AG Easement (5 payments of \$44,163 starting in 2019) and upgrades to the tennis court and the healing garden. Mrs. Dea spoke about the improvements to the Park and encouraged everyone to check out the newly redone bathrooms when they reopen in the spring and to bring charcoal and use the newly installed BBQ grills. The 2020 budget is \$106,000 less than last year’s budget. The impact of reduced property assessments was noted, as well as the impact of Township residents who work in Delaware and do not pay the Township EIT. In addition, the Township receives less money in TV franchise fees due to the increase in streaming.

Chairman Auerbach moved, seconded by Supervisor Torres, that the Board authorize the staff to advertise the 2020 Budget for adoption at the December 18, 2019 BOS Meeting. Motion passed 3-0.

- h. Multiple Uses in the LI District: This issue was resolved at a recent Zoning Hearing Board (ZHB) hearing. The applicant wanted to live in the existing house and have a business at the existing auto shop. Only single uses are allowed in LI. The ZHB granted a variance for multiple uses.

Public Comment: No public comment.

Adjourn: The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary