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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES February 19, 2020

Call to Order:

Vice Chairman McVeigh called the meeting to order at 7:00 p.m. In attendance were Supervisors Auerbach, Dea and Gerstenhaber. Chairman Morris was absent. Also in attendance on behalf of the Township were Solicitor Mark Thompson, HARB/HC Chairman Paul Lagasse, Township Manager/Treasurer Joan McVaugh and Assistant Manager Jeff Eastburn. There were 14 members of the public were in attendance.

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

Public Comment: There was no public comment.

Approval of the Minutes:

- a. Board of Supervisors (BOS) Minutes of January 21, 2020: Supervisor Gerstenhaber moved, seconded by Supervisor Dea, that the Board approve the January 21, 2020 v.3 Minutes, as submitted by the Township Secretary. Motion passed 4-0.
- b. Disposition of Records – Resolution 2020-07: Supervisor McVeigh moved, seconded by Mr. Auerbach, that the Board of Supervisors adopt Resolution 2020-07 regarding the Disposition of Records for the Board of Supervisors' meeting of January 21, 2020 and the Planning Commission meeting of January 9, 2020. Motion passed 4-0.

Reports:

- a. Treasurer's Report for January 2020: Supervisor Dea moved, seconded by Supervisor Gerstenhaber, that the Board approve the January 20, 2020 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$91,489.91; the Park and Recreation Fund with disbursements of \$1,506.57; the Open Space Fund with disbursements of \$99,553.17; the Emergency Services Fund with disbursements of \$6,441.00; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$415,029.64.

Discussion: Supervisor Dea commented on the misinformation in a recent mass e-mail sent by Mr. Whipple, which questioned several deposits listed on last month's Treasurer's Report. For the benefit of the public, Supervisor Dea stated that members of the Board receive a complete copy of the Treasurer's Report every month and it is posted on the Township website for public viewing. She added that the Board is completely satisfied with Mrs. McVaugh's performance as Treasurer and appreciate her efforts to be as transparent as possible for the public. Although the Board had no questions, Mrs. McVaugh provided the source and reasons for the deposits. The motion to approve the Treasurer's report passed 4-0.

- b. Zoning Officer Report: Mr. Auerbach reported that during the month of January, 8 permits were issued, and 13 building inspections took place. Building Fees collected were \$1,403.60; Open Space and Impact Fees collected -0-; and miscellaneous fees collected were \$1,558.70. Regarding the one ongoing zoning issue at 3327 Appleton Rd., the property owner continues to pay very small amounts toward the fine. Mrs. McVaugh commented further that the revised Historic Ordinance will allow the Zoning Officer to issue additional violations to the property owner. The entire report can be reviewed on the Township website at (www.franklintownship.us).

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Discussion: Supervisor Dea noted more innuendo in Mr. Whipple's e-mail regarding this property. A summary of the legal actions and court proceedings have been reported each month in the Zoning Officer's report.

- c. **Planning Commission (PC) Report:** Supervisor Gerstenhaber summarized the February 6, 2020 PC meeting. Mr. Nuri Heckrotte, the new owner of 1691 New London Road, had an informal discussion with the PC regarding his plans for an automotive repair shop at that location. Brent Van Lith provided some of the details of this discussion. The PC continued their discussion of the Green Energy Ordinance.
- d. **HARB/HC Reports:** These commissions did not meet in February. Mr. Lagasse reported that New London and Franklin Historical Commissions are co-sponsoring a talk entitled "The Lady Was a Spy" on March 12, 2020 at 7 p.m. at the New London Academy. The speaker is Dr. Linda DeRoche of Wesley College. The talk will cover the use of women as spies in WWII.
- e. **FSA Report:** Jim German provided a summary of the 2019-2020 hunting season. The FSA harvested 12 deer from the various preserves. Since the deer season is over, a general clean-up of the preserves has taken place and all signage has been removed. Mr. German cautioned that, although deer season is over, goose season starts soon and residents may hear rapid gun fire in the early mornings. Regarding community service, the FSA has performed a total of 153.5 hours of community service for the Township. Bob Macknis, FSA Project Coordinator, spoke about future community service projects. They plan a clean-up of Chesterville and Creek Roads in March and he noted that the vines are very thick in the trees in Banffshire Preserve and the FSA is considering removing them as a future project.

Business:

- a. **Comprehensive Plan Update:** Supervisor Dea moved, seconded by Mr. Gerstenhaber, that the Board approve the revised Scope of Work for the Comprehensive Plan update provided by the Chester County Planning Commission (CCPC) to assist in the execution of a Vision Partnership Program (VPP) Contract for consideration at a future meeting.

Discussion: Mrs. Dea briefly discussed the information provided by Susan Elks of the CCPC regarding the timeline for the Comprehensive Plan (Comp Plan) update and VPP contract which will be considered at a future BOS meeting. The Township will receive grant money from the VPP to assist with the costs related to the Comp Plan update. The Board discussed the purpose of the Comp Plan and the importance of having input from the residents. It is not a legal document but rather an important guideline that supports and helps to interpret the zoning regulations and goals of the Township. It is a requirement of the 2nd Class Township Code that the Comp Plan be updated every 10 years. A task force will be formed consisting of members from the various Township boards as well as members of the public. Anyone interested in contributing at that level should contact the office staff. There will be several public workshops and meetings, as well as opportunities provided to all residents for their input. This is a long-term project which will play out over the next two years. The motion to approve the Scope of Work passed 4-0.

- b. **Ordinance 2020-01:** Mr. Auerbach moved, seconded by Mrs. Dea, that the Board enact Ordinance 2020-01 updating Chapter 11, the Historic District, specifically the Demolition by Neglect sections.

Discussion: It has been recommended by legal counsel that the ordinance be revised to strengthen the Township's ability to enforce its regulations concerning the willful neglect of historic properties in the Historic District. Motion carried 4-0.

- c. **Potential Buyers of Chisel Creek Golf Course:** Jose and Jasmine Sabastro have made an offer on the Chisel Creek Golf Course property. Mr. Sabastro provided information about himself and his family

to establish the fact that he and his wife are not interested in developing the property but rather as an investment and a place to live and continue to raise their family. They want to remain in the area and specifically in the Avon Grove School District. He explained that coming before the Board at this time is part of their due diligence in determining whether this project is financially feasible for them to pursue. Mid-April is their deadline for a decision. Tom Schreier of Hillcrest Associates presented the sketch plan to create 6 building lots and a private access road using the existing driveway off of Route 896. No further subdivision of the parcels would be permitted and there is interest in having a conservation or Ag easement on a significant portion of the property. The existing clubhouse is shown on the plan as a 15-acre parcel with approximately 107 parking spots. Determining a viable use for the clubhouse and obtaining conditional use approval is of overriding importance to the applicant's decision process. Several of the Township's land development and zoning ordinances were discussed regarding their relevance and potential impact on the project and the applicant's decision. The Board's reaction to the plan was favorable. They expressed interest and willingness to work with the applicants in moving through the many issues in a timely fashion. Paul Overton, Nan Latimer, Eric Brindle and realtor John Krish participated in the discussion.

- d. *Park, Recreation and Open Space Committee Ordinance review:* Supervisor McVeigh moved, seconded by Mrs. Dea, to authorize the Solicitor to advertise the Park/Recreation and Open Space Board Ordinance, for enactment at a future meeting.

Discussion: Supervisor Dea requested that "Open Space" be added to the title of the ordinance and appropriately throughout the text of the ordinance. In answer to a question from Paul Lagasse regarding the function of park board, Mrs. Dea explained that the intent is to have a 7-member advisory board consisting of residents who have an interest, and perhaps experience, in maintaining parks and recreational open space. They would prioritize park projects and vet any open space opportunities that may occur. The meetings will be public and minutes will be taken and published. Brent Van Lith voiced a concern about costs that might be incurred by this new board. It is assumed that there will be little, if any, overhead associated with the functioning of the park board.

The motion carried 4-0.

- e. *Banffshire Bridge Discussion:* Supervisor Gerstenhaber led the discussion, briefly describing the two options that are being considered for the construction of a pedestrian bridge at the entrance of the Banffshire Preserve. One option uses a culvert pipe covered with a material that would form a foundation, and was designed by the Township engineer. The other option is a wooden foot bridge that would span the gap with a support in the middle, using telephone poles, gabion baskets and wood planking. Supervisor Auerbach provided the history behind the decision to go with the culvert design rather than the wooden design. He described the topography of the area and the environmental concerns due to wetlands and poor silt-type soil. He strongly recommends using the LTL designed culvert style bridge. Supervisor Dea agrees with this decision. Supervisor Gerstenhaber provided his concerns related to a culvert style bridge which are mostly related to the potential destruction of the natural elements of the stream and the cost of the culvert style vs. the wooden bridge. Supervisor Auerbach referenced the successful use of the culvert style bridges throughout the Township and countered that the cost differential as inconsequential when quality, proven performance and longevity are considered. Paul Overton presented the plan for a wooden pedestrian bridge, originally designed and considered by Mr. Auerbach, with revisions which include the use of improved gabion baskets instead of concrete blocks. There was discussion regarding whether DEP needs to be involved if the wooden bridge is the option selected. Mr. Overton described the contingencies he has built into his plan to deal with potential DEP issues. His opinion is that there is no need to build a bridge that will accommodate 4-wheel vehicles because

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those vehicles cannot navigate the Banffshire landscape beyond the bridge. Supervisor Dea wants to hear from Township Engineer Pete Eisenbrown, before a final decision is made since he is the one who recommended the culvert design. Mr. Auerbach moved, seconded by Mrs. Dea, that the culvert bridge be installed in Banffshire. The motion failed 2-2, with Supervisors Dea and Auerbach voting aye, and Supervisors McVeigh and Gerstenhaber voting nay.

Brent Van Lith, Eric Brindle and two unidentified members of the public also participated in this discussion.

- f. Hess Mill Bridge Discussion: Supervisor Auerbach led the discussion providing the history and preliminary timeline for replacing the bridge. The original plan was to replace the bridge in 2019, but the Chester County Conservation District (CCCD) indicated that they could provide a grant in 2020 to supplement the project cost. The total project cost is \$371,450, the CCCD grant would be \$296,450 reducing the Township's cost to \$75,000. The Township's plan is to replace the bridge before school starts in the fall. In order to meet an end date of August 21, 2020, the Township would need to start the process next week but the Board doesn't want to do anything to indicate to CCCD that they aren't interested in receiving the grant money. The Board has committed to replacing the bridge in 2020. The decision was to have Mrs. McVaugh contact CCCD to determine the status of the grant and to make sure that moving forward administratively does not endanger the Township's eligibility for the grant. In the meantime, the Township will begin the process of preparing a bid package and starting the RFQ process. The final go/no go decision will be made at the March Board meeting.

- g. Resolution 2020-08 – House Bill 349: Mrs. Dea moved, seconded by Mrs. McVeigh, that the Board adopt Resolution 2020-08 opposing House Bill 349 which would require townships to employ a minimum of two third-party building inspectors and allowing contractors a choice.

Discussion: The pros/cons were discussed. Since Franklin Township is too small to have a full-time zoning officer on staff, this legislation will make the related administrative process difficult and confusing if it becomes law. Motion to oppose passed 4-0.

Public Comment: Supervisor McVeigh expressed concern regarding a recent email newsletter written and distributed by a Township resident and former Board member. She felt the comments were insulting to the Township staff and the Board. Mrs. McVeigh takes major issue with the ongoing innuendo. Supervisor McVeigh suggested that this resident use his free time in a positive way – helping the Township to thrive, rather than falsely accusing the staff and Board of misdeeds. She thanked the public for listening.

Eric Brindle talked with Harold Walls about open positions on the Emergency Management Committee. He also mentioned putting something on the website regarding the pending epidemic. Supervisor Gerstenhaber asked if Harold could come to a meeting to speak about the epidemic. Supervisor Auerbach suggested engaging the Chester County Emergency Management personnel. Mrs. McVaugh has spoken to Harold regarding what might be available from the County. Supervisor Gerstenhaber suggested checking with other townships regarding what they might be doing in this regard.

Adjourn: The meeting was adjourned at 10:08 p.m.