

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES January 17, 2024 @ 7:00 p.m.

Call to Order:

Township Chairman Gerstenhaber called the meeting to order at 7:00 p.m. In attendance were Vice Chair Dea and Supervisors Dowling, Johnston, and Odgers. Also, in attendance on behalf of Franklin Township (FT) were Township Solicitor Guy Donatelli, Township Operations Manager Jeff Eastburn, Township Controller and Office Manager Melissa Ortega, and Township Secretary Stacy Hollis. There were 11 members of the public in attendance.

Pledge of Allegiance: The meeting began with the Pledge of Allegiance.

Public Comment: Resident John Auerbach gave his opinion on the conduct of members of the Parks, Recreation and Open Space (PRO) committee at their last meeting and reminded the group that they are an advisory board for the Board of Supervisors and should act accordingly. He complimented the Township for the success of the January 10, 2024 Town Hall meeting regarding Big Elk Creek State Park and offered the Board some FT history on winter road maintenance.

George Hundt, Jr., the Executive Director of the Safety, Agriculture, Villages & Environment, Inc. (S.A.V.E.), presented the Board with his letter to Secretary, Cindy Dunn of the PA Department of Conservation & Natural Resources (DCNR). Mr. Hundt expressed his concern with the DCNR's March 2024 timeline for the Big Elk Creek State Park project and encouraged the Board to assemble an Advisory Committee, as discussed at the Town Hall, to work with DCNR. S.A.V.E is willing to help facilitate this advisory task force.

Resident Antea Consorto updated the Board on the progress and plans that have been made since the Town Hall. Chairman Gerstenhaber asked Township Operations Manager, Jeff Eastburn, to reach out to the stakeholders on the Town Hall panel and schedule a meeting to discuss the appointment of the Advisory Committee.

Mr. Hundt and FT residents, Ms. Consorto and Nan Latimer thanked the Board for hosting the Town Hall meeting. Chairman Gerstenhaber also thanked the FT staff, Elk Township, and volunteers for their help putting the Town Hall meeting together.

Approval of Minutes

Motion: Vice Chair Dea moved, seconded by Supervisor Johnston, to accept the minutes for the Board of Supervisors (BOS) Meeting from December 20, 2023, v2. Motion passed 5-0.

Motion: Vice Chair Dea moved, seconded by Chairman Gerstenhaber, to accept the minutes for the Board of Supervisors Organizational Meeting from January 2, 2024, v1. Motion passed 5-0.

Reports

- a. *Treasurer's December 2023 Report:* Supervisor Dowling introduced Township Controller/Office Manager, Melissa Ortega and she reported the following disbursements for December: The General Fund with disbursements and transfers of \$170,148.39; The Park and Recreation Fund with disbursements of \$45.78; the Open Space Fund with disbursements of

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\$6,358.46; the Capital Reserve Fund with disbursements of \$0; the Emergency Services Fund with disbursements of \$73,160.01; the Fire Hydrant Fund with disbursements of \$580.80 leaving a balance in all funds totaling \$2,008,490.57.

Motion: Supervisor Dowling moved, seconded by Vice Chair Dea, to accept the December 2023 Treasurer's Report as submitted by Township Controller and Office Manager Ortega. Motion passed 5-0.

- b. Zoning Officer's Report: Supervisor Johnston reported that in December, 13 permits were issued. \$3,971.92 in permit fees; \$0 in miscellaneous fees and \$0 in Recreations, Open Space, and \$0 in Impact Fees were collected. 16 inspections were performed.
- c. Park, Recreation and Open Space (PRO) Report: PRO Chair Andrea Roberts updated the Board on the status of the "You Are Here" maps; further discussion is planned for the next PRO meeting. The Eagle Scout, Liam Kelley, will work with FT Operations Manager, Jeff Eastburn, to complete his proposal regarding his Crossan Park kiosk project. Ms. Roberts presented the PRO's 2024 project goals and requested feedback on what type of trail maintenance projects require BOS approval prior to beginning. The BOS stated that the following are examples of projects that require BOS approval: moving a trail, grading a trail, adding stone to a trail that didn't previously have stone, and any project requiring FT funding. Projects including the mowing of trails, removing debris or tree limbs, or replenishing a trail surface do not require BOS pre-approval though all work plans should be communicated to Jeff Eastburn, the Operations Manager. PRO member Paul Overton will be walking the trails at Crossan park and marking them for review with the BOS for future trail planning. Ms. Roberts discussed plans to provide homeowners of preserved properties with signage acknowledging that the land has been preserved. It was agreed that a property would only have signage if the homeowner agrees. Member Bianco reviewed the Chester County Planning Commission's list of open space and determined that FT has no additions for 2023. The list will be reviewed by Mr. Eastburn before being submitted to the county.

Chairman Gerstenhaber addressed the PRO committee and expressed his concern for the way members conducted themselves at their last meeting regarding the request for a contribution to a third party for the use of their equipment to regrade a trail. He stated that the Board must follow a process for approving and paying funds to vendors. Per the Township Solicitor, FT is not able to make charitable donations to organizations. The Chairman encouraged the committee to view the Board as a group that wants to work with them, not against them. Supervisor Johnston expressed support for the Chairman's message.

- d. Planning Commission (PC) Report: The PC held their Organizational Planning Meeting on January 4, 2024. Chairman Hoffman, Vice Chair Harris, and Secretary Gontarz were reappointed to their current positions. Secretary Gontarz reported that the committee discussed Township pathways and sidewalks and will meet with the Township engineer, Pennoni, at a future date to discuss options. The requirement for how frequently the committee must meet was reviewed and Township Solicitor, Guy Donatelli, commented that there is no minimum requirement, only that the PC must meet for their Organizational Planning Meeting. A new subdivision plan with a Lot Line change will be reviewed at the February Planning Commission meeting.

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Vice Chair Dea opened the floor for nominations of the Planning Commission Alternate Board member.

Motion: Chairman Gerstenhaber moved, seconded by Vice Chair Dea, to appoint Supervisor Johnston as the Planning Commission Alternate Board Member. Motion passed 5-0.

- e. Historical Commission (HC)/Historical Architectural Review Board (HARB): Supervisor Odgers announced that HARB Chairman Lagassè submitted his report since he is not available for the meeting. Operations Manager, Jeff Eastburn informed the Board that Mr. Lagassè will answer any Board questions when he returns.
- f. Franklin Sportsman's Association (FSA): FSA Vice President Mark Zawada reported that the hunting season ends on January 27, 2024. Twelve deer have been harvested to date and 162.5 hours of community service have been performed. Supervisor Dowling questioned if the Peacedale Preserve was a part of where the group hunts. Operations Manager Eastburn explained that the Preserve is managed by Natural Lands, and they would have any available hunting information. A brief discussion was had on the closing of the Banffshire cross trails and whether it had an impact on the number of deer harvested. Mr. Zawada commented that three deer were harvested there this year while zero were harvested the previous year.
- g. Big Elk Creek Town Hall Review: Chairman Gerstenhaber reported the DCNR announced at the Franklin and Elk Township Town Hall meeting that camping would be removed from the Master Plan for the time being. Resident Anteia Consorto expanded on her earlier comments regarding the organization of an Advisory Committee, the maximum number of people who should participate in the Advisory Committee, and possibly of forming a 501C. Vice Chair Dea supported Chairman Gerstenhaber's idea to plan a meeting with the stakeholders who attended the Town Hall and have them each appoint one person. She added that time was of the essence to reset the DCNR's timeline for the development project. Mr. Hundt thanked Ms. Consorto and reiterated the importance of assembling an Advisory Committee quickly to help gain control of the timeline of the project. Mr. Zawada commented on the New London resident who submitted a legal letter to the DCNR at the Town Hall. FT Solicitor Donatelli commented that the letter was a Litigation Hold Letter to prevent the DCNR from destroying evidence if legal action is taken against this plan.

Business

a. Solicitor's Report:

- Mr. Donatelli gave an overview of the STC Four LLC personal communications service (PCS) site used by Crown Castle. An amendment to this agreement was presented to the Board. This amendment is to extend the lease agreement Crown Castle has with FT until August 3, 2054. The renewal terms are financially favorable to FT and include a \$20K signing bonus.

Motion: Chairman Gerstenhaber moved, seconded by Supervisor Johnston, to approve the first amendment to the PCS site agreement as described by Township Solicitor Guy Donatelli. Motion passed 5-0.

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Vice Chair Dea commented on the progress being made with the Lexington Point subdivision wastewater treatment plant. She recommended the Board include AECOM's Stan Corbett in a future Board meeting for an update on the project. The plant is expected to be completed in May 2024. Chairman Gerstenhaber requested that Mr. Corbett be included in bi-monthly Board meetings.

Public Comment: Chairman Gerstenhaber opened the floor for public comments. Resident Auerbach commented on the Lexington Point neighborhood and the wastewater facility. He also commented on the legal aspects of the Big Elk Creek development project. Ms. Consorto stated that her group has discussed how to fund any possible litigation.

Adjourn: Chairman Gerstenhaber moved, seconded by Supervisor Johnston, to adjourn the meeting at 8:17 p.m. Motion passed 5-0.

Executive Session: Chairman Gerstenhaber called for an Executive Session with the Township Solicitor Mr. Donatelli to discuss legal matters.

Respectfully submitted,

Stacy Hollis
Township Secretary