

FRANCONIA TOWNSHIP

REGULAR MINUTES

BOARD OF SUPERVISORS

Chairman Grey R. Godshall called the Regular Meeting of the Board of Supervisors to order on Monday, June 15, 2015 at 7:08 p.m. at the Municipal Building, 671 Allentown Road, Telford, Pennsylvania 18969.

Present were 1st Vice-chairman David B. Fazio, 2nd Vice-chairman Robert H. Nice, Supervisor Curtis N. Kratz, and Supervisor Steven P. Barndt. Also in attendance were Township Manager Jon A. Hammer, Assistant Township Manager Jamie P. Worman, Chief of Police Joseph Kozeniewski, Township Solicitor Frank R. Bartle, Esquire, Public Works Director Paul Nice, Township Engineer Cindy VanHise, P.E., Building Inspectors Jerry Rittenhouse and Roger M. Koffel, and interested residents of Franconia Township.

OPEN MEETING TO THE PUBLIC

Mr. Godshall opened the meeting to the public.

Mr. Gerald Thiel, 811 Allentown Road, asked if there was any type of update on his request to look at the budgets from 2009-2014. Mr. Hammer replied that there will be a meeting on June 30th, 2015 here at the Township Building to discuss the financial issues Mr. Thiel is referencing. Mr. Thiel then distributed a comment letter to the members of the board. He reviewed the comments in this letter with the audience. He explained that he originally requested that the Township go back over the finances and his request was turned over to the Finance Committee. In the meantime, he performed his own review of the budgets dating back to 2009 and Mr. Ed Furman's report that was presented last year. He explained that in performing his review of this information he has come to the conclusion that there was definitely a misuse of funds and improper transfers but the funds are all accounted for and nothing is missing. He mentioned that he tried to view the information from a different perspective and he explained how he analyzed the data ultimately arriving at the conclusion that nothing was stolen. He also mentioned that he could not find anything that indicated the transfers were illegal even if they were inappropriate. Mr. Thiel then suggested a few options for the repayment of the debt the Township owes itself. He requested the BOS strongly consider forgiving the debt owed. Mr. Godshall replied that pretty much everything Mr. Thiel

is mentioning will be covered at the public meeting on June 30th. Ms. Theresa Hettel, 327 Elmwood Lane, asked if the meeting will be announced on the website. Mr. Hammer replied that the meeting notice will be posted on the website and in the newspaper.

Mr. Godshall announced that prior to the Regular Meeting the BOS held an Executive Session to discuss personnel items and items of potential litigation.

APPROVAL OF MAY 18, 2015 MEETING MINUTES

Mr. Barndt made a motion to approve the minutes from the May 18, 2015 regular meeting. Mr. Fazio seconded the motion. The motion passed.

SOLICITOR'S REPORT – FRANK BARTLE, ESQUIRE

Mr. Bartle requested a motion to authorize the Westport Farms I Community Association to amend its Declaration of Planned Community consistent with the proposed amendment sent by Attorney Stefan Richter subject to the changes to Article IX, paragraph 1, as described in the attached letter. This motion will authorize the appropriate Township officials to take all necessary action to effectuate the intent of this motion. Mr. Bartle explained that under the current agreement the Westport Farms Homeowner's Association must have the Township review and approve any proposed changes to the requirements/restrictions contained within the declaration. Mr. Bartle continued that the Township had no issues with the proposed change other than it no longer provided for the Township to have to review future changes. That item was amended and added back into the document. Mr. Kratz made a motion to authorize the change as explained. Mr. Fazio seconded the motion. The motion passed.

Prior to reviewing the next two resolutions, Mr. Godshall asked Mr. Bartle to provide an overview of the Industrial Development Authority (IDA) and how it functions. Mr. Bartle explained that in Pennsylvania there is a system where we can establish an IDA pursuant to law in which the municipality essentially acts as a conduit between the owner of a commercial/institutional property and their lender for financing of a project. We work out a legal fidget and the property is taken out as an IDA. This enables a higher loan amount because the interest on a loan is tax-free allowing for loan amounts to be higher in an effort to encourage industrial development. The owner of the property enters into a note with the lender and the note gets signed by the IDA. The IDA will hold the deed until such time all mortgages/notes are complete. The IDA operates separately from the municipality even

though it is created by the municipality. The IDA collects fees and those fees go to the municipality which is the benefit the Township receives. Mr. Robert Nice offered an example about his involvement with the IDA and how the YMCA project went through this arrangement. Mr. Godshall added that the Township's role is basically to bless the project. Ms. Tara Gray, 453 Mininger Road, asked who specifically is involved with the IDA. Mr. Nice replied that the IDA is made up of two Supervisors, the Township Manager, and two residents. He added that the level of activity is low and that they have had two meetings in the last three years. Following Mr. Bartle's explanation the resolutions pertaining to the IDA were presented.

Resolution 15-15-15-06: A Resolution of Franconia Township approving the issuance of by the Souderton Industrial Development Authority of Amendments to its tax-exempt note for a facility located in Franconia Township, Montgomery County, Pennsylvania; and authorizing the taking of all such acts not inconsistent with the proposed resolution. Mr. Nice made a motion to approve the resolution. Mr. Fazio seconded the motion. The motion passed.

Resolution 15-16-15-06: A Resolution of Franconia Township approving the issuance of by the Franconia Township Industrial Development Authority of its tax-exempt note for a facility located in Upper Frederick, Montgomery County, Pennsylvania; and authorizing the taking of all such acts not inconsistent with the proposed resolution. Mr. Fazio made a motion to approve the resolution. Mr. Barndt seconded the motion. The motion passed.

POLICE REPORT- CHIEF JOSEPH S. KOZENIEWSKI

Chief Kozeniewski submitted his report. He reported that the Souderton Area High School held its graduation last Monday night and they reported no issues. He also reported that on May 22nd, 2015 the department ran an announced DUI checkpoint that resulted in two DUI arrests. He noted that the area was a ghost town because of it being Memorial Day Weekend. Mr. Godshall questioned if the department ever receives feedback or resolution from the bomb scares that have occurred at the schools. Chief Kozeniewski replied that Detective Moyer is working on that now. He added that they are also reviewing response plans to see what could have been done differently.

ZONING OFFICER REPORT-JAMIE P. WORMAN

Jamie P. Worman, Zoning Officer submitted her report. She reported that Ordinance #383 was originally scheduled for a hearing that evening but due to a formatting issue with the newspaper the hearing was postponed. She added that the proposed ordinance will address accessory structures and clean-up a few other items within the zoning code. She noted that the ordinance will be re-advertised for a July 8th, 2015 hearing. Ms. Worman reported that the Zoning Hearing Board held two hearings in June. The hearings pertained to a variance for a pole barn building to exceed the permitted size and to encroach into a side yard setback; and a special exception to permit a cell phone tower at the J.P. Mascaro property on Wile Road. She noted that both applications were approved and that there were no hearing applications received for July.

HIGHWAY REPORT-PAUL R. NICE

Mr. Nice submitted his report. He reported that the department had completed the work on Cherry Lane and it went well. He also reported that they are trying to do some work at the intersection at Broad Street to deal with the problems PennDot left behind but most of it will have to wait until the end of the year since it is still under PennDot. He added that the next project will be chip seal, which will begin at the end of the month.

ENGINEERING REPORT- CINDY L. VANHISE, P.E.

Ms. VanHise submitted her report. She noted that there are two subdivision/land development projects listed later on the agenda for conditional preliminary/final approval. These projects include Paragon and Shoemaker. She added that both plans have been reviewed and are ready for approval. She then reported that she has been extremely busy with the submission of the MS4 permit information as it was due to DEP by June 9th. Mr. Godshall questioned if the sound walls had ever been finalized with the Turnpike Commission in relation to the Lincoln Woods Development. Ms. VanHise replied that they are still going back and forth.

TREASURER'S REPORT – JON A. HAMMER

A motion was made by Mr. Nice and seconded by Mr. Fazio to approve the Treasurer's Report as presented, and to provide authorization for the Treasurer to pay all bills for the respective funds as presented on Voucher No. 15-15-06 dated June 15, 2015 in the amount of \$155,037.78 The motion carried unanimously.

PAYROLL

A motion was made by Mr. Nice and seconded by Mr. Fazio for the Treasurer to be authorized to pay all employees during the pay period of June 15, 2015 through July 17, 2015 according to the hours worked as listed on the Payroll Journal for the aforesaid period. The motion carried unanimously.

LAND DEVELOPMENT

Mr. Ted Koven of Showalter and Associates was present to discuss the Paragon Alliance Group Land Development (#01-15). Mr. Kovan explained that the project had received a recommendation for conditional preliminary/final approval at the Planning Commission meeting held June 1st, 2015. Mr. Godshall questioned if the issue with the garage had been worked out. Mr. Koven replied that the garage had been reduced to a small shed to store lawn equipment. Ms. Bonnie Miller, 354 High Street, questioned how this project had already gotten to this point as it was not listed under new business on the Planning Commission agenda. She added that the last time she contacted Jamie, revisions had not been submitted and the project would not be discussed. Ms. Worman offered to explain how the agenda works. She explained that a project is only listed under “new” business on the agenda when the PC is seeing it for the first time and formally accepting it. After that it remains under old business for the rest of the time it is before the PC. She also added that the last time Ms. Miller contacted her the plans had not been submitted but revisions did come in later and a review was issued at the end of May and the project was discussed at the June 1st meeting. Ms. Miller asked if there was a way that residents can see final-final plans as she has made it clear that she has an interest in this property and how it will potentially impact the value of her property. She also mentioned that she would not expect someone from the Township to come into her cancer center and understand how things are done much the same as she should not be expected to come into the Township building and understand this process. Mr. Bartle replied that a resident can come in and view the final plans that will need to be consistent with the final review letter issued by Ms. VanHise. Ms. Worman also explained that the plan being approved is the final plan and the applicant cannot change it. They are required to revise the plans according to Ms. VanHise’s letter as a condition of the approval. They will have the opportunity to do that and then they will submit the plan to the Township for final recording. The Township will then record that plan with Montgomery County and that plan is a public record. Ms. Miller asked Mr. Godshall what her mechanism was to stay

on top of the final product that will surely impact her property. She added that she did not appeal the zoning decision that was rendered for this project and has made her concerns known and is unsure how it got to this point already. Ms. Miller asked again who is the point of contact and she questioned if that person was Ms. VanHise. Mr. Godshall replied that Ms. Miller should stay connected with Ms. VanHise as the main contact for this project.

Resolution No. 15-13-15-06: A Resolution granting Conditional Preliminary/Final Approval to the Paragon Alliance LLC Land Development (#01-15)-300 Harleysville Pike. Mr. Barndt made a motion to approve Resolution No. 15-13-15-06, and Mr. Fazio seconded the motion. The motion passed.

Ms. Cheryleen Strothers of Cowan Associates was present to discuss the Shoemaker Land Development (#04-15). She explained that the proposed project is for an addition to Mr. Shoemaker's welding/machine shop in order to have his process better aligned. She reported that the application had received a recommendation for conditional preliminary/final approval by the PC at their meeting held June 1st, 2015. She noted that they have a few clean-up items as listed in the Metz Engineers' letter and will be addressing those items. She explained that they were before the BOS to request consideration for approval.

Mr. Harry Shoemaker, 302 Leidy Road, questioned the BOS on the impact fees associated with this project. He noted that when he did his original land development his impact fee was around \$8,000.00. The impact fee for the proposed addition is six times that amount at \$29,116.00. He requested that the BOS consider a reduction. Mr. Godshall replied that Act 209 dictates how an impact fee is generated and the Township has structured its fee around that. If we start negotiating that fee we would have to do that for everyone. Ms. Worman added that the Act 209 Committee was required to do a traffic impact study of the entire Township to define and prioritize road improvement projects. A fee was determined by that study and under the Act a cost of living adjustment can be made on a yearly basis. However, the Township did more than just a cost of living adjustment, we re-study and re-prioritized the projects and were able to adjust the fee to reflect more current costs. That study was performed in 2008 which is the last time we adjusted the fee. The fee has been the same for the past seven years. She also noted that Mr. Shoemaker's original project took place 16 years ago.

Resolution No. 15-14-15-06: A Resolution granting Conditional Preliminary/Final Approval to the Harry M. & Mary Ann Shoemaker Land Development (#04-15)- 302 Leidy Road. Mr. Barndt made a motion to approve Resolution No. 15-14-15-06, and Mr. Kratz seconded the motion. The motion passed.

BID AUTHORIZATION

Mr. Fazio made a motion to authorize the Assistant Township Manager to prepare bid specifications and to advertise for bids for the following items, gasoline, diesel fuel, No.2 fuel oil, and propane gas. The bids are to be opened at 2:00 p.m. on Thursday, July 16th, 2015. Mr. Barndt seconded the motion. The motion passed.

ANNOUNCEMENTS

The Franconia Township Planning Commission will hold its Regular Meeting on Monday, July 6, 2015 at 7:00 p.m. at the Franconia Township Municipal Building, 671 Allentown Road, Telford, Pennsylvania 18969.

The next Regular Board of Supervisors meeting will be held at 7:00 p.m. on Monday, July 20, 2015 at the Franconia Township Municipal Building, 671 Allentown Road, Telford, Pennsylvania 18969. The Board of Supervisors Work Sessions will be held on Wednesday, July 8, 2015 at 4:00 p.m. at the same location.

MOTION TO ADJOURN

A motion was made by Mr. Nice and seconded by Mr. Fazio to adjourn the meeting at 7:58 p.m. The motion carried unanimously.

Respectfully submitted,

Jamie P. Worman