

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
OCTOBER 18, 2006**

Call to Order:

Chairman Richard Whipple called the meeting to order at 6:37 p.m. Present were Vice Chairman Teddy Price and Supervisors Norman Hughes, and Roger Wilson. Juanita Bennett was absent. Also present were Solicitor Mark Thompson, Planning Commission Chairman Eric Brindle, Open Space Committee Chairman Phil Geoghegan, Township Manager Stephen Ross, and Township Engineer John Theisen. In addition, there were approximately six members of the general public in attendance.

Public Comment: There was no public comment.

Route 896 Corridor Study:

Township Mgr. Steve Ross summarized the activities of the 896 Steering Committee advising that for the past year Dick Whipple and Teddy Price have served as Franklin's representatives on the Committee. In addition to Franklin, the Committee was composed of representatives from New London, Upper Oxford and Penn Townships working closely with the Chester County Planning Commission and their consultant, McCormack Taylor. The goal of the Committee was to evaluate the Rt. 896 corridor and determine what safety improvements can be applied to the roadway within the affected communities. The Committee held a joint hearing at the auditorium of the Avon Grove School District in the complex located at Rt. 896 and 796. As a result of that joint hearing the Committee's recommendation is for each municipality to adopt the 896 Corridor Plan. The hearing tonight is to receive any additional public input and to adopt the Plan. The plan is an amendment of the Franklin Township Comprehensive Plan and was legally advertised as such. Chairman Whipple advised the public that the Plan has been extensively discussed over many months of public meetings and has been on Franklin's website for many months. He opened the meeting for any additional comments/questions from the public. There being none, Mr. Whipple moved, seconded by Mrs. Price, to approve Resolution 2006-15 which amends the Franklin Township Comprehensive Plan and recognizes acceptance of the Route 896 Corridor Plan.

The manner in which it will be introduced into and made part of the Township's Comprehensive Plan was briefly discussed by the Board. The motion carried unanimously by a vote of 4-0.

Reports:

- a. Treasurer's Report – September 30, 2006: The Manager provided a summary of the report indicating that the current balance is \$1,913,560.68 with supporting information, including the balances of the various funds of the Township. On motion by Mr. Whipple, seconded by Mr. Hughes, the Treasurer's Report dated September 2006 was accepted as presented. Motion carried by a unanimous vote of 4-0.

- b. Manager's Report – October 18, 2006: Mr. Ross provided an overview of the October 18 monthly report including the subjects of personnel, Township Newsletter, Howard Property, Trail Feasibility Study, Route 896 Corridor Plan, Roundabouts and Building Improvements.

- c. Solicitor's Report: Mr. Thompson had nothing specific to report.

- d. Zoning Officer/Building Inspector Report – October 13, 2006:
 - 1. The monthly report was summarized by the Township Manager including the issuance of 16 building permits and 37 separate inspections. Total fees collected for the month were \$27,951.94.

 - 2. Variance Application of Mary Kate Gagnon, 676 South Guernsey Road is seeking a variance from the Zoning Hearing Board to expand the use of her property to include a day care center. The expansion includes a facility that will accommodate seven children. The Board decided not to have legal representation at the hearing.

- e. Open Space Committee Report: Mr. Phil Geoghegan provided a report of the Committee activities that included the following issues:
 - 1. Resolution 2006-16: Mr. Geoghegan advised that there is an error on the Grant application for funds to acquire open space property (Goodwin) which requires that a resolution be passed. He requested that the Board approve Resolution 2006-16 which indicates that the Local Match consists of a DCNR match of \$81,600 and a Franklin Township match of \$20,400, for a total Local Match of \$102,000.

Mrs. Price moved, seconded by Mr. Whipple, to approve Resolution 2006-16 which provides for a total project cost of \$204,000 with a

County Grant of \$102,000 and Local Match of \$102,000. The Local Match includes a DCNR match of \$81,600 and a 10% match from Franklin Township of \$20,400. The motion included authorization for the Chairman to approve and execute the Chester Count Grant Contract. Motion carried by a vote of 4-0.

2. Trail Feasibility Study: A request for the Board to approve various steps to complete a Trail Feasibility Study. The request is for the following activities:
 - (a) Local Project Coordinator – Mr. Geohegan.
 - (b) Consultant Selection Committee – Mr. Ross, Mr. Geoghegan, and Mr. Whipple.
 - (c) Project Study Committee – OSC & Mr. Eastburn
 - (d) Preparation of a request for proposal for a consultant.
 - (e) Consultant Contract.
 - (f) Grant Agreement.

On motion by Mrs. Price, seconded by Mr. Whipple, the following course of action for continuing to move forward with the Trail Feasibility Study was approved.

1. Phil Geoghegan as Local Project Coordinator.
2. Steve Ross, Phil Geoghegan and Dick Whipple to serve as the Consultant Selection Committee.
3. Members of Open Space Committee and Jeff Eastburn and possibly additional interested members of the community, to comprise the Project Study Committee.

The motion passed unanimously.

Old Business:

a. Zoning Ordinance – Ordinance 2006-05:

1. Open Space Amendment: This is an ordinance amending articles IV, V and XV of the Zoning Ordinance and to reenact and amend open space conservation conventional development regulations by right in the AR Agricultural-Residential and LDR low density residential zoning districts. Also, the ordinance establishes minimum regulations applicable to such development, including provisions for accessory

dwelling accommodations; and by reenacting section 1511 pertaining to pipeline setback.

Mr. Whipple temporarily adjourned the regular meeting so the Board could hold the public hearing. Mr. Thompson, serving as hearing officer, read the preamble of the Ordinance. The following exhibits were made a part of the record:

- T-1 Chester County Planning Commission letter of October 6, 2006.
- T-2 The Ordinance (2006-05) that was duly advertised.
- T-3 The Proof of Publication.

The Hearing Officer called for public comments and comments from the Board. There being none, the Chairman adjourned the Public Hearing and reconvened the BOS meeting to consider adoption of the Ordinance.

On motion by Mr. Whipple, seconded by Mrs. Price, the Board approved Ordinance 2006-05. Motion carried by unanimous vote of 4-0.

b. Resolution No. 2006-17 – Howard Property: This Resolution authorizes Franklin Township Officials to enter into a sales agreement to acquire the 28.9 acre property to be used as open space within Franklin Township. The property is owned by Edward and Elizabeth Howard. On motion by Mrs. Price, seconded by Mr. Hughes, Resolution No. 2006-17 authorizing acquisition of 28.9 acres of land in Franklin Township owned by Edward and Elizabeth Howard, was approved

Board discussion included affirmation that the purchase price is the result of averaging the two appraisals that were obtained and that the Township is responsible for 10% of the purchase price with the remainder coming from state and county grants. Motion carried by unanimous vote of 4-0.

Planning and Zoning:

a. Planning Commission Report – October 5, 2006: Mr. Eric Brindle provided the Board with a summary of the October 5th Meeting. The minutes are available at the Township office.

b. Extension Letters: Mr. Whipple advised that the Township was in receipt of two plan extension letters:

Paradocx Vineyards - November 30, 2006.

Godfrey Property - January 24, 2007.

On motion by Mr. Hughes, seconded by Mrs. Price, the plan extensions for both Paradox and Godfrey were approved. Motion carried by unanimous vote of 4-0.

- c. Escrow Releases: Chairman Whipple advised that there were escrow release recommendations provided by the Township Engineer for Happy Harry's and High Pointe Meadow.

Prior to considering the escrow release for Happy Harry's, Chairman Whipple asked Michelle Lessard, representing the developer, to provide the Board with any information she might have regarding the future name of the store, i.e., Happy Harry's or Walgreen's. She commented that the developer's intent is to finish construction of the store but that any decision regarding the future tenant of the store will be made by Walgreens. The developer has made efforts to ensure the security of the building until the tenant issue has been resolved.

1. Happy Harry's escrow release #8 in the amount of \$96,925. On motion by Mr. Whipple, seconded by Mr. Hughes, the release of \$96,925 from the escrow fund was approved. Motion carried by unanimous vote of 4-0.
2. High Pointe Meadow escrow release # 6 in the amount \$10,971. On motion by Mr. Whipple, seconded by Mrs. Price, the release of \$10,971 from the escrow fund was approved. Motion carried by a unanimous vote of 4-0.

- d. Revised Land Development Plan for Happy Harry's: The applicant is requesting a change on the land development plan that would substitute 7 Callery Pears Trees for 7 Sugar Maple Trees. It was explained by the applicant's representative, Ms. Lessard, that because the CCHD required a change of the sewer line, the relocated pipe necessitated a tree with a different root zone. The Planning Commission recommended the change to Callery Pear. Mrs. Price objected to the recommended change because Callery Pear is susceptible to damage under icy or excessive wind conditions. The Board discussed alternatives and it was decided to allow replacement with Hawthorne which is a native tree and is on the list of allowable trees in the SALDO. On motion by Mr. Hughes, seconded by Mrs. Price, the change in tree specie from Sugar Maple to Hawthorne with a minimum of 2" caliper, was approved. Motion carried by unanimous vote of 4-0.

Public Comment:

Kemblesville School: Mr. Wilson requested that discussion be held regarding the future use of Kemblesville School. He had a conversation with Fran Lutz of the Avon Grove Charter School who was questioning whether the Board of Supervisors would be opposed to reopening the former elementary school for this purpose. The number of students would be the same as it was previously and they want to begin using the school this fall. Mrs. Price felt that the Township should work cooperatively with the school district. There was a discussion regarding the issue of sewage treatment at the school and the fact that the school is included in the Township's draft 537 Plan which includes a new sewage treatment facility. However the new system will not come on line for at least three years. The sense of the Board is to encourage Avon Grove Charter School to pursue the existing school facility for use as a charter school acknowledging the supervisors' obligation to provide for public health, safety and welfare, including addressing traffic and septic issues.

McMaster Two-Lot Plan: Mr. Whipple read the following statement into the record: In the Stipulation that was just approved by the Court of Common Pleas, the Township agreed in Paragraph 5(a) to approve what the Township refers to as the McMaster Two-Lot Subdivision. The Township learned on Monday afternoon, 10/16/06, that Judge Cody had signed the Order approving the Stipulation. The agenda and meeting preparation packages for the 10/18/06 meeting had been distributed on Friday 10/13/06, as is customary in Franklin Township. Accordingly, the McMaster Two-Lot Subdivision Plan is scheduled to be on the agenda for the next regularly scheduled meeting of the Franklin Township Board of Supervisors.

Howard Property: Mr. Brindle questioned what use was designated for the Howard Property. Mr. Whipple indicated that since the acquisition of the property has been approved, the documents are now public and Mr. Brindle is welcome to review them.

Adjourn: Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Stephen J. Ross
Township Mgr./Secretary

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