

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
JANUARY 17, 2007**

Call to Order:

Chairperson Juanita Bennett called the meeting to order at 7:06 p.m. Present were Supervisors Teddy Price, Norman Hughes, Roger Wilson and Richard Whipple. Also present were Solicitor Vince Donohue, Planning Commission Chairman Eric Brindle, Asst. Township Manager Jeff Eastburn and Interim Township Manager/Secretary Stephen Ross. There were approximately 5 members of the public in attendance.

Public Comment:

Bill Wohl representing the West Grove Fire Company introduced himself and Bill (Radar) O'Connell. Mr. Wohl believes that the Township has made a mistake by not allocating 100% of the Emergency Services Fund to West Grove. Mr. Ross advised that the funds in the Emergency Services Fund have been divided between the West Grove Fire Company and the Avondale Fire Company with West Grove receiving 90% and Avondale receiving 10%. Mr. Ross does not believe the Township has made an error in this regard. Mr. Wohl indicated that he would setup a meeting with Mr. Ross and Mrs. McVaugh within a week to discuss this issue in further detail.

Approval of Minutes:

- a. BOS Regular Meeting – December 13, 2006. On motion by Mr. Whipple, seconded by Mr. Hughes, the Minutes of the December 13, 2006 BOS Meeting were approved as submitted. Mr. Wilson questioned whether his suggested amendment to the 11/15/06 minutes regarding the tasks assigned to the Ford Farm Committee, which amendment was discussed and approved at the 12/13 meeting, became an action item by virtue of the Board's approval to amend the 11/15 minutes. Members of the Board and the Solicitor agreed that, unless it was recorded as a separate action item elsewhere in the 12/13 minutes, no action was authorized other than amending the 11/15 minutes. Motion carried by a vote of 5-0.
- b. BOS Reorganization Meeting – January 2, 2007: On motion by Mr. Whipple, seconded by Mr. Hughes, the Minutes of the January 2, 2007 Organization Meeting were approved with the following changes:
 - Page 2, last paragraph, last sentence, should read "Motion carried by a vote of 4-0 with Ms. Price abstaining due to her affiliation with Brandywine Conservancy."
 - Page 5, 2nd paragraph, 2nd sentence should read, "Motion carried by a vote of 4-0 with Ms. Price abstaining due to her affiliation with Brandywine Conservancy."

Mr. Wilson moved, seconded by Mr. Whipple to amend the minutes as noted above. Motion carried by a vote of 5-0.

Reports:

- a. Treasurer's Report – December 31, 2006: On motion by Mr. Whipple, seconded by Mr. Hughes, the Treasurer's Report for the month of December was accepted as presented. Motion carried by a vote of 5-0.
- b. Manager's Annual Report 2006: Mr. Ross summarized the annual report by providing information on the following: 1) Final payment, to the Park and Recreation Fund, from the General Fund, to the fully repay borrowing needed in the fourth quarter of 2004; 2) Distribution of 2 newsletters; 3) Jeff Eastburn enrolling in college and successfully completing his course; 4) the Open Space Program and working on 6 properties; 5) five different ordinances approved; 6) handling 36 separate developments; 7) developing a plan for Crossan Park; 8) the Turf Management Plan at Crossan Park; 9) completing the first phase of the MS4 program; and 10) the improvements to the building and grounds of the Township property.
- c. Solicitor's Report: The Solicitor announced an executive session following the public meeting to discuss a legal issue. He advised that an executive session was held with the total Board on January 10 at the Office of the Solicitor in West Chester to discuss the Judge's Order in connection with the litigation filed against the BOS by the Zoning Hearing Board calling into question the validity of the procedure pursuant to which a zoning ordinance had been enacted a few years ago. The Court upheld the ZHB's determination that the procedure was defective and the BOS decided unanimously to appeal that decision to PA Commonwealth Court. Vince Pompo has already filed with the Commonwealth Court and the Court of Common Pleas notifying them that the BOS intends to take an appeal of that decision.
- d. Zoning Officer/Building Inspector Report: The fees received for the month included \$1,000 for Building and Misc. Fees. The report covers 27 inspections, 5 zoning tasks, 3 HARB activities and 3 zoning site visits.
- e. Avondale Fire Company Report: Representatives were expected at tonight's meeting but did not attend.
- f. Sewage Report from URS: A detailed report was provided to the Board by URS itemizing the various pending developments or individual lots. Vince Donohue mentioned that recently he and Steve Ross met with Lexington Point representatives in an effort to try and resolve the outstanding issues at that site.

Old Business:

- a. Fire Hydrant Tax: Two separate but related matters were discussed:
- Amendment to the Tax Collector Agreement: This refers to approving Exhibit "J", Articles of Agreement with H. A. Berkheimer. The amendment provides for Berkheimer to bill and collect the tax on fire hydrants at a cost of \$0.75 per bill. On a motion by Mr. Whipple, seconded by Mr. Hughes, the designated Township officials are authorized to execute the agreement between Franklin Township and H. A. Berkheimer. The motion carried by a vote of 5-0.
 - Fire Hydrant Tax: This is a Resolution imposing \$100 tax on all property owners that live within 780 feet of a public fire hydrant. On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution 2007-04 was approved. The method of determining the tax was briefly discussed. Ms. Price offered her opinion that the fire hydrant tax could possibly reduce the homeowner's insurance premium." Motion carried by a 5-0 vote.
- b. Treasurer's Bond: The Manager proposed to the Board that \$750,000 be the amount set for the Treasurer's Bond. The Auditor, Barbacane Thornton, confirmed the adequacy of this amount. On motion by Mr. Whipple, seconded by Ms. Price, the amount of the Treasurer's Bond was set at \$750,000. Motion carried by a vote of 5-0.
- c. Township Holidays in 2007: The Manager proposed that the following days be considered Township Holidays in 2007:
- New Years Day (1/1/07)
 - Martin Luther King Day (1/15/07)
 - President's Day (2/19/07)
 - Good Friday (4/06/07)
 - Memorial Day (5/28/07)
 - Independence Day (7/4/07)
 - Labor Day (9/3/07)
 - Thanksgiving Day and day following (11/22/07 and 11/23/07)
 - Christmas (12/25/07)
 - Floating (12/24/07)
- On motion by Mr. Whipple, seconded by Ms. Price, the above holidays will be observed in 2007 in Franklin Township. Motion carried by a vote of 5-0.
- d. Avon Grove School District: Mr. Whipple introduced Mr. Bob Weidenmuller, resident of Franklin Township and member of the AGSD Board of Directors. Mrs. Bennett advised that a letter was prepared by the Solicitor and is now ready for Board approval, signature by the Chairman, and release to the School District. The letter was read into the record by Mrs. Bennett. The letter indicated that the Township supported the transformation of the former Kemblesville Elementary School with the continued use of the property as a school. A copy of the letter will be placed into the meeting file. Mr. Wilson moved, seconded by Ms. Price, to

Planning and Zoning:

- a. Planning Commission Report: Mr. Eric Brindle presented the report of the January 2, 2007 meeting of the Franklin Township Planning Commission.

- b. Extension Letter: The Township received an extension letter to April 25, 2007 from the applicant of the Godfrey Plan. On motion by Mr. Whipple, seconded by Ms. Price, the Board accepted the extension of the Godfrey Plan to April 25, 2007. Motion carried by a vote of 5-0.

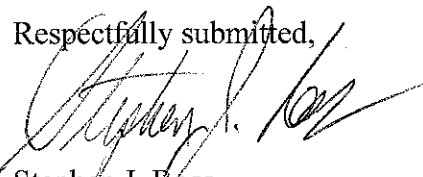
- c. HARB Recommendation: The Board received a letter from Duane Brady, Township Zoning Officer, advising that the application from Vaughn Charlton was recommended for denial by the HARB. Therefore, the Certificate of Appropriateness application has been signed by the HARB with a recommendation to deny the request for construction of a sign at 3315 Appleton Road, Kemblesville. On motion by Mr. Whipple, seconded by Mr. Hughes, the Board accepted the recommendation of the HARB and denied the application for Certificate of Appropriateness filed by Mr. Vaughn Charlton, 3315 Appleton Road, Kemblesville. The reasons for the recommended denial were discussed by the Board including the principal issue of having a sign advertising a business that doesn't exist at the property. Motion carried by a vote of 5-0.

New Business: No new business.

Public Comment: No public comment.

Adjourn: As noted earlier in the meeting by the Solicitor, Mrs. Bennett announced that an executive session with the Solicitor will follow the public meeting. Meeting was adjourned at 7:52 p.m.

Respectfully submitted,



Stephen J. Koss,
Township Manager/Secretary

v.4.er