

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES February 27, 2019

Call to Order:

Chairman Auerbach called the meeting to order at 7:02 p.m. In attendance were Supervisors Morris, Snyder and Torres. Supervisor Dea was absent. Also in attendance on behalf of the Township were Solicitor Mark Thompson, Township Engineers Pete Eisenbrown and Glen Kelczewski, HARB/HC Chairman Paul Lagasse, Manager/Treasurer Joan McVaugh, Assistant Township Mgr. Jeff Eastburn and Secretary Sharon Norris. Additionally, Jim German from the FSA and Shane Morgan from the White Clay Creek Wild and Scenic Recreational Rivers were in attendance. There were 7 members of the public present.

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

Announcements: Chairman Auerbach advised that there will be an Executive Session following the meeting to discuss legal issues.

Public Comment: There was no public comment.

Approval of Minutes:

- a. Board of Supervisors (BOS) Minutes of January 16, 2019: Chairman Auerbach moved, seconded by Supervisor Morris, that the Board approve the January 16, 2019 Minutes v.3, as submitted by the Township Secretary. Motion passed 4-0.
- b. Disposition of Records – Resolution 2019-06: Supervisor Snyder moved, seconded by Chairman Auerbach, that the Board approve Resolution 2019-06 regarding the Disposition of Records for the January 16, 2019 BOS meeting and the November 1, 2018 Planning Commission (PC) meeting. Motion passed 4-0.

Reports:

- a. Treasurer's Report for January 2019: Supervisor Torres moved, seconded by Supervisor Snyder, that the Board approve the January 2019 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$115,597.16; the Park and Recreation Fund with disbursements of \$2,598.84; the Open Space Fund with disbursements of \$96,768.42; the Capital Reserve Fund with disbursements of \$9,739.46; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$620,967.89. Motion carried 4-0.
- b. Zoning Officer's Report: Mrs. Morris reported that during the month of January, 6 permits were issued and 24 building inspections took place. Building Fees collected were \$1,095.12; Recreation, Open Space & Impact Fees collected were \$-0-; and miscellaneous fees collected were \$1,100.00. There are 4 zoning issues: 1651 New London Road has submitted a Zoning Hearing Application for a change of use. 1620 New London Road has submitted a Conditional Use Application. 206 Fox Run Road has been sold, and a resident of that subdivision thanked the Township for continuing to work with the bank to secure the area and take down trees which were a safety hazard. 3327 Appleton Road, the District Court Judge continued the case until the Court of Common Pleas Judge made a ruling. The Court of Common Pleas date was cancelled due to weather and has been rescheduled for March 12th at 9:30 a.m. The report can be reviewed in its entirety on the Township website (www.franklintownship.us).

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- c. PC Report: Mr. Brent VanLith, PC member, gave a summary of the February 7th meeting at which the PC organized for 2019: Dr. Dave Hoffman, Chairman; Dr. Mark Harris, Vice Chairman; and, Mr. John Gontarz, Secretary. The PC also recommended to the BOS that they approve the Walker/Wilkinson Lot Line Change, with the requested waivers.
- d. HARB & Historical Commissions: The HC/HARB did not meet in February, however Chairman Lagasse provided information regarding the ongoing historical review of properties along 896. He reported that the Plow and Harrow Inn and the former Lawrence property were not deemed eligible by PennDOT's Historical Resource Review, however despite PennDOT's recommendations, the Pennsylvania Historical and Museum Commission deemed 1668 New London Road and 1881 New London Road eligible for the National Register as historic farmsteads. This allows for more input from the property owners if they have concerns about PennDOT's proposed roadwork. Mr. Lagasse also advised of two upcoming talks as follows:
- 1) On March 5th at 7 p.m., the Oxford Area Historical Association will present "Evan Pugh's Penn State". The speaker is author Roger Williams. It's being held at the OAHA's new meeting location at the Oxford Masonic Lodge.
 - 2) On March 14th at 7pm, the New London Area Historical Society and Franklin Township Historical Commission will present a program on "Preserving Family Stories with Your Smartphone". It will be a very detailed presentation on how to record, preserve and share family histories whether on an iPhone or Android phone. This talk will be held at the New London Township Building

These talks will be posted on the Township website and the Historical Commission's Facebook page.

- e. FSA Report: Mr. Jim German gave the final report of the 2018-2019 season. Total harvest was 20 deer from the three preserves, as follows: 11 deer from Franklin Preserve; 5 deer from White Clay Crescent and 4 from Banffshire. On March 9th the FSA will be doing road clean-up on Chesterville/Creek Road. Total service hours to date are 124. Mr. German thanked the Supervisors for the opportunity to hunt the preserves. Mr. Auerbach thanked the FSA for their service to the Township, specifically the cleanup of graffiti at Crossan Park. Paul Overton suggested that the FSA might consider clearing the trails in Banffshire of dead trees and invasive vines which would benefit their members as well as other trail users in the Township.

Business:

- a. Walker/Wilkinson Lot Line Plan: Supervisor Torres moved, seconded by Supervisor Snyder, that based on the recommendation of the Planning Commission, the Board of Supervisors approve the Final Minor Subdivision Plan for Lots 7 and 15 of the Riale Subdivision dated December 27, 2018, last revised February 11, 2019 with the following waivers from the SALDO:
- a) Section 22-202 with respect to the definition of a Minor Subdivision, to allow this plan to be processed as a Minor Subdivision Plan;
 - b) Section 22-502.L.14 which requires the location of all existing wells and sewage drainage fields within 100' of the property boundary;
 - c) Section 22-502.M.1 which requires existing contour lines at vertical intervals of 2 feet established by topographic survey;
 - d) Section 22-502.M.5 which requires slopes from 15% - 25% and slopes in excess of 25% to be highlighted;
 - e) Section 22-502.M.8 which requires the delineation of all non-tidal wetlands by field survey;

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- f) Section 22-502.L.(2) and Section 22-717.1.B which requires survey monuments along the original tract and the street right-of-way lines;
- g) Section 22-722.11D which requires the delineation and testing of both primary and replacement sewage systems.

Discussion: Supervisor Morris inquired about the applicant's conformance with the Zoning Ordinance as documented in LTL's review letter of January 28, 2019. Mgr. McVaugh advised that item #1 regarding the number horses permitted on the Wilkinson parcel was deemed not to be relevant and item #2 was thoroughly discussed by the PC and the applicant was instructed to include all existing impervious structures on the plan.

Motion passed 4-0.

Mr. Walker complimented the office staff for their professionalism and thanked them for all their help during this process.

- b. *Catch the Rain Program:* Supervisor Morris introduced Shane Morgan, Management Plan Coordinator at White Clay Creek Wild and Scenic Recreational Rivers Program, who was present to update the Board and the public regarding this voluntary stormwater implementation program which has been ongoing since 2016. The program was developed by the White Clay Wild and Scenic River Program and the Brandywine Conservancy to address stormwater runoff which is known to be the largest source of pollution to the White Clay Creek. Ms. Morgan advised that Franklin Township has one of the highest participation rates (23.4%) when compared to surrounding townships. She advised that the program has been expanded to include HOA lands offering up to 50% cost assistance up to \$2,500. In answer to a question from the BOS, Ms. Morgan advised that DEP has not yet recognized this program as being eligible for MS4 credit.
- c. *MS4 Discussion:* This item deals with the Municipal Separate Storm Sewer system (MS4) permit that the Township is required to submit to DEP. After a brief update from Chairman Auerbach, he turned the discussion over to Township Engineers Pete Eisenbrown and Glen Kelczewski, both of whom have been working extensively with DEP since receipt of DEP's review letter dated 7/10/18. A 3-page document entitled *Franklin Township MS4 Discussion for the 2/27/19 BOS meeting*, prepared by the engineers, was provided to the Board members and used as an outline for this discussion. Mr. Eisenbrown explained that although the MS4 program has many components, the main goal is the reduction of sediment in each of the watersheds that exist in Franklin Township. The two proposed methods of sediment reduction referenced in this discussion are the PRP (Pollutant Reduction Plan) and the TMDL (Total Maximum Daily Load Reduction Plan). The existing watersheds being discussed are the Chesapeake Bay Watershed (Big Elk Creek) which requires a PRP and the Christina River Watershed (White Clay Creek) which requires a TMDL. There is a small watershed that drains directly to the Christina River that does not require any action for the current permit. A lengthy discussion ensued regarding the details of the engineers' proposals. Mr. Eisenbrown advised that the next step is for the Board to authorize the advertising of the Permit Application and allow 30 days for public comment. Ultimately the application must be submitted to DEP for their review and comment by April 26, 2019. The Board expressed concern regarding authorizing advertising the permit application without having a reasonable cost estimate for each proposed project. A legitimate cost estimate would require a scope of work and engineered plans. A 3-month extension from DEP was requested. The Chairman advised the Board of another factor to be considered when looking at the overall Township budget. There is the possibility that the cost of state police protection may be shifted down to the townships. The Governor is asking for \$33/capita or \$147,000/yr., for state police protection for the Township. The consensus of the Board was not to

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advertise the Permit Application until they have more information. This item will be discussed again at the March 20, 2019 BOS meeting. In the meantime, Supervisor Torres would like to work with the Township Mgr. to come up with a preliminary budget based on what is known at the present time. The Manager noted that there is currently \$150,000 budgeted for stormwater work. Members of the public who participated in the discussion were Jim German, Shane Morgan and Paul Overton. PC member Brent VanLith also participated.

- d. Alternative Energy Discussion: The Township Zoning Officer, Jeff Vogels, became aware of issues related to large energy farms and the fact that there is nothing in the Township ordinances that regulates alternative energy sources. Chairman Auerbach advised that there are approximately 15 small rooftop/backyard solar panel arrays in the Township and a couple of wind turbines. He is not in favor of regulating alternative energy sources at this time. After discussion, the Board agreed that our current ordinances are sufficient to deal with alternative energy sources at this time. If interest is expressed or issues arise, they will revisit the subject. A concern about the safety of pipelines in the Township was mentioned and it was pointed out that the Township has no authority over pipelines – they are governed by the FERC.
- e. Resolution 2019-07 Chester County Comprehensive Plan: Mrs. Morris moved, seconded by Mr. Auerbach, that the Board of Supervisors adopt Resolution 2019-07, endorsing Landscapes 3, the Chester County Comprehensive Plan. Motion passed 4-0.

Public Comment: No public comment.

Adjourn: The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

Mtg. 02.27.19. v.2.er