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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES May 20, 2020

Call to Order:

Chairman Morris called the meeting to order at 7:17 p.m. In attendance via ZOOM were Supervisors Auerbach, Dea, Gerstenhaber and McVeigh and Solicitor Mark Thompson, Township Manager/Treasurer Joan McVaugh, Assistant Manager Jeff Eastburn and Secretary Sharon Norris were also in attendance. There were 7 members of the public attending via ZOOM.

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

Public Comment: There was no public comment.

Approval of the Minutes:

- a. *Board of Supervisors (BOS) Minutes of April 15, 2020 v.3:* Supervisor Auerbach moved, seconded by Supervisor Dea, that the Board approve the April 15, 2020 v3 Minutes, as submitted by the Township Secretary. Motion passed 5-0.

Discussion: Chairman Morris asked that revisions to meeting minutes be submitted prior to the day of the meeting so that all supervisors have the opportunity to review the proposed revisions.

- b. *Disposition of Records – Resolution 2020-12:* Supervisor Dea moved, seconded by Mr. Gerstenhaber, that the Board of Supervisors adopt Resolution 2020-12 regarding the Disposition of Records for the Board of Supervisors' meeting of April 15, 2020. Motion passed 5-0.

Reports:

- a. *Treasurer's Report for March 2020:* Supervisor Gerstenhaber moved, seconded by Supervisor McVeigh, that the Board approve the March, 2020 Treasurer's Report which includes the following disbursements and transfers: The General Fund with disbursements and transfers of \$193,642.52; the Park and Recreation Fund with disbursements of \$4,034.46; the Open Space Fund with disbursements of \$6,330.74; the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$825,830.99. Motion passed 5-0.

Treasurer's Report for April 2020: Chairman Morris moved, seconded by Supervisor Gerstenhaber, that the Board approve the April, 2020 Treasurer's Report which includes the following disbursements and transfers: The General Fund with disbursements and transfers of \$340,795.03; the Park and Recreation Fund with disbursements of \$3,546.48; the Open Space Fund with disbursements of \$6,330.74; the Emergency Services Fund with disbursements of \$40,961.33 and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,221,497.16. Motion passed 5-0.

- b. *Zoning Officer Report:* Supervisor McVeigh reported that in the months of March and April, 15 permits were issued and 15 inspections took place. Building Fees collected were \$5,266.03; Recreation, Open Space and Impact Fees were zero; and Miscellaneous Fees were \$3,500.00. One on-going zoning issue was reported.
- c. *Planning Commission Report(PC):* There was no PC meeting in May.
- d. *HARB/HC Reports:* There was no HARB/HC Report in May. Chairman Lagasse gave a brief update on the historic resources map that the Historical Commission (HC) is working on with the Chester County Planning Commission (CCPC). The map has been updated and returned to the CCPC for

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review. The program, “The Lady was a Spy” with Linda Deroche was well attended in March. The Johnson Gang talk will be rescheduled for a date in September.

Business:

- a. 2019 Audit: Pam Baker and Tim Sawyer from Barbacane Thornton (BT), the Township’s Auditing firm, provided a summary of the 2019 Township Audit which was completed in February 2020. As required, the summary of the Audit has been published in the Daily Local News and was sent to, and accepted by, the PA Department of Economic Development (PA DCED) and the PA Auditor General. Mr. Sawyer provided an overview of the auditing process and explained BT’s responsibility to consider the Township’s internal controls in accordance with the PA DCED’s regulatory basis of accounting and budget laws. Both Ms. Baker and Mr. Sawyer had favorable comments regarding the skill set of the Township’s Treasurer and her ability to understand accounting and bookkeeping, which, they indicated, is not usually the norm when working with a small office staff. Supervisor Auerbach referenced the “Current Year Recommendations” in BT’s report and, in light of the recent embezzlement in Kennett Township, asked if the Board has considered the best way to operationalize those recommendations. Mr. Sawyer explained that those recommendations are in response to a communication sent to BT by Mr. Auerbach in which he specifically requested additional safeguards against potential fraud. They are not intended to indicate any deficiencies in the current accounting practices and/or checks and balances that are in place and are functioning effectively. Ms. Baker again pointed out the skill set of the current Treasurer and cautioned the Board to carefully weigh the cost vs. benefit of adding additional steps to the process, especially in light of the small staff size. The Board will discuss the matter further.
- b. Park, Recreation and Open Space Board Ordinance 2020-02 Enactment: Supervisor Auerbach moved, seconded by Supervisor Morris, that the Board of Supervisors enact Ordinance 2020-02, creating a Park, Recreation and Open Space Board. Motion passed 5-0.
- c. Appointment of Park, Rec and Open Space Board: Supervisor Dea moved, seconded by Mr. Gerstenhaber, that the Board of Supervisors appoint the following residents to the following initial terms on the Park, Recreation and Open Space Board:
 - 5-year term Paul Overton
 - 5-year term Mary Hanley
 - 4-year term Greg Sachs
 - 3-year term Jim German
 - 3-year term Jennifer Palm
 - 2-year term Kyle Bianco
 - 2-year term Eli Piotrowski

Discussion: Chairman Morris expressed her appreciation for the residents’ interest and promptness in helping to create this Board. Supervisor Dea expressed the gratitude of the rest of the Board and commented on the importance of maintaining the Park, especially during this stressful time caused by the COVID-19 pandemic. Motion passed 5-0.

- d. Avon Grove Charter School Final Escrow Release: Mr. Gerstenhaber moved, seconded by Mrs. Dea, that the Board of Supervisors, based on the recommendation of the Township Engineer, approve Escrow Release #3 for the Avon Grove Charter School, leaving a balance of \$0 in their escrow account. Motion passed 5-0.
- e. Hess Mill Bridge Award: Supervisor Auerbach moved, seconded by Supervisor Dea, that the Board of Supervisors award the Hess Mill Bridge replacement project to ConTech Engineered Solutions, the lowest qualified bidder.

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Discussion: Chairman Morris inquired if awarding the bid could jeopardize receiving the grant money and asked why it is important to award the contract now. Mr. Auerbach explained that awarding the contract doesn't affect the potential for obtaining grant money from the Chester County Conservation District (CCCD). He feels it's important to have everything in place to move forward as quickly as possible to meet the timeline. He said the CCCD is very enthusiastic about the project and has already appropriated an amount to be awarded to the Township. The delay is because the 2nd grant round is due to be awarded by June 1st and an additional amount will be awarded to the Township. Supervisor McVeigh commented that 75% of the cost of the bridge will be covered by the grant, making it well worth waiting for. Motion passed unanimously.

- f. **Banffshire Bridge Update:** Chairman Morris provided some of the background regarding why the bridge will be a significant improvement to the entrance of the Banffshire Preserve. Mr. Gerstenhaber has been working with resident volunteer, Paul Overton, who presented the latest design which was prepared by Engineer Wetzel of LTL Consultants. Mr. Gerstenhaber presented the details of the project and explained that there is a budget of \$10,000 which will be closely monitored and if it appears that the project is going to exceed the budget, it will be brought back to the Board. Mr. Overton provided a draft cost estimate including the types of machinery, materials and help he is going to need. The liability issue was discussed. The Solicitor recommended having all volunteers sign a standard Township liability waiver which he will provide. Regarding safety, the Board supports "safety first" and if the project requires additional, or different, equipment to keep it safe the Board will support it. Due to COVID-19, Mr. Overton is hoping for a September start date.
- g. **Resolution 2020-13 – Discontinue Tax Penalty through December 2020:** Mrs. Morris moved, seconded by Mrs. McVeigh, that the Board of Supervisors adopt Resolution 2020-13, discontinuing the 10% penalty on late Township tax payments through December 31, 2020. Motion passed 5-0.
- h. **General Code Ordinance Analysis:** Mrs. Dea moved, seconded by Mr. Gerstenhaber, that the Board authorize the Manager to sign the proposal from General Code for an editorial and legal analysis of the Franklin Township Code as outlined in their proposal dated March 20, 2020 at a cost not to exceed \$8,000.

Discussion: The Supervisors had many questions for General Code regarding what is included in their editorial and legal analysis and how the results will be presented. In addition, a resident commented on Facebook that Chester County Planning Commission (CCPC) has grant money available for projects like this. After a long discussion, the consensus of the Board was to withdraw the motion and ask Mrs. McVaugh to get additional information from General Code and to contact CCPC regarding the potential for grant money for such projects. The Board will continue this discussion at a future Board meeting.

- i. **Abel Extension Letter:** Supervisor Gerstenhaber moved, seconded by Mrs. Dea, that the Board accept the extension to the review clock for the Abel Subdivision through October 22, 2020. Motion carried 5-0.
- j. **New Website Update:** Supervisors McVeigh and Dea updated the Board on the progress of the new CivicPlus website. They recommend that residents look at the Downingtown, PA website to get an idea of what the 1st page of Franklin's website is going to look like and to let the Township and the Board know your likes and/or dislikes. They are hoping that the new website will be available in early summer and encourage all residents to access it and provide feedback to the Township and the Board.
- k. **Spending Limits on Projects Approved at Staff Meetings:** This item was added to the agenda by Chairman Morris. She expressed concern regarding financial decisions that are made at the Wednesday afternoon staff meetings (attended by 2 supervisors) that, in the spirit of full public

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transparency and in compliance with the Sunshine Law, should come before the full board. In the past, some unbudgeted spending decisions were made at these meetings without public visibility. Members of the board expressed concerns about slowing down the response to emergencies. All agreed these activities must be handled immediately, but longer term projects that may have significant financial impact, and are not clearly identified in the budget, must be reviewed at full public board meetings.

1. *“Thank You First Responders” Contest Award Winners*: Mrs. McVeigh announced the two winners of the “Thank You First Responders Contest”. They are the nieces of a Kemblesville resident. The Board congratulates them and thanks everyone who participated. The two winners will be receiving their gift cards in the near future. With parental approval, their pictures and their winning drawings will be posted on the website and Facebook. Chairman Morris and Mrs. McVeigh thanked Jeff Eastburn for his efforts regarding Facebook.

Public Comment: There was no public comment.

Adjourn: The meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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