
FOR APPROVAL

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES February 17, 2021

Call to Order:

Chairman Mary McVeigh called the meeting to order at 7:05 p.m. In attendance via ZOOM meeting were Vice Chair Gerstenhaber, Supervisors Auerbach, Dea, and Morris. Also, in attendance on behalf of the Township were Solicitor Mark Thompson, Township Manager/Treasurer Joan McVaugh, Township Assistant Manager Jeff Eastburn, Secretary Mary Opromolla, Assistant Secretary Melissa Ortega and Township Zoning Officer Jeff Vogels. There were seven members of the public in attendance.

The meeting began with the Pledge of Allegiance to the Flag.

Public Comment: Resident Jack Kuszyk inquired if any additional information regarding plans for additional Pickle Ball Courts would be included in the Park, Recreation, and Open Space Board (PRO)'s update to the Board. Paul Overton indicated that the update would be the same update that was presented at the last PRO meeting.

Announcements:

- a. There was an Executive Session held on February 11, 2021 to discuss a legal issue.
- b. Part-time Secretary, Melissa Ortega, was formally introduced to the Board of Supervisors (BOS) and to the Franklin Township residents.
- c. An additional item has been added to the BOS Agenda. It is Business item a.1 and will include a discussion of a waiver request for John Stoltzfus.

Approval of the Minutes:

- a. *BOS Minutes of the January 20, 2021*: Supervisor Morris moved, seconded by Supervisor Dea, that the Board approve the January 20, 2021 v.1 Minutes, as submitted by the Township Secretary. Motion was approved 5-0.
- b. *BOS Organizational Meeting Minutes of the January 4, 2021*: Supervisor Morris moved, seconded by Vice Chair Gerstenhaber, that the Board approve the January 4, 2021 v.1 Minutes, as submitted by the Township Secretary. Motion was approved 5-0.

Reports:

- a. *Treasurer's Report for January 2021*: Supervisor Auerbach moved, seconded by Supervisor Dea, that the Board approve the January 2021 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$80,581.53; the Park and Recreation Fund with disbursements of \$871.46; the Open Space Fund with disbursements of \$103,330.74; the Capital Reserve Fund with disbursement of \$32,312.80; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$685,898.90. Motion was approved 5-0.
- b. *Zoning Officer Report*: Supervisor Dea reported that 7 permits were issued, and 23 building inspections were performed in January 2021: \$2,099.86 was collected in Building Fees, \$0.00 collected in Impact Fees; and \$2,635.00 in Miscellaneous Fees.
There are four on-going zoning issues. Two issues relate to bamboo overgrowth: one of the property owners has requested and received quotes from a landscaper to remove the bamboo. Follow-up will

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continue for both properties. The third is an on-going issue regarding high grass. The Property Preservation at the KML Law Group indicated that the property should be maintained going forward. The fourth concern is related to 3327 Appleton Road. The District Court decision was appealed, and the hearing at the Court of Common Pleas was ruled in favor of the property owner.

- c. Planning Commission (PC) Report: PC member, Paul Lagasse summarized the February 4, 2021 meeting. The PC discussed the General Code and Ordinance review and recommendations made by Zoning Officer, Jeff Vogels and LTL Consultants. The PC reviewed Chapters 22 (Land Development & Subdivision) & 27 (Zoning Ordinance). They agreed with most of the suggestion presented by LTL and noted that there are items requiring the Township Solicitor's review. Any additional suggested modifications will be noted and presented back to the Township. The PC will continue its review of Chapter 27 at their next meeting. All changes identified by the PC will be presented to the BOS for their consideration.
- d. Historical Architectural Review Board (HARB)/Historical Commission (HC) Reports: Chairman Lagasse reported on the combined meeting of the HARB and HC that took place on February 9, 2021 via ZOOM. The discussions included a presentation from Kathleen Howard of the PA Historical Preservation Network. Jim Martin, London Britain's HC Chair, and the Chester County Network Regional Representative, joined the meeting. Both groups provide support to Franklin Township.
The HC research of the Church Hill Cemetery is ongoing. The HC reviewed the Historic Resource Survey that was updated based on the Historic Resource Map, which is now complete. The corrections need to be added to the PA Historic Preservation Database for Chester County as well as the Township files.
Nan Latimer and Paul Lagasse are planning to use GPS to identify and record old monuments in the Big Elk section of White Clay Creek Preserve that are located in Franklin Township.
The HARB will forward the request for the demolition of 3327 Appleton Road to the Board. The HARB is recommending that the Board reject the request.
The HC also revised the Certificate of Appropriateness (COA) Form to increase clarity for anyone completing the form.
- e. The Park, Recreation and Open Space (PRO) Board – Paul Overton provided an update regarding the February 3rd, 2021 Meeting. Numerous projects include: the healing garden, trail mapping, and water fountain replacement. A final decision regarding what projects to present to the Board will be made at next PRO meeting. The PRO is continuing to obtain estimates for seal coating the entrance to Crossan Park, the parking areas and the basketball courts. The tennis court repair estimates are complete, and McGinn has been selected by the PRO as the contractor to resurface and repair the Tennis Courts. The estimates will be presented in March to the Board for their consideration. In addition, the PRO would like to have Yardworks add an asphalt patch between the courts. Supervisor Dea asks the PRO to present to the Board their preferred projects in order of priority since there are limited funds. The PRO is also considering applying for a \$50,000 DCNR Grant (50/50 split) that is available for communities with residents under 5,000. The PRO has not identified a project to date that they believe has a high probability of being awarded the grant.
- f. Comprehensive Plan (Comp Plan)- Manager McVaugh gave a brief update on the planned agenda for the February 23, 2021 meeting. The Chester County Planning Commission (CC PC) is currently

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writing the Township Comp Plan and will not attend the next meeting on February 23rd. The Comp Plan Taskforce members are meeting to review the progress that was made and to ensure that they are aligned with their goals. Supervisor Dea asked for clarity on the final review process for the Comp Plan. She would like to have the Board review the proposed plan before a public meeting with the PC is held. Manager McVaugh will be reaching out to Chester County to understand how the BOS can be included earlier in the review process.

g. FSA Report: No report was presented as hunting season has ended.

Business:

a.1 Stoltzfus Waiver Request: Supervisor Morris moved, seconded by Vice Chair Gerstenhaber, for the Board to approve the request to waive the requirements of Stormwater Ordinance 19-106.5. which limits the size of an agricultural exempt project to less than 10,000 sq. ft. of buildings and less than 5,000 sq. ft. of adjoining parking or movement areas. The Stoltzfus family proposes to construct the stormwater facilities for the projects constructed on Parcel #72-7-3, 3201, Appleton Road, as outlined in the Engineers letter dated February 16, 2021.

Discussion: Ragan Engineering reviewed the project and provided an updated design to address the stormwater concerns. Supervisor Auerbach suggested a contingency that the Township continues to monitor this permit to ensure it adheres to the new design. Motion was approved 5-0.

a. Water Shed Resource Support for MS4: The Program Director of Water Resources, Ellen Kohler and White Clay Wild and Scenic River Water Shed Coordinator, Shane Morgan re-introduced themselves and gave a brief update on how they support Franklin Township. Both can help Franklin Township apply for grants to support our waterways. There are several programs for the residents that they support such as catch the rain, tree plantings, operation and management of a water basin, and open space acquisitions. Ms. Kohler also manages the collaboration effort in support of the MS4 program and can identify and coordinate services for communities seeking additional funding.

b. Resolution-2021-7 Contract Bidding Procedure: Supervisor Dea moved, seconded by Chair McVeigh, to approve the Resolution-2021-7 to update the Procedure for the Contract Bidding to align with the PA guidance and bidding limits. Motion was approved 5-0.

c. 3327 Appleton Road – Solicitor Mark Thompson gave an update on the status of 3327 Appleton Road. At the January BOS meeting, the Board approved the use of the Blight Act and authorized the solicitor to file a petition with the court for a Conservatorship for 3327 Appleton Road. The HARB and Solicitor recommend that the BOS review the HARB report and meeting minutes that reject the owners request for demolition of the property. Notification was sent to Solicitor Thompson that the owner of the property wants to find a way to work with the Township. Solicitor Thompson is trying to contact the property owner's attorney to see if there are any plans to move forward with improvements. If no progress is made, the Township Solicitor will proceed with the request for conservatorship. To date, the Township has spent \$40,000 trying to address the issue.

d. Lexington Pointe – Solicitor Mark Thompson provided a brief update to Lexington Pointe. URS has reported that the phone lines are not working. The phone lines are essential for communicating any issues with the pump & haul facility. Keystone has plans for a workaround until Verizon can repair the lines. The inspectors from URS will be contacted to make sure they agree with the workaround.

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- e. Hess Mill Bridge – Supervisor Auerbach gave a brief update on the bridge project. There will be a final, more extensive report communicated when the Township commissions the bridge in the early spring. A final asphalt wearing coat will be applied to the road to complete the project in the spring/summer. Franklin Township received \$271,000 as a grant from the Chester County Conservation District, resulting in a net cost to the Township of \$122,000.
- f. Boards Review on Ordinances – Supervisor Morris outlined the status of 3 ordinances:
 - a. Solar Ordinance – Chair McVeigh suggested the BOS start with the draft #3: 08/29/19 and submit that draft (without the text on Manure Digesters and Wind Turbines) to a Penn State Professor and member of PSATS for review. This professor has reviewed numerous solar ordinances and is willing to help. This work aligns with PSATS’ recommendation that townships have a solar ordinance.
 - b. Conditional Use Ordinance – Solicitor Thompson recommended that the staff identify how they would like to collect and include an escrow account for conditional use. A recommendation was discussed where residents requesting a conditional use would pay a \$500 fee plus \$1000 in escrow. Any money spent for the conditional use in excess of \$1500 would be charged to the resident while any escrow money not spent would be returned to the resident. Solicitor Thompson suggested that the Manager and Solicitor present that proposal to the BOS with a recommendation to modifying the language in current Fee Resolution.
 - c. Forestry Ordinances – Supervisor Morris and Vice Chair Gerstenhaber started the discussion on the necessity for a Forestry Ordinance. The Township Zoning Officer Vogel is suggesting that the Board consider the need for a Forestry Ordinance. Supervisor Morris will follow up with the Zoning Officer. Solicitor Thompson will provide examples of Forestry Ordinances that were approved by the Attorney General. Supervisors Auerbach and Dea expressed their concerns with such an ordinance and suggested we look at our current ordinances to see if they address actions by residents if they cause disruption to land and roadways when removing trees.

Public Comment:

Chair McVeigh suggested that everyone review Governor Wolf Budget Proposal which will add an additional burden to rural Townships like Franklin for state police support by requiring a significant tax increase to cover the cost.

Resident Paul Overton stated that Solar panels are not considered impervious surfaces. The Solar Ordinance should include a discussion of the surface area of the solar panels and the spacing between panels to minimize any adverse effects on the environment. In addition, the Franklin Township Timber Harvest Ordinance might already address the concerns that would be addressed by a Forestry Ordinance.

Adjourn: The meeting was adjourned at 9:48 p.m.

Respectfully submitted,

Mary Opromolla
Township Secretary