

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
APRIL 11, 2007**

Call to Order:

Chairperson Juanita Bennett called the meeting to order at 7:02 p.m. Present were Supervisors Dick Whipple, Norman Hughes, and Roger Wilson. Teddy Price arrived just prior to "Approval of Minutes". Also present were Solicitor Mark Thompson, Al Federico of McCormick Taylor, Scott Allen of McCormick Taylor, Eric Brindle, Chairman of the Planning Commission, Jeffrey Eastburn, Asst. Township Manager and Stephen Ross, Interim Township Manager. There were approximately three members of the public in attendance.

Public Comment: No public comment.

Approval of Minutes – March 14, 2007:

Motion by Mr. Whipple, seconded by Mr. Hughes, to approve the minutes of March 14, 2007 subject to making comprehensive minute corrections as noted below:

- Under Public Comment, Pg. 1, delete the first two paragraphs and insert the following four paragraphs as suggested by Mr. Wilson:

Mr. Wilson advised that he and Mrs. Bennett wanted to provide information on a gasoline release at the Kemblesville Sunoco service station. An undated document authored by Mrs. Bennett and Mr. Wilson was distributed to the public and the Board. A copy is available in the meeting file. Mrs. Price expressed concern that Chair Bennett did not make this an agenda item so that the Board and Solicitor could have prepared for the discussion.

Mr. Wilson said that the Board is responsible to "secure the safety, health and welfare of the citizens of the Township". He stated that the purpose of the presentation was to make Township and area residents aware that there had been a release or releases of gasoline (containing MTBE which is methyl tertiary butyl ether) from the station and added that he and Mrs. Bennett hoped their action would help inform residents about the situation and provide information about the chemical MTBE.

Mrs. Bennett read the first page of the document into the meeting record including – "Sunoco and Mulry and Cresswell (the Sunoco contractor conducting the remediation work) have completed an initial study to identify wells within ¼ mile of the station. They have also surveyed home owners in the New London and Appleton Road area. Water samples have been collected from domestic wells at seven locations with the permission of property owners. MTBE was reported at very low concentrations (less than 2 ug/l) in samples from 2 locations and water treatment systems were immediately installed". It

also noted that “the Pennsylvania Department of Environmental Protection is responsible to define and monitor the ongoing test work” and “recent measured MTBE levels will require remediation at the site and the process equipment is scheduled to be installed this month”.

The remainder of the document containing information on MTBE was taken from the Federal Government EPA website. Mr. Wilson expressed a favorable opinion of the performance of Sunoco’s contractor, Mulry and Cresswell, and advised that Walt Leis, the Township’s water consultant, is monitoring the situation as well.

- Mr. Ross suggested the following changes under Property Purchase found on Page 4:
 1. 1st paragraph, second line change to “...authorized to file Chester County DCNR grant applications...”
 2. 1st paragraph, fourth line change to “...Resolution Nos. 2007-07 and 2007-09 were approved.”

Motion carried by a vote of 5-0.

New Business:

- Future Road Projects: Mr. Scott Allen of McCormick Taylor presented a report dated April 11, 2007 that recommended certain roadway improvements to be included as part of the 2007 Township Road Maintenance Program. The recommendations for 2007 were limited to primarily mill and overlay with some base repair. The estimated cost for this work is \$615,100 for the twelve roads included. In addition there is \$25,000 for miscellaneous maintenance. The Board is interested in receiving input from Jeff Eastburn as well as further review by the Board and therefore further discussion was deferred until April 18, 2007. Mr. Ross explained that the proposed improvements and cost estimates were well within the 2007 budget.
- 2007 Chester County Transportation Improvements Inventory: A letter dated March 2, 2007 was received by Mgr. Stephen Ross from the Chester County Planning Commission regarding the PennDOT Twelve Year Program. The letter refers to PennDOT updating their program later in 2007 and seeking input from the County Planning Commission. It was recommended by the Manager that the following projects be submitted for consideration by both the County and PennDOT:
 1. In conjunction with Rt. 896 Corridor the following intersection improvements be considered:
 - a. Rt. 896 and Appleton Road
 - b. Rt. 896 and Good Hope Road
 - c. Rt. 896 and Rt. 841
 2. The replacement of the Walker Road Bridge.

On motion by Mr. Whipple, seconded by Mr. Hughes, the improvements as outlined above are to be submitted to the Chester County Planning Commission for inclusion in the PennDOT Twelve Year Program. Motion carried by unanimous vote.

- *Act 209 Proposal:* Mr. Federico of McCormick Taylor explained his proposal for traffic engineering services supporting Franklin Township's efforts to update the current Transportation Impact Fee Program. The proposal is outlined in a letter dated March 16, 2007 including scope of work, land use assumptions, roadway sufficiency analysis, capital improvements plan, impact fee ordinance, and schedule for implementation. Moved by Mr. Whipple, seconded by Ms. Price, to accept the McCormick Taylor proposal dated March 16, 2007 that will update the Transportation Impact Fee Ordinance at a fee of \$48,150. Motion carried by a vote of 5-0. The issue of approving a resolution to update the current Transportation Impact Fee Program was discussed further by the Board, Mr. Federico and Mr. Ross. The resolution is to include seven volunteers to serve on the committee. A full roster of volunteers wasn't available and therefore further action was deferred until the April 18 meeting of the Board.

Old Business:

- *Communication Policy:* Mrs. Bennett and Mr. Wilson requested that the policy that was discussed at the March 21, 2007 meeting be further considered by the full Board since Ms. Price and Mr. Hughes were not present at the March 21st meeting. The proposed policy would require a Township consultant who has been asked to comment on an issue by an individual Board member, to provide their response to the entire Board via e-mail or other form of written communication. This procedure would ensure that all the Board members would receive the response at the same time directly from the consultant. The objective being to improve communication among the Board members and to possibly eliminate duplication of effort and costs. Mr. Wilson recalled that early in his term his request to contact Tom Comitta was denied by the Township Mgr. based on not having the consent of the full Board. He suggested that perhaps such a policy should be implemented and applied consistently. After further discussion Ms. Price and Mr. Hughes declined to support the drafting of a communication policy based on their viewpoint that substantive information obtained from Township consultants is currently being shared equally with all Board members and the proposed policy might actually increase costs due to the requirement that consultants fully document and disseminate all contacts from, and responses to, Board members. The lack of confidentiality of e-mail communication was briefly discussed. The discussion ended with no further direction.

Public Comment:

Mrs. Dolores Hughes questioned why the Chairperson was allowing public comment during the meeting and outside of the public comment period. Also, Mrs. Hughes advised that she and her husband have separate e-mails and she doesn't read his e-mails.

Mr. Jeff Bennett commented on the privacy of his wife's e-mails and indicated that he doesn't open them or interfere with the information in any way.

APPROVED

Mrs. Rector provided her opinion on the appropriateness of having public comment during the discussion point of a subject and felt it was positive to have public input during the regular flow of the meeting. She feels that the communication policy would be a positive addition to the process. She feels that the Board's differences interfere with the flow of business.

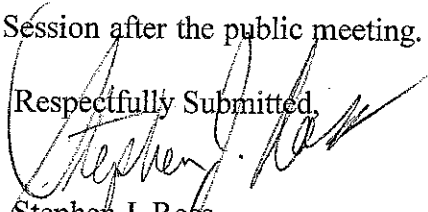
Mr. Brindle questioned the timing of Mr. Wilson's request for a meeting with Mr. Comitta regarding the comprehensive plan in February 2006. Mr. Brindle stated that the poor attitude among Board members began when the Comp Plan Committee was "sandbagged" at that February 2006 meeting by a deliberately organized group of people some of whom are now complaining of the ill will and lack of communication that exists on the Board. He made the point that all of the monthly comp plan meetings were advertised as public meetings and in addition there was ample opportunity prior to that February meeting to obtain additional information by simply calling him and asking for it. Mr. Brindle's opinion on the proposed communication policy is that it is the responsibility of the individual who receives the information to update the rest of the Board.

Mrs. Rector and Mrs. Hughes expressed the need to have more residents attend meetings. Ms. Price stated that it is even more important that residents become involved in the Township by actively volunteering and thereby gain an in-depth understanding of the workings of the Township and the volume and complexity of the work that the Staff and Board handle. Ms. Rector said she felt that input from the community is important no matter when it is given or whether the person attends one meeting or several meetings.

Mr. Elser commented on the small number of residents that attend the meetings and specifically referenced the meeting when the 2007 budget was adopted which was attended by five people and only one was a resident of the Township. Ms. Price commented that members of the Zoning Hearing Board were advised by the Solicitor of the ZHB not to attend public meetings because they might be facing issues on the ZHB which were being discussed at the regular meetings.

Adjourn: The Chairperson announced a short Executive Session after the public meeting. The meeting was adjourned at 9:03 p.m.

Respectfully Submitted,


Stephen J. Ross

Township Manager/Secretary

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