

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 15, 2006**

Chairman Whipple called the meeting to order at 6:36 p.m. Present were Supervisors Juanita Bennett, Roger Wilson and Norman Hughes. Also present were PC Chairman Eric Brindle, Interim Township Mgr. Stephen Ross, Township Solicitor Vince Donahue and Township Engineer Grant Hitchens. There were approximately twenty-five (25) attendees. Vice Chair Teddy Price arrived later in the meeting.

Public Comment: It was requested that Public Comment be deferred until the arrival of Vice Chair Price.

Treasurer's Report - February 28, 2006:

Township Mgr. Ross stated that the Treasurer's Report for the month ending February 2006 includes the beginning and ending balance of each of the various Township funds. The total of all Township funds as of February 28, 2006 is \$1,539,736.32.

Chairman Whipple moved that the Treasurer's Report for February 28, 2006 be approved as presented. Supervisor Bennett seconded the motion. The vote was 4 - 0, the motion carried.

Manager's Report:

Township Mgr. Ross provided an oral summary of his report which covers the activities of the Manager and the Staff and was previously distributed to the Board. Vice Chair Price arrived at this point in the meeting.

Public Comment:

Supervisor Bennett read a two-page prepared statement regarding her dissatisfaction with the manner in which the Board functions. A copy is on file at the Township office.

Ms. Christine Makowski questioned Chairman Whipple as to whether his concept of how the Board should function has changed from opinions he previously expressed to her in e-mails.

There were several questions and comments from members of the public regarding the references in the newly revised Comprehensive Plan to 10 acre zoning. A high level of concern was expressed that 10 acre zoning will decrease the value of their land. Questions were also raised regarding the reasons why Mr. Tom Comitta was authorized by the Board to revise the Cluster Ordinance.

The Open Space Conservation Conventional Development Ordinance was discussed. Supervisor Bennett expressed concern that a change was made to the Ordinance without being voted on by the whole Board. Ms. Bennett also drew attention to a letter from the Chester County Planning Commission (CCPC) in which they recommend that the Township consider their comments before taking action on this ordinance. They also question the number of amendments to the Zoning Ordinance and suggest a comprehensive reprinting of it prior to making any more amendments. However the Chester County Planning Commission letter of February 27, 2006 actually states: According to our records, the Township has adopted 22

amendments to its Zoning Ordinance, the latest of which was adopted on December 14, 2005. For clarity purposes, we recommend that the Township consider comprehensively reprinting its zoning ordinance.

Supervisor Wilson expressed his discomfort with the number and content of e-mail communications received from Chairman Whipple. He also urged the Board to strive for an open and direct line of communication with the public regarding all Township business.

Questions were raised by the public regarding the purpose of executive sessions and the decisions that are made in executive session authorizing large expenditures of taxpayers money. Members of the Board responded that the Board is following the advice of Counsel as to what is discussed in executive session. The solicitor stressed, however, that although negotiations to expend money are discussed in executive session, no action is taken without a public meeting and a public vote.

Solicitor's Report:

Solicitor Donahue presented a summary of the five litigation matters that are pending in the Township. These five actions involve two developments, The Miller Farm and the Echo Hill/McMaster Tract.

He announced that there will be an executive session at the end of this meeting to discuss one or more aspects of these matters.

Bids - Roadside Mowing:

The following bids were received and opened on March 15, 2006 as publicly advertised for shoulder mowing and brush cutting:

Bidder	Shoulder Mowing	Brush Cutting	Total
Mt. Rocky Trucking	\$29,850.00	\$12,950.00	\$42,800.00
Joy Services, Inc.	\$26,910.00	\$13,000.00	\$39,910.00
Yardworks	\$24,000.00	\$11,000.00	\$35,000.00

Mgr. Ross stated that the lowest of which was Yardworks, Inc. with a quote of \$35,000. It is recommended that Yardworks be awarded the contract for both shoulder mowing at \$24,000 and brush cutting at \$11,000 for a total of \$35,000.

Supervisor Bennett moved that the Roadside Mowing Contract be awarded to Yardworks, Inc. for a total of \$35,000. Supervisor Hughes seconded the motion. The vote was unanimous and the motion carried.

Appointments:

Traffic Consultant: Mgr. Ross recommended that Traffic Planning and Design (TP&D) be replaced by the firm of McCormick Taylor. The reasons for his recommendation are that MCCormick Taylor does primarily public work and they have been working for approximately two years on the 896 Corridor Study.

Chairman Whipple moved that McCormick Taylor be appointed as Franklin Township's Traffic consultant. Supervisor Hughes seconded the motion. The vote was unanimous and the motion passed.

Newsletter Coordinator: Mgr. Ross reported that there were two people interested in being considered for the position. Carla Lucas who has experience writing newsletters for both London Britain Twp. and the school district, and Wendy Toman who is the Chair for the Historical Society.

Chairman Whipple moved that Carla Lucas be appointed as the newsletter coordinator for the Township. Supervisor Hughes seconded the motion.

Concerns were expressed by Supervisor Wilson and members of the public regarding having a newsletter coordinator for the Township who is also a newspaper reporter for the Chester County Press.

Mgr. Ross stated that he received good references on Ms. Lucas and she will serve at the pleasure of the Township without a contract. Also the manager and/or the Board will approve everything that goes into the newsletter.

The vote was 4 - 1 in favor of the motion to appoint Ms. Lucas as Newsletter Coordinator, with Supervisor Wilson voting Nay. The motion carried.

Emergency Management Update - Harold Walls:

Mr. Walls stated that the County has provided laptop computers to all the Emergency Management Coordinators and it is the responsibility of the individual Coordinators to get an air card subscription in order to be able to communicate wirelessly in an emergency. Mr. Walls has obtained a price from Freecom in West Grove of \$29.99/mo. vs. Nextel which is approximately \$55/mo. He suggested that someone from the office ask the owners of the cell towers in the Township if they would be interested in contributing an air card subscription to the Township.

He also reported that the County is taking a more regional approach to grants, products and services provided for emergency management purposes. When they receive requests they will look favorably on requests for products or services that will benefit more than one township.

Chairman Whipple moved that we equip the computer of the Emergency Management Coordinator with an air card subscription, first choice through one of the cell tower owners, second choice through Freecom or some other carrier. Supervisor Wilson seconded the motion. The vote was unanimous and the motion carried.

Planning and Zoning:

Planning Commission (PC) Report: PC Chairman Eric Brindle presented the report of the March 2, 2006 PC meeting.

Extension Letters:

Chairman Whipple moved that the following extension requests be approved for the following developments:

- Miller Farm - April 20, 2006
- Mackie - April 26, 2006
- Woods Edge - May 17, 2006
- Banffshire Tract (12 lot) - April 26, 2006

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Crossan Creek - May 24, 2006
Fox Hunt Farm - May 24, 2006
Christens - June 21, 2006
Cornerstone Presbyterian - June 23, 2006
Lang - June 23, 2006

Supervisor Hughes seconded the motion. The vote was unanimous and the motion carried.

Escrow Releases:

Chairman Whipple moved that the following construction escrow releases be approved:

- Happy Harry's Release #3 in the amount of \$34,500, plus releasing 10% from previous escrows in the amount of \$9,626.
- Laurel View Release #5 in the amount of \$15,493.25.
- White Clay Knoll #6 in the amount of \$37,976.36.

Supervisor Hughes seconded the motion.

Supervisor Bennett drew attention to LTL's letter of March 10, 2006 in which they recommend holding the Happy Harry's release until confirmation has been received from DEP that they do not plan to prosecute Happy Harry's for dumping fill too close to White Clay Creek. As a result of the discussion Chairman Whipple withdrew his motion and made the following motion:

Chairman Whipple moved that escrow release #5 be approved for Laurel View in the amount \$15,493.25 and escrow release #6 be approved for White Clay Knoll in the amount of \$37,976.36. Supervisor Bennett seconded the motion. The vote was unanimous and the motion carried.

Supervisor Bennett moved to approve escrow release #3 for Happy Harry's in the amount of \$34,500, subject to DEP confirming that they are not going to prosecute Happy Harry's. Upon written receipt from DEP confirming that they do not intend to prosecute Happy Harry's, the \$34,500 will be released. Supervisor Wilson seconded the motion.

The vote on Supervisor Bennett's motion was unanimous and the motion carried.

Supervisor Bennett moved that Happy Harry's request for \$9,626 be released for Escrow Release Nos. 1 and 2. Supervisor Wilson seconded the motion. The motion passed unanimously.

Final Plan - Mackie: Mgr. Ross advised that the Mackie Plan was up for final approval however an extension request was received late that day. Mark Elser of Wilkinson Builders addressed the Board on behalf of the applicant and stated that the applicant will be back before the PC on April 6 and before the BOS on April 19, 2006.

Regarding the plans for the Walker Road Bridge, Mr. Elser asked for confirmation from the Board that Kohli & Associates, rather than either of the traffic consultants, will be reviewing the plans that were submitted on February 2,

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2006, since Kohli is most closely associated with all the activities related to the bridge. The Township Mgr. will so advise Mr. Dixson of TP&D.

Solicitor Donahue agreed to review the Declaration of Covenants and Restrictions prior to the April 6th PC meeting.

Mr. Elser confirmed that the water tank for the property is 110,000 gallons and will be totally buried and that a pump house is planned along Peacedale Road.

Mr. Elser confirmed that the applicant has offered to donate \$13,965.63 which is consistent with the cost of widening Walker Road 3-5 ft. along the frontage and that no other repairs are planned to the road as part of this project.

Mr. Hoffman, a member of the PC, asked the Board to consider authorizing the Solicitor to be present at the April 6th PC meeting for the Mackie discussion.

Mr. Elser said that the applicant is willing to pay to have the Township Solicitor present at the meeting. Solicitor Donahue will attend.

Chisel Creek: Mgr. Ross reported that URS, the Township's sewer consultant, has approved the Planning Module for Chisel Creek Golf Course as stated in a letter dated March 14, 2006. The only issue is that Walt Leis has not completed his review of the Hydrogeology Study. Since Mr. Leis has just recently received the study for review, and DEP will not determine the planning module incomplete without it, Mr. Ross recommended that the Bd. approve the Sewage Facilities Planning Module so that it can be forwarded to DEP.

Supervisor Bennett moved that the Board approve the Sewage Facilities Planning Module for Chisel Creek Golf Course and forward it to DEP. Supervisor Hughes seconded the motion. The vote was unanimous and the motion passed.

Agricultural Security Area (ASA): Mgr. Ross referenced his e-mail dated 2/28/06 in which he recommended that the Board recognize the need to update the list of properties covered by the ASA for 2006.

Chairman Whipple provided background information for those not familiar with the program and advised that the Board needs to decide prior to the end of June if there is enough interest within the Township to compel the Board to approve the necessary resources to support the program.

Mr. Strawbridge approached the Township and said he's willing to put his 762 acres in the program, which by itself, exceeds the County's 500 acre minimum necessary to qualify. However the Township's goal will be to get as many landowners as possible to participate.

Chairman Whipple advised that any individual property owner seeking to have the County make them an offer for their development rights, must be a member of an ASA program.

Supervisor Bennett agreed to look into the requirements and to see if it's possible to put together a committee.

DCNR Application - Resolution 2006-06: Mgr. Ross stated that Resolution 2006-06 authorizes Franklin Township to proceed with filing an application with the Department of Conservation and Natural Resources (DCNR) for a grant to be

used for the purpose of the acquiring certain properties in Franklin Township for open space. The Resolution identifies the property by parcel number. This is a joint application by the Township and Natural Lands Trust for grant money and was the subject of the executive session held yesterday. The deadline for applications is April 14, 2006.

Vice Chair Price explained that this Resolution is only to authorize the application for the grant money and does not obligate the Township in any way.

Chairman Whipple moved that the Board approve Resolution 2006-06 to authorize the submission of an application to DCNR for a grant to acquire property. Vice Chair Price seconded the motion.

Discussion involved the issue of what properties are on the prioritized list, why this particular property does not appear on the list and how the decision was made to attempt to acquire this particular property. Supervisor Bennett and members of the public asked that an informational meeting be held in order to have all the questions answered.

Chairman Whipple stated that there is no opposition from the Board to having an informational meeting regarding the entire process and having the various consultants available for a Q & A. However, if the Township is to take advantage of this particular opportunity authorization must be received tonight so that the grant application can be written and submitted in time to be considered. Supervisor Bennett stated several times that the identified parcel number was wrong and she could not vote for an incorrect resolution.

Chairman Whipple called for a vote on his motion to approve Resolution 2006-06. The vote was 4-1 in favor of the motion. Supervisor Bennett voted nay. The motion carried.

Proposed Ordinances - Open Space Conservation Conventional Development:

Mgr. Ross stated that the ordinance has been duly advertised. Comments have been received from the County Planning Commission in a letter dated February 27, 2006.

Chairman Whipple stated that the Ordinance was discussed extensively at the February meeting. It provides another option for owners of 30 or more acres who wish to subdivide and it qualifies for Act 319 which provides a tax break. Landowners can either choose the cluster ordinance which provides for 55% open space and cluster zoning for parcels of 15 or more acres, or this Ordinance which provides an option to subdivide in lots of 10 or more acres and not have an open space requirement. It came into being because two landowners asked for relief from the open space requirement so that they could subdivide their property into 2-3 large lots with no open space.

The major concern expressed by the residents is that the cluster ordinance will be done away with and the 10-acre zoning called for in this ordinance will be the only option available and that 10 acre zoning will have a negative impact on their property values.

Chairman Whipple stated that revising the Zoning Ordinance will be a long drawn out process that will take a considerable amount of time and that cluster zoning is probably going to be the law in FT for the foreseeable future.

Mr. Boxler and Mr. Bennett expressed support for two-acre zoning and asked that action on this ordinance be delayed so that a two-acre option can be written into it.

Supervisor Bennett moved that the proposed ordinance be tabled to give the opportunity for further investigation and also based on the letter received from the Chester County Planning Commission that says the Township should consider the comments in this letter prior to acting on this amendment and the fact that the Ordinance was changed from 40 to 30 acres without a public vote.

The motion did not receive a second.

The possibility of having the current applicants for whom this ordinance was written go before the Zoning Hearing Board (ZHB) for a variance was discussed. Chairman Whipple explained that they would not meet the 5 criteria necessary to receive a variance.

Chairman Whipple moved that the Board approve Ordinance 2006-02. Supervisor Hughes seconded the motion. The vote was 4 - 1 with Supervisor Bennett voting nay. The motion carried.

Supervisor Bennett left the meeting at this point - approximately 12:25 a.m. on 3/16/06.

Ms. Jane Brown asked what happened to the statement that was made at last months meeting that the Board wants to work with the members of the community to help them understand what the Board is proposing. She said delaying action on this ordinance for one (1) month was not asking too much.

Ms. Brown stated that she wants it to go on record that she is requesting Chairman Whipple and Vice Chair Price to submit their resignations from the Board.

Zoning Officer/Bldg. Inspector Report:

Mgr. Ross summarized the report on behalf of the Zoning Officer. The report was accepted as submitted.

Route 896 Corridor Study:

The route 896 Corridor Task Force will hold a public meeting on March 29, 2006 at 6:00 p.m. at the Middle School on Rt. 796 to present their final report. The presentation is geared toward the Planning Commissions of the various townships that have participated in the study, however it is a public meeting. Franklin Township's Planning Commission will receive the report and will make a recommendation to the Board whether or not to adopt it.

Public Comment:

There was a request that the comp plan and the 2006 budget be put on the website.

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Mgr. Ross said the comp plan was put on today, March 15th, with the exception of the appendix which we be added shortly. He will see that the budget is entered as soon as convenient.

Adjourn:

The meeting was adjourned at 12:36 a.m., 3/16/06. The Chairman announced an Executive Session following the meeting.

Respectfully submitted,

Stephen J. Ross
Township Mgr./Sect.