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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES AUGUST 17, 2011

Call to Order:

Chairman Latimer called the meeting to order at 7:00 p.m. Present were Supervisors Hughes, Overton, Skalish and Brindle. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Municipal Secretary Sharon Norris, Planning Commission and HARB Chairman Ralph Olivier. There were approximately 19 members of the public in attendance.

Announcements: Ms. Latimer announced that there was an Executive Session held on August 9, 2011, to discuss the purchase of development rights and there will be an Executive Session after tonight's meeting to discuss employment criteria.

Eagle Scout Presentation: Eagle Scout candidate, Ben Lewis, summarized his Eagle Scout project for the Board. He intends to build a split rail fence around the parking lot at the Goodwin Preserve which includes approximately 180 linear feet. It will require approximately 28 posts, 17 sections and 58 rails. He will be using an auger donated by General Rental and may have a second auger available. The project is scheduled for Labor Day Weekend and he's looking for volunteers to help. The Township has some hand tools he can use and will make a monetary contribution as well. He has a \$530 budget and is soliciting additional contributions. Jeff Eastburn will be monitoring the project and providing assistance and support as needed.

Public Comment: Dick Whipple asked Fire Chief Weer, who was present for another agenda topic, to provide an update on the construction of the substation in London Britain Twp. Chief Weer gave a brief overview of the status of the project, explaining that although the project is somewhat behind schedule, they are still hoping to have it completed by the end of the year. He added that the facility will include a 30,000 gallon water storage tank which will supply a sprinkler system in the building and be available for tanker fill up.

Approval of Minutes:

- a. July 20, 2011: Ms. Latimer moved, seconded by Brindle, that the Board approve the July 20, 2011 Minutes, version 2, as submitted by the Municipal Secretary. Motion carried unanimously.
- b. Resolution 2011-25: Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve Resolution 2011-25, regarding the Disposition of Records for the Board of Supervisors Meeting of July 20, 2011. Motion passed unanimously.

Reports:

- a. Treasurer's Report – July 31, 2011: Ms. Latimer moved, seconded by Mr. Brindle, that the Board approve the July 31, 2011 Treasurer's Report which includes the following disbursements: The General Fund with disbursements of \$104,326.48; the Park & Recreation Fund with disbursements of \$7,736.23; the Open Space Fund with disbursements of \$9,175.91; Traffic Impact Fund – East with disbursements of \$69,800.00; Capital Reserve Fund with disbursements of \$273,316.06; Highway Aid Fund with disbursements of \$128,000.00; the Emergency Services Fund with disbursements of \$609.35; the Fire Hydrant Fund with disbursements of \$399.30, leaving a balance in all

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funds of \$3,291,113.96. Ms. Latimer explained that disbursements are high this month due to the approval and pay-out for the road program which was approved last month as evidenced by disbursements from the Impact Fund, Capital Reserve Fund, Highway Aid Fund, and a portion from the General Fund. Motion passed unanimously.

- b. Solicitor's Report: No report.
- c. Zoning Officer Bldg. Inspector Report: Mr. Eastburn summarized the Zoning Officer's Report for the period of June 24 to July 26, 2011, which included the issuance of 14 permits, totaling \$1,181.00. There were 41 various building inspections conducted.

Planning & Zoning:

- a. Planning Commission Report: Mr. Olivier, Chairman of the Planning Commission, indicated that due to the absence and illness of members, he cancelled the August Planning Commission Meeting due to not having a quorum.
- b. HARB/Historical Commission Report: Mr. Olivier reporter that the HARB and Historical Commission, having no business to conduct, did not meet in August.

Extensions:

- a. Ms. Latimer moved, seconded by Mr. Brindle, that the Board approve the extensions of the Compton Subdivision and the Walls Subdivision to October 21, 2011, and the Woods Edge Improvements Agreement and Posting of Financial Security be extended to February 28, 2012. Motion passed unanimously.

Old Business:

- a. Emergency Management Updated Manual: Harold Walls, Emergency Management Coordinator for the Township, explained that the County requires that the Emergency Management Manual be updated periodically to bring it into compliance with County specifications, and be approved by Resolution. He explained that minor revisions are made to the Manual on an on-going basis that do not require a resolution. Mr. Walls answered the Board's questions clarifying the chain of command and the roles of the supervisors in the event of an emergency. It was suggested that the Board members become certified by taking the NIMS course which is available from the County and can also be accessed on line. Mr. Walls will provide Chairman Latimer with links to the various courses that are available. Ms. Latimer asked about the requirement that the Township provide a list of non-English speaking residents as well as disabled residents to the first responders and Mr. Walls suggested possible ways of meeting that responsibility.
- b. Emergency Management Resolution 2011-26: Ms. Latimer moved, seconded by Mr. Brindle, that the Board approve Resolution 2011-26, the Emergency Operation Plan of Franklin Township. Motion passed unanimously.

New Business

- a. Public Hearing Ordinance 2011-09 – Hess Mill Bridge Weight Limit: Ms. Latimer explained that a change in weight limits for the Hess Mill Bridge was recommended by Ms. Sandy Martin, a professional engineer with McCormick Taylor. Ms. Latimer turned the meeting over to Solicitor Thompson to conduct the public hearing. The Solicitor advised that this

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is a public hearing to adopt an Ordinance amending Chapter 15, the Motor Vehicle Traffic Section of the Franklin Township Code of Ordinances. The Solicitor stated that Chapter 15, Part 3, Section 15-301 of the Code is hereby amended to provide for a maximum gross weight of 18 Tons, except for combinations of 30 Tons on the Hess Mill Road Bridge. The Solicitor asked for questions/comments from the audience. Hearing none he turned the discussion over to the Board. Ms. Latimer moved, seconded by Mr. Hughes, to adopt Ordinance No. 2011-09 amending Chapter 15, Motor Vehicles and Traffic Section of the Franklin Township Code of Ordinances to restrict the vehicle weight on Hess Mill Bridge to 18 Tons, except for combination of 30 Tons. Motion passed unanimously.

- b. Rescue Helicopter Designation – Avondale and West Grove Fire Companies: Ms. Latimer explained that the Board has been requested by the Avondale and West Grove Fire Companies to authorize them to select the air medical services provider that they prefer. Fire Chief Steve Cole from Avondale and Chief Robert Weer from West Grove were present. Chief Weer explained that the request is two part. First he is requesting that the Township select Pennstar, which is out of Paoli Hospital, as the primary provider of air medical services, and secondly that the Township authorize the Chiefs of the fire companies to make this selection in the future. He is requesting that letters be sent to the County with copies to the two fire chiefs, giving both fire companies the authority to select the primary provider of air medical services now and in the future. Ms. Latimer moved, seconded by Mr. Brindle, to authorize the staff to send letters to the chiefs of Avondale and West Grove Fire Companies allowing them to select which air medical service company to utilize. Motion passed unanimously.
- c. Issuance of Hunting License – Resolution 2011-27: Ms. Latimer gave a brief summary of actions taken to date including the formation of the Franklin Deer Management Association (FDMA) and the adoption of Resolution 2010-31 which authorized the formation of the Deer Management Committee (DMC). The initial charter of the Committee was to determine if a deer problem exists in the Preserves, and if so, to make recommendations to the Board as to how to deal with it. R 2010-31 also states that the Township will issue a license to allow hunting in the four Township Preserves, i.e., Franklin, Goodwin, Banffshire and White Clay Crescent. Ms. Latimer stated that she had missed the 6.15.11 Board meeting but that according to the minutes of that meeting, bow hunting was approved but a license had not yet been issued.

The formation of the DMC was spearheaded by Mr. Overton, who asked Mr. Gary Moore to act as the initial Chairman of that committee. Mr. Moore and Mr. Al Alpini, who is a member of the FDMA and a member of the DMC, were present and addressed the meeting on behalf of their respective organizations. Mr. Moore questioned the need to approve a license for shotgun hunting in the Preserves at this time since shotgun season does not open until after Thanksgiving. He expressed concern that the Committee had not yet determined whether a deer problem exists in the Preserves and was operating on the premise that since shotgun season doesn't start until late November, they had a couple of months to look into any potential issues.

Mr. Alpini spoke about the mandates issued to the FDMA by the Board that are documented in Resolution 2010-31, as well as the requirements set forth in the By-Laws and Procedures of the FDMA and DMC. He worked from a spreadsheet which was distributed to the BOS. He reviewed the items listed on the spreadsheet, providing the status of each and the proposed method of compliance and allowed discussion on each item. All those present had the opportunity to have their opinions heard and considered.

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Regarding final approval and the issuance of a license, Ms. Latimer recommended that the FDMA work with the DMC to get their approval and then decide how to present it to the Board for final approval. It was noted that archery season starts September 16. The Board meetings for September are the 14th and the 21st. The possibility of a conditional approval was discussed. Solicitor Thompson advised that the Board has the right to revoke the license at any time. He also reminded the Board that some of the requirements are ongoing and not all members will have completed their requirements at the same time. Therefore he felt that it would be acceptable for the Board to issue the license tonight, subject to completion of all the requirements listed in Resolution 2010-31 and the bylaws and procedures of the FDMA.

Mr. Alpini made the point that the FDMA is a hunting club open to the public and not all its members will be residents of Franklin nor will they be licensed to hunt in the Township Preserves. Some of the members will hunt other private properties in the area and would be considered poachers on Township properties. Mr. Brindle added that some of the members who are not current residents are former residents of the Township or the area, and have hunted these properties for years. The FDMA has a limit of 30 members. The club currently has openings; no one has been turned away as yet.

Mr. Kevin Barrow, a Township resident, took exception to the involvement that Supervisor Brindle had in the formation of the FDMA and his continued involvement and asked that Mr. Brindle recuse himself from a vote on this matter. Solicitor Thompson advised that a legal opinion on this issue was given last year indicating that there was no conflict of interest since Mr. Brindle had no business interest in the FDMA; realized no benefit from it; and, was acting only as an advisor to the farmers who approached the Township to inquire if something could be done regarding deer management. It was agreed that Mr. Brindle's name would be removed from the FDMA bank account to take away the perception of a conflict, however there is no need for him to recuse himself from the vote.

When the motion to approve the FDMA's license to hunt was about to be made, Mr. Overton asked that archery and shotgun seasons be dealt with separately in different resolutions. The majority of the Board disagreed.

Ms. Latimer moved, seconded by Mr. Brindle, to approve Resolution 2011-27 to authorize hunting under Ordinance 2009-07 subject to the revisions set forth in Resolution 2010-31, to issue a license to the FDMA to allow for the management of deer population by hunting on Township property during the 2011-12 season.

Discussion: Mr. Overton thanked the public for their comments and the volunteers for working on the Committee. He stated that he has been criticized for spearheading the formation of the DMC and in that regard he read a letter from the Township's insurance agent regarding hunting on public grounds that was addressed to Mr. Brindle. Mr. Overton read the letter into the record and it is therefore made a part of these minutes by attaching a copy hereto. Basically the letter recommends that the hunting activity be controlled by the Township either directly or by Committee. It also recommends that a program which has been successful in East Goshen Twp. be used as a guide to setting up a successful program. Mr. Overton was not successful in his attempts to have the Board or the FDMA consider the East Goshen program, however he took the lead in establishing the DMC because such a committee was recommended by the PA Game Commission in the July issue of the PA Hunters' & Trappers' Digest, a copy of which was included with the letter from the Township's insurance agent. Mr. Overton listed all of the infractions

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that existed last year on the first day of hunting in the Township Preserves. After a phone call to Jeff Schenk, many of the infractions were corrected within 2-3 days and he thanked Mr. Schenk for his efforts. Mr. Overton asked that approval of archery and shotgun be dealt with separately because all the problems last year were related to shotgun season and he believes for safety reasons, it should be considered separately. Mr. Overton wants the DMC to have the authority to shut down hunting in the Preserves if all the conditions are not met. He would vote for the adoption of a resolution allowing archery hunting, but for the reasons given above, if the resolution combines archery and shotgun hunting, he will vote against the adoption of the resolution.

Mr. Skalish agreed with Mr. Overton, stating that he believes approving hunting with shotguns without further review is a mistake for public safety. In addition he feels that closing the Preserves to the whole community is not justifiable, particularly when it has not yet been proven that a deer problem exists in the Township Preserves. He will vote against a resolution to approve both archery and shotgun.

Mr. Barrow again brought up the subject of a conflict of interest existing if Mr. Brindle is allowed to vote on this issue. Solicitor Thompson reiterated that since Mr. Brindle does not realize any pecuniary gain and has not used any of the money for his private benefit, that it is the opinion of Lamb McErlane that there is no conflict of interest. He stated that the bank account was set up to pay for the necessary insurance and the articles that were needed to allow them to hunt such as arm bands, signs, etc. Under the Ethics Act, if Mr. Brindle was associated with a business where he had a pecuniary benefit of some kind it would be different but in this case he receives nothing from the FDMA, he is not even a hunter. As previously agreed, he will have his name removed as a signer on the account.

Mr. Skalish again asked if there could be a vote on archery only, to provide time for the DMC to work through the issues on shotgun, especially since shotgun season doesn't start until late November.

Mr. Overton stated that Franklin Township is the only township in Chester County that will be allowing shotgun hunting on Township owned property.

The vote was taken and the motion carried 3 to 2 – Mr. Overton and Mr. Skalish voted No.

Public Comment: Mr. Dick Whipple thanked everyone for the very cordial discussion of a difficult topic.

Ms. Chris Garchinsky expressed opinions regarding shotgun hunting and whether there's a deer problem in the Preserves.

Mr. Jeff Schenk provided information from the PA Game Commission regarding whether there's a deer problem in this area and made a comparison of the safety of shotgun hunting with horseback riding.

Mr. Ralph Olivier provided information from the Township Ordinances regarding whether horseback riding is banned in all Township parks and preserves.

Mr. Gary Moore spoke again about whether the Board considers the DMC as viable and said that he will ask the Board to consider the dissolution of the Committee at the next meeting.

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Mr. Skalish expressed his disappointment that Mr. Moore feels his Committee has been ignored.

Ms. Latimer stated that she hopes the Committee will continue.

Mr. Kevin Barrow drew a comparison between the way the Board considers recommendations from the DMC to the way the Board considers recommendations from the Planning Commission.

Mrs. Dolores Hughes spoke about her understanding of the Resolution and received clarification.

Mrs. Beth Skalish expressed disappointment that the committee feels it wasn't heard and suggested that what is being said to the Board is valuable information for the future.

Mr. Norman Hughes addressed Mr. Moore and compared tonight's very civil discussion to last year's discussion of this topic. He stated that the DMC working with the FDMA has had a positive effect and has enabled everything to move forward. He stated that one of the reasons to vote on shotgun tonight was to give the FDMA time to meet the requirements of the Resolution and the other regulations in order to be able to hunt in November. He hopes the DMC will continue to monitor the FDMA's progress toward compliance with the Resolution and the other regulations and will make a recommendation to the Board in that regard. Ms. Latimer added that they have their original mandate to determine if there is a deer problem in the Preserves.

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

Respectfully submitted,

Sharon Norris,
Township Secretary

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