

**FRANKLIN TOWNSHIP MINUTES  
WORKSHOP SESSION  
BOARD OF SUPERVISORS  
SEPTEMBER 13, 2006**

**Call to Order:**

Chairman Richard Whipple called the Franklin Township Board of Supervisors Workshop Meeting to order at 6:37 pm. Other members of the Board in attendance included Vice Chairman Teddy Price, and Supervisors Norman Hughes, Juanita Bennett and Roger Wilson. Other officials in attendance included Solicitors Vince Pompo and Vince Donohue; Township Engineers John Theisen, Surender Kohli and Sandi Morgan; and Planning Commission Chairman Eric Brindle. Also present were approximately 15 members of the public and developers' representatives.

**Public Comment:** Chairman Whipple explained that public comment on Agenda Item IV – Echo Hill Commercial Litigation, would be taken during discussion of that item.

There was no other public comment.

**Approval of Minutes – August 9, 2006:**

Mr. Whipple moved, seconded by Mrs. Price, that the August 9, 2006 Minutes be approved. Motion carried by unanimous vote.

**Echo Hill Commercial Litigation:**

The Chairman outlined the proposed format and order of proceedings for this agenda item and Solicitor Donohue explained that it involves the proposal of, and the possible authorization to enter into, a Settlement Agreement of the Echo Hill Commercial Litigation in the form of a Stipulation of Parties and Counsel. This is the culmination of the public meeting which was held on July 10, 2006 at the New London Twp. Bldg., at which a detailed explanation and a 3-page handout were provided to all members of the public.

Supervisors Bennett and Wilson expressed concern that since the members of the public present at this meeting are not being given access to the settlement document, it is not possible for them to make substantive comments regarding said agreement.

Attorney John Jaros commented on the Stipulation, the substance of which he stated has not been modified since the July 10<sup>th</sup> meeting, other than to include the changes which were discussed at that meeting, and referenced the TND Sketch Plan which is on display and has not been modified.

Chairman Whipple moved that the Stipulation of Parties and Counsel, Chester County Court of Common Pleas, Action #04-04758, be approved and the Chairman of the Board be authorized to sign that document on behalf of the Township and that the document be dated as of the date that the last party to the Agreement signs it. Vice Chair Price seconded the motion.

After distributing a handout, which is part of the meeting file and available at the Township Office, Chairman Whipple opened the meeting to comments from the floor regarding Echo Hill Commercial litigation. The handout will be made a part of the meeting file. The following people were recognized and had questions or comments as follows:

- Dave Toman – a question on how the litigation settlement overrides existing Township ordinances.
- John Boxler – a question regarding the 1.7 million dollar impact fee in lieu of the normal impact fee or in addition to it and what the normal impact fee would be.
- Nancy Chromey – Had a list of questions regarding the following subjects:  
 Roadwork and cost.  
 The Board visiting other TND's.  
 A list of residents' concerns.  
 A list of waivers.  
 What happens if Artesian breaches contract and expands service area.  
 A review of why the suit was brought in the first place.  
 Expressed concerned about waste water treatment and sewage disposal plans.  
 Received a letter from a state senator.
- Jane Brown – Had a list of questions regarding the following subjects:  
 Changes to the Stipulation based on public comment.  
 Number of townhouse units.  
 What members of the Board attended the meetings?  
 Were members excluded?  
 Expressed disappointment in the BOS and is opposed to the plan.  
 Requested that developers contribute money or land for future schools.
- Ralph Olivier – Had a list of questions regarding the following subjects:  
 No parking on the street.  
 Specific details that need to be in the design guidelines.  
 Concern about appointing someone to monitor the guidelines.
- Tina Chromey – Had a list of questions regarding the following subjects:  
 Concerns regarding the number of town homes.

Increase in school taxes.  
Concern about the drip irrigation system.

- Patti Kehrer – Height requirement or stories for the townhouses and whether there is a possible 55+ restriction.
- Matt Schreiner – Have Banffshire, Ford and Mackie agreed to pursue TND style developments? Will the 1.7 million abdicate their responsibility to pay traffic impact fees?
- There was one unidentified person that asked question concerning the impact fee.

This ended the comments from the public. The Chairman asked if the Township Solicitor or Attorney Jaros wished to make any comments.

Attorney Jaros made a brief statement supporting Solicitor Donohue's earlier statement that there are significant events that still have to occur and the onus is on the developers to start that process. Also referring to an earlier question regarding the Kemblesville Methodist Church, Mr. Jaros stated that he has met with the Pastor who is in favor of the TND.

The Chairman opened the meeting to discussion from the Board.

Supervisor Bennett had several questions and comments on the following subjects:

- Calculation of the money received from impact fees.
- Calculation on the amount of money for the Open Space Fund.
- Drip irrigation in the woods.
- The settlement may set a precedent.
- Favored showing the settlement document to the residents prior to voting.

Mr. Wilson read a written statement into the record in which he listed seven reasons why he will not vote to approve this Settlement Stipulation. He also provided copies of his statement to all present. A copy is available in the meeting file at the Township office.

In addition Mr. Wilson provided his comments as follows:

- TND plan be required to comply with zoning requirements and Township ordinances.
- Sewage be managed within each development.
- The Stipulation should require the developers to purchase and donate land for excess dwelling units.
- The Township should formally advise the Judge who will consider the terms of the Stipulation that the terms are significantly outside the scope of the legal case that is proposed for resolution.

- The methodology used in these negotiations has excluded from the public all information and details of the negotiation.

The vote was 3-2 in favor of approving the Stipulation. Hughes, Price and Whipple in favor and Wilson and Bennett opposed.

The meeting was recessed for approximately 10 minutes.

**Latimer Donated Conservation Easement Proposal:**

Vice Chair Price recused herself from this discussion due to being a full-time employee of Brandywine Conservancy.

Chairman Whipple moved, seconded by Mr. Hughes, that the Township use open space funds to assist a local property owner, Nancy Latimer, in donating a conservation easement to the Township and that the Board accept the September 6, 2006 letter proposal from Brandywine Conservancy in that regard. The open space funds will be used to help defray the preparation costs and the endowment fee.

The subject property is 41.318 acres located on Appleton Rd. Chairman Whipple explained the reasons for the Township's willingness to provide assistance to individuals who are willing to donate conservation easements and his reasons for supporting the Latimer proposal. BC's proposal includes \$5,715 in preparation costs and an endowment of \$7,625.

The motion carried by a vote of 4-0 and 1 abstention (Teddy Price).

**Public Comment:**

Eric Brindle – suggested recognition of some kind for Nan Latimer's donation.

Nancy Chromey – requested an update of the buildings on the Ford Farm at a future meeting.

**Adjourn:** The meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Stephen J. Ross  
Township Mgr./Secretary

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