

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
AUGUST 16, 2006**

Call to Order:

Chairman Richard Whipple called the meeting to order at 6:38 p.m. Present were Vice Chairman Teddy Price and Supervisors Norman Hughes, Roger Wilson and Juanita Bennett. Also present were Solicitor Vincent Donohue, Planning Commission Chairman Eric Brindle, Historical Commission Chairman Wendy Toman, Township Manager Stephen Ross and Assistant Township Manager Jeffrey Eastburn. In addition, there were approximately 15 members of the general public in attendance.

Public Comment:

Dave Hoffman:	Documents supporting Happy Harry's escrow release request.
Tina Chromey:	Opposed to the proposed Echo Hill settlement agreement.
Jane Brown:	Access to the Echo Hill Commercial Sketch Plan and receiving clarification of Treasurer's Report.
Wendy Toman:	Continuation of Rt. 896 Task Force after adoption of the Plan.
Nancy Chromey:	Opposed to the proposed Echo Hill Commercial litigation settlement.

Approval of Minutes – July 19, 2006

Mr. Whipple moved, seconded by Mrs. Price, to approve the minutes of July 19, 2006. Motion carried unanimously.

Reports:

- a. Treasurer's Report - July 31, 2006: Mgr. Ross summarized the Report. Mr. Whipple moved, seconded by Mrs. Price, to accept the Treasurer's Report dated July 31, 2006. There was discussion regarding the outstanding amounts in various developers' escrow accounts. The outstanding balance in the Echo Hill Fund was specifically discussed and explained. The motion carried unanimously.
- b. Manager's Report – August 16, 2006: Mr. Ross's report has been distributed and is on the Township web page. He commented on the MS4 Program and Flood Plain Ordinance. Mr. Hughes requested and received information on FEMA's requirement for NIMS Training for Township Supervisors.
- c. Solicitor's Report: Solicitor Donohue advised that there will be an Executive Session with the Board at the conclusion of the meeting to discuss Echo Hill Commercial Litigation.

- d. Zoning Officer/Building Inspector Report – August 7, 2006: Mr. Ross provided a summary of the report from the Zoning Officer, Mr. Duane Brady. The report was accepted as submitted.

Old Business:

- a. Echo Hill Commercial Litigation: Mr. Whipple provided the Board and the Public with copies of a prepared handout which is part of the meeting file. The Board's expectation is to have a discussion, and likely a vote, on a finalized version of the agreement (and exhibits) at the 9/13/06 regularly scheduled Township meeting. Attorney John Jaros provided his position on behalf of his clients on bringing the stipulation to conclusion.
- b. Cable Television: Mr. Ross explained the issues that the Township has with Senate Bill 1274 and House Bill 2880 and submitted Resolution 2006-11 for the Board's consideration. Chairman Whipple moved to approve Resolution 2006-11, seconded by Mrs. Price. Mr. Whipple and Mrs. Price provided further explanation of the proposed Resolution which opposes both the State and Federal legislation and is consistent with the analysis done by the Boroughs Association. An amended motion was made by Chairman Whipple to identify Senate Bill 1247 and House Bill 2880 as the legislation being opposed by Resolution 2006-11. Mr. Hughes seconded the amended motion which was unanimously passed by the Board.

Planning and Zoning:

- a. Planning Commission Report – August 3, 2006 Meeting: Mr. Brindle provided the Board with a summary of the PC's activities at their meeting of August 3, 2006. The minutes of this meeting are available at the Township office.

Paradox Vineyards: Dr. Dave Hoffman addressed the Board on behalf of his and Dr. Harris's request for final plan approval for the construction of a barn-like structure on their 17.72 acre parcel located on the west side of Flint Hill Road. Initially the building will be used for storing and processing grapes and eventually for the sale of wine. The applicants were issued a building permit in August 2004 and were told that a land development plan was not required. Construction began in July 2005. A new Zoning Officer was hired in 2005 who determined that a land development plan should have been required prior to commencing construction. Agreement was reached between the parties that construction could continue while the applicants actively pursued approval of a land development plan. As part of the approval process the applicants are being required to comply with the Township's Storm Water Ordinance, No. 2005-03, which was adopted in March 2005, more than 6 months after the applicants had been granted a building permit and received incorrect guidance from the Township's Zoning Officer. The applicants have requested a waiver from that ordinance and Dr. Hoffman is asking

for a decision prior to the September meeting because of the need to use the building in September for the grape harvest.

Mr. Ross has asked the Township Engineer to determine the difference between Ordinance 2005-03 and the prior storm water ordinance and what impact compliance with the prior ordinance would have on the subject plan. The Township Solicitor has also been asked for an opinion. The consensus of the Board was to follow the direction of the Solicitor on whether the Township could waive the provisions of Ordinance 2005-03. Manager Ross and the Board agreed to act as expeditiously as possible.

- b. Extension Letters: Chairman Whipple advised that the following extensions were received for consideration by the Board.

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| a. Miller: | October 31, 2006 |
| b. Dolores Morris: | December 31, 2006 |
| c. Banffshire (12 lot): | September 29, 2006 |
| d. Fox Hunt Farm: | September 29, 2006 |
| e. Mackie: | September 29, 2006 |
| f. McMaster (2 lot): | September 29, 2006 |

Mrs. Bennett moved, seconded by Mr. Hughes, to accept the extension letters as outlined. Motion carried unanimously.

- c. Escrow Releases: Chairman Whipple advised there were escrow release recommendations provided by the Township Engineer for the following developments:

1. Happy Harry's Escrow Release #6: Chairman Whipple moved, seconded by Mrs. Bennett, to accept the recommendation of the Township Engineer in the release of \$43,355.00. Motion carried by unanimous vote.

Mr. Hoffman (the adjacent landowner to HH) raised the issue of stormwater problems with Happy Harry's. Manager Ross, Engineer Theisen and Mr. Hoffman will meet and attempt to resolve the issue of downstream stormwater.

2. High Point Meadow Escrow Release #5: Supervisor Bennett moved, seconded by Mrs. Price, to release \$59,788.50 from the escrow account as recommended by Engineer Kohli. Motion carried by unanimous vote.
- d. Open Space Ordinance: This is an ordinance to amend the zoning ordinance with two principle changes. The first change is to correct and reenact Section 1511 pertaining to pipeline setback. This section was removed when Ordinance No. 2006-02 was approved on March 15, 2006. The second provision in the amended ordinance is to allow an accessory dwelling unit on a single lot of no less than 20

acres. In other words the gross density would remain at one unit per 10 acres. Chairman Whipple moved, seconded by Mrs. Price, to authorize that the proposed ordinance entitled as follows:

AN ORDINANCE PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE; AMENDING ARTICLES IV, V AND XV OF THE FRANKLIN TOWNSHIP ZONING ORDINANCE TO REENACT AND AMEND PROVISIONS ALLOWING OPEN SPACE CONSERVATION CONVENTIONAL DEVELOPMENT BY RIGHT IN THE AR AGRICULTURAL-RESIDENTIAL AND LDR LOW DENSITY RESIDENTIAL ZONING DISTRICTS, ESTABLISHING MINIMUM REGULATIONS APPLICABLE TO OPEN SPACE, CONSERVATION CONVENTIONAL DEVELOPMENT, INCLUDING ALLOWING ONE ACCESSORY DWELLING ON A LOT OF TWENTY (20) OR MORE ACRES WITHIN SUCH DEVELOPMENT; AND BY REENACTING SECTION 1511 PERTAINING TO PIPELINE SETBACK.

be advertised and considered at the September meeting. Mr. Whipple further moved, seconded by Mrs. Price, to further amend the ordinance to include a new Section 1514 in lieu of Section 1512 as originally intended to be included in the initial draft from the Solicitor. Motion carried by unanimous vote.

New Business:

- a. *Snow Plowing Bid Package:* Mr. Ross explained that the Township's bid specifications included a requirement that the bid be accompanied by a certified check or bid bond payable to Franklin Township for 10% of the bid. The lone bidder was Hank Henry, t.a. Mt. Rocky Trucking, Inc., and included an uncertified check. Therefore Mgr. Ross recommended that the bid be rejected and the contract work be re-advertised for September. The Board accepted the recommendation.

- b. *Open Space Funds for Conservation Easements:* Chairman Whipple explained that whenever a property owner agrees to donate a conservation easement there is a required payment for related expenses and an endowment for long term maintenance. The Solicitor prepared a resolution that would allow money to be used from the Township's Open Space Fund in an amount not to exceed \$20,000 for the endowment and other related expenses. Each situation will be evaluated separately regarding the amount of the Township's contribution. Mr. Whipple moved, seconded by Mrs. Bennett, to approve Resolution 2006-12. Motion carried unanimously.

Route 896 Corridor Study:

The 896 Corridor Committee will be meeting at New London Township on August 21, 2006 at 5:15 pm.

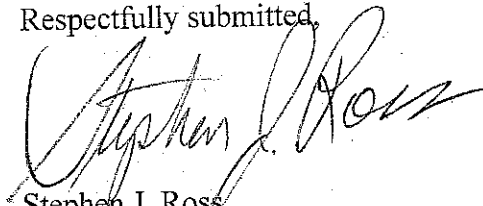
Public Comment:

Mr. John Boxler asked two questions:

1. Regarding Echo Hill Commercial litigation - Will the Stipulation be made available to the public prior to September 13?
2. Has the number or mix of units changed in the TND since the July 10 meeting?

Adjourn: Meeting adjourned at 8:29 p.m.

Respectfully submitted,



Stephen J. Ross
Township Manager/Secretary

Ver. 3, Revised 8/19/06 (2016) ER SR