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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES AUGUST 18, 2010

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Brindle, Latimer, Overton and Hughes. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, and Planning Commission Chairman Ralph Olivier. There were approximately 24 members of the public in attendance. Mr. Whipple announced that Item V.c. - Ordinance Revision Review, will be addressed after the Deer Management Discussion to accommodate those members of the public who are present only for the Deer Mgmt. item.

Executive Session: Mr. Whipple announced an Executive Session following the meeting to discuss ongoing litigation.

Public Comment: No Public Comment.

Approval of Minutes:

- a. July 21, 2010: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve the July 21, 2010 Minutes as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2010-27: Mr. Whipple moved, seconded by Ms. Latimer, that the Board approve Resolution 2010-27, regarding the Disposition of Records. Motion passed unanimously.

Reports:

- a. Treasurer's Report: Mr. Whipple moved, seconded by Ms. Latimer, to approve the July 2010 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$104,275.40; the Park & Rec Fund totaling \$13,513.59; the Open Space Fund totaling \$9,452.77; the Highway Aid Fund totaling \$329,895.09; Emergency Services Fund totaling \$29.99; and the Fire Hydrant Fund totaling \$399.30. Total balances in all funds as of 7.31.10 equal \$2,937,955.41. Motion passed unanimously.
- b. Solicitor's Report: No report.
- c. Zoning Officer Bldg. Inspector Report: Mr. Eastburn summarized the Zoning Officer's Report which included the issuance of 12 permits in the amount of \$5,709.50, including one new home permit. Twenty-Nine (29) various building inspections were conducted.

Planning & Zoning:

- a. Planning Commission Report: Chairman Olivier advised the Board that the Planning Commission did not meet in the month of August due to having no business to discuss.

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- b. HARB/Historical Commission Report: Mr. Olivier advised that the HARB had nothing on its agenda and therefore did not meet in the month of August.

Extensions:

Mr. Whipple moved, seconded by Ms. Latimer, that the following requests for Extensions be accepted:

- Wood's Edge Financial Security to February 28, 2011;
- Abel to March 21, 2011;
- Stonegate Lot 6 to December 30, 2010;
- Ashby Hills, aka Christens, to December 30, 2010;
- Sarana to December 30, 2010

Motion carried unanimously.

New Business:

- a. Eagle Scout Project – Bird Boxes: Ms. Latimer introduced Michael Marino, an Eagle Scout candidate. Mr. Marino provided a handout to the Board members and presented the details of his project, which is to build and install bird boxes at the Franklin Preserve on Parsons Road. The intent is to provide sanctuary for several species of birds, including Blue Birds, Blue Jays, Purple Martins and possibly one Owl Box. All boxes and posts (with the exception of the Owl Box) will be constructed out of cedar. Mr. Marino explained that owl boxes are expensive to build and difficult to install. Mr. Hughes strongly recommends the inclusion of at least one owl box. Mr. Marino will discuss this further with his Scout Master. Mr. Marino intends to build 4 bird boxes for each of the three species. All of the lumber will be donated by Shones Lumber and the necessary tools will be provided by Mr. Marino's grandfather who has a construction company. Mr. Marino will work with Mr. Eastburn regarding the placement of the posts to avoid creating a mowing problem. Mr. Marino expects that the Township's contribution will be in the neighborhood of \$60 to cover hardware. However he believes he will need the use of the Township truck, operated by Township personnel, to transport the supplies to the site and if he builds an owl box, he may need additional money. At the conclusion of his project, he intends to prepare maintenance manuals for each of the boxes. Once he receives the Township's approval, he will proceed to obtain the Scout Council's approval, after which he will be able to give the Township a time line for completing the project.

Mr. Whipple moved, seconded by Ms. Latimer, to support the Eagle Scout project with the use of Township Funds not to exceed \$300. Motion carried unanimously.

- b. Challenge Grant Program – Resolution 2010-28: Mr. Whipple moved, seconded by Mr. Hughes, to adopt Resolution 2010-28, certifying the Township's willingness to match funds for the 2010 Program Year Chester County Ag Preservation Challenge Grant Program. Motion passed unanimously.

- c. Deer Management: Mr. Whipple turned to Supervisor Brindle to lead the deer management discussion since Mr. Brindle, with assistance from Mr. Overton, has taken the lead in working with a group of

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local hunters (Deer Management Group – DMG) looking to provide deer management services on certain Township-owned properties. The Group's intent is to also serve as a resource for any local private property owners looking for deer management services. Mr. Brindle introduced Mr. Jeff Schenk, the Secretary of the DMG, and welcomed the approximately 20 members of the audience who were present in support of this effort. Also introduced was Mr. John Johns the Risk Prevention Specialist from the H. A. Thompson Insurance Company, provider of insurance for the Township. The discussion lasted for several hours and provided much factual information as well as many opinions and suggestions. The intent of the DMG was to determine whether the majority of the Board will support their preliminary plans for implementing deer management on certain Township owned property. In addition to the members of the Board, Solicitor Mark Thompson and Mr. Johns, the following individuals actively participated in the discussion:

Mr. Jeff Schenk	Mr. Louis Pietschmann
Mr. Gary Bivens	Mr. Mark Zawada
Mr. Erik Johnson	Mr. Rick Riale
Mr. Al Alpini	Mr. Lou Panella
Mr. Bill Skalish	Mr. Brian Claar
Mr. Frank Guinta	Dr. Dave Hoffman

Mr. Schenk provided the Board members with a copy of the "Deer Management Proposal" which lists the group's vision, mission statement, objectives, hunting rules, insurance details and interest in having a Lyme Disease Program. A copy of this proposal is available at the Township office. The Vision and Mission Statements which Mr. Schenk read into the record are as follows:

Vision: To provide safe and enjoyable hunting opportunities for Township residents and their families on Township-owned property while at the same time improving the properties, managing the deer herd and overseeing land use in a responsible and productive manner.

Mission Statement: In order to deliver on the above vision, the Club will put safety at a premium; endeavor to provide fair and equal access; promote good deer management techniques; and, self-police its ranks to assure long-term enjoyment for Township residents.

Mr. Schenk stated that currently the Township properties in question have unauthorized hunting and poaching occurring, by unknown persons, and that the properties in question have been hunted for many years when privately owned. He provided a summary of the issues that the DMG have discussed and on which preliminary positions have been established. As stated in the proposal, their intent is to be very visible; to communicate with the residents in every possible way, i.e., Twp. newsletter, emails, website, newspapers, signage, etc.; to create and post signage that will include the location of safety zones, hunting seasons, where/when hunters are on the property; hunters will be required to log-in on a website to reserve a particular location, in a specific Preserve, for a specific date and time so that only one hunter will be hunting at that location (in a specific Preserve) on any given day; hunters' cars will be identified by a flag or sticker so that residents know hunters are in the area; each property will have a "property lead" who will routinely assess the activity on that property for poaching, dumping, etc.; the Hunting Club intends to be self-policed and to have a procedure for handling issues. Eric Brindle will be the Club's interface with the Board and law enforcement or game wardens when necessary. Membership in the Club will be restricted to a certain number of

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participants with Township residents and their families having preference. The Club intends to be an independent entity with an amount of oversight by the Township that is determined to be appropriate by the Board, the Township Solicitor and the Township Insurer.

The Township properties being considered for hunting are Banffshire Preserve, Franklin Preserve, Goodwin Preserve and White Clay Crescent Preserve.

Various scenarios and issues relating to each were discussed. Safety was the primary objective in all discussions. Decisions were made based on Safety First with the success of the deer management activity a primary objective. Below are the preliminary decisions agreed to by the Board:

Archery or Guns & Length of Season for each: **Archery** will be permitted on Banffshire, Franklin, Goodwin and White Clay Crescent Preserves. The season for archery will follow the PA Game Laws (Sept. thru Jan.) with one major exception, hunting will not be permitted on Township-owned properties between the hours of 10 a.m. and 2 p.m. Exact dates and times will be posted and otherwise communicated. No hunting is permitted on Sunday by PA law. **Gun hunting** will be permitted on Banffshire and Franklin Preserve for the two weeks following Thanksgiving. PA Game Laws govern the types of guns permitted. The DMG, as well as the majority of the Board, felt strongly that effective deer management would not occur with archery only and the DMG felt strongly that limiting the archery season would derail the entire program.

Deer Stands: Archery will be conducted from portable tree stands, rather than permanent stands, as a safety precaution to avoid misuse of the stands by non-hunters. Using tree stands also results in the trajectory of released arrows being downward.

Properties Open Or Closed To Public During Hunt: This was one of the most contentious issues discussed. At least two members of the Board were not in favor of closing the two properties for two weeks for gun hunting based on the fact that these properties were purchased with taxpayer money and should always be open to the residents. In addition, one member of the Board felt strongly that keeping properties open during archery season is effectively limiting the use of those properties by non-hunters who will not feel comfortable being on the property while hunting is occurring. When comparing deer management activities in areas such as Fair Hill and the White Clay Creek Preserves in DE and PA. to deer management on Township properties, opponents of dual use felt that the size of those properties compared to the size of the Township properties created a flawed comparison. These individuals would prefer archery hunting only (preferably for less than the full season) and, if necessary, closing the two properties in question for gun hunting on a limited schedule such as 3 days/week. Deer Management statistics were sought but not available. The DMG will collect statistics and report back to the Board. One member of the Board suggested going in "softly" i.e. two weeks of gun hunting and two weeks of archery for the first year, to be revisited next year. The DMG's argument is that if they aren't in there the poachers and illegal hunters will be. They also feel that limiting the archery season would make it not worth their investment of time and money. It was decided that the Banffshire and Franklin Preserves will be "CLOSED", except for authorized deer management, for the two weeks after Thanksgiving for gun hunting. Creek Road will remain open. Properties being used for archery will remain open to the public for dual use. As stated above archery hunting will not be permitted during the hours of 10 a.m. to 2 p.m. or on Sundays.

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Signage/Posting: Safety Zones according to the PA Game Laws will be clearly delineated. Examples of Safety Zones from the PA Game Laws are: 1) It is unlawful to conduct gun deer management within 150 yards of an occupied building without the permission of the occupants and 2) the safety zone for all forms of archery is 50 yards.

Permits: The website will be used for a DMG member to gain authorization to hunt a particular area, rather than permits.

Membership in the Hunting Club: Membership will be limited to a maximum number of members based on the acreage available to hunt, with Township residents having preference. The number of members would increase as private property owners take advantage of the services of the DMG. A waiting list will be established. Criteria for membership will be posted and otherwise made available.

Education: A major multifaceted education effort will be undertaken involving mailings, websites, newspapers, signage and email updates provided by Mr. Whipple.

Lyme Disease: The DMG has agreed to put a program in place. It's believed that in order to control the disease, the population needs to be down to approximately 10 deer/sq. mile. Feeder boxes and the chemical will need to be purchased.

The sense of the Board is that the DMG should move forward to obtain insurance and prepare the By-Laws keeping in mind the need to be sensitive to the danger of discrimination when listing the membership criteria. Mr. Whipple reminded the DMG that everything will need to be approved by the Township Solicitor prior to the Board of Supervisor's September meeting in order for the Board to act at that meeting.

- d. Dan Malloy Paving Invoice: Mr. Whipple moved, seconded by Ms. Latimer, to follow the guidance of Township Engineer Scott Allen and authorize the payment of \$211,995.95 to Dan Malloy Paving, Inc. for work completed as part of the 2010 Road Improvement Program, leaving a retainage balance of \$28,520.59. Motion passed unanimously.
- e. Ordinance Revision Review: An ad hoc committee was formed to address certain inconsistencies in the Zoning and SLDO ordinances, and to adapt certain ordinances to newly enacted state and federal laws. Ms. Latimer was asked to head-up this project and led this discussion. Ms. Latimer advised that the first five ordinances to be discussed have already been reviewed by the Chester County Planning Commission (CCPC) and would normally go to the Township Planning Commission for their review and recommendation to the Board. The last three ordinances to be discussed have been reviewed by Solicitor Mark Thompson but have not been reviewed by the CCPC. Solicitor Thompson suggested that it might be expedient to get a sense of the Board as to whether to move forward with the suggested revisions prior to sending the ordinances to the CCPC or the Township PC for review.
- Freestanding Business Signs in Ag & Residential Districts: The review of this ordinance was prompted by a request from Drs. Hoffman and Harris to install a 32 sq. ft. sign for Paradox Vineyard. The CCPC's position is that a 32 sq. ft. is too large and that the Township should consider the cumulative effect of permitting such large signs in zoning districts that make up a

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major portion of the Township. Also considered in the discussion were whether subdivision signs should be permitted or limited in size and whether the maximum height of a sign should be reduced to 10 ft. Setbacks were also discussed. It was the sense of the Board that Ms. Latimer will talk to the Building Inspector about setbacks; the maximum height of a sign in the Ag & Residential Districts will be limited to 10 ft.; and the Winery Accessory to Agriculture Ordinance will be revised to include a section on Signs permitting a 24 sq. ft. freestanding business sign to be installed. Mr. Whipple suggested that the decision on subdivision signs be further explored.

- Rear Yard Setback in Village: The revision adds rear yard setback provisions for principal structures which was missing from the original ZO. It may have been left out on purpose or it may have been an oversight. The lack of a setback has caused a problem for the Bldg. Inspector when asked for guidance by a resident. The sense of the Board is to check with Tom Comitta.
- Mobile Homes: Removes and replaces provisions to make them consistent with HUD regulations.
- Stormwater Management Facilities: Township Engineer John Theisen suggests adding maintenance agreements. The suggested revision institutes various inspections for subdivisions.
- Winery Accessory to Agriculture: The Planning Commission cited setbacks, limitation of hours and parking for revision. These revisions have been made.
- Landscaping: Mr. Hughes indicated that the revisions are not consistent regarding caliper vs. DBH. He will review his notes and advise the committee.
- Driveway Discrepancies: Upon review it was discovered that the Zoning and SLDO Ordinances didn't agree and the Zoning didn't comply with state regulations. The revised ordinance brings them both into compliance.
- Grazing Animals: Revisions include defining amount of pasture needed for each size animal and adds shelter requirements. Poultry was removed from grazing animals.

Public Comment: No public comment.

Adjourn: The meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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