

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
APRIL 18, 2007**

Call to Order:

Chairperson Juanita Bennett called the regular monthly meeting to order at 7:03 p.m. Present were Supervisors Roger Wilson, Richard Whipple, Teddy Price and Norman Hughes. Also present were Solicitor Mark Thompson, Planning Commission Chairman Eric Brindle, PC Member Ralph Olivier, Assistant Township Manager Jeffrey Eastburn, Township Traffic Consultant Scott Allen and Interim Township Manager Stephen Ross. There were approximately 8 members of the public in attendance.

Public Comment:

Nancy Chromey requested that at a future meeting the Solicitor present a status report of pending litigation.

Approval of Minutes:

The minutes of March 21, 2007 were approved on motion by Mr. Whipple seconded by Mr. Hughes. Motion carried by a vote of 5-0.

Reports:

- a. *Treasurer's Report – March 2007:* Mr. Ross provided a summary of the fund balances including a month-end balance of \$1,986,143.25. Mr. Whipple moved, seconded by Mr. Hughes, to approve the monthly report of the Treasurer. Mrs. Bennett questioned the outstanding amount of money owed by the developers. Mr. Ross stated that the current outstanding balance is \$59,000 and explained the process that has been implemented to collect same. Mr. Wilson had several questions regarding penalties and collection methods. Mr. Thompson indicated that he would check with Vince Donohue and report back to the Board on what the appropriate action should be to collect the amount of money owed the Township. Motion carried by a vote of 5-0.

- b. *Manager's Monthly Report:* Mr. Ross summarized the monthly report of activities by providing input on the following: The 1st quarter status of the 2007 budget; resolution of the West Grove Fire Company 2007 allocation issue; listing of 19 separate developments and monthly activity; requirement for sign on Howard Property; and, report from URS on various sewage issues. Mrs. Bennett questioned the process for amending the budget and both Mrs. Bennett and Mr. Wilson had questions regarding the barn on the Ford farm. Mr. Wilson had questions regarding Kemblesville School and the RFP for the new zoning ordinance.

- c. Solicitor's Report: The Solicitor reported on his attendance at the Zoning Board Hearing on the Insinga case. Mr. Thompson felt that a decision will be forthcoming by the first of May, 2007.
- d. Zoning Officer/Building Inspector Report – March 2007: Mr. Ross reported that 4 permits were issued; 60 inspections were conducted for various on-going building construction; 4 zoning tasks; Historical Architectural Review Board activity; and Zoning Site Visits.
- e. West Grove Fire Company Quarterly Report: Mr. Ross commented on the report and stated that his Manager's Report incorrectly indicated "annual audit" but should have been "quarterly report".

Old Business:

- a. Zoning Ordinance Amendment: Mr. Comitta was scheduled to be at the meeting to explain his latest proposal. An effort was made to determine his status but to no avail. The order of business was changed pending the arrival of Mr. Comitta.
- b. Open Space Application Proposal: The Environmental Management Center of the Brandywine Conservancy assisted the Open Space Committee in preparation of filing grant applications to DCNR. The total cost of the project is estimated to be \$893.75. On motion by Mr. Wilson, seconded by Mr. Whipple, approval was granted to reimburse the Brandywine Conservancy \$893.75. Motion carried by a vote of 4-0 with Ms. Price abstaining from the vote.

Planning and Zoning:

- a. Planning Commission Report: Mr. Eric Brindle provided a summary of the minutes from the last Planning Commission meeting held April 5, 2007.
- b. Subdivision Ordinance Amendment: The Township Solicitor provided a proposed ordinance and public notice adding a new Section 411.E to Section 411 of the Subdivision and Land Development Ordinance. The new section pertains to adding a stipulated penalty of \$500 per day during the development phase of a project for any failure to comply with the provisions of an approved plan regarding erosion and sedimentation control and also requires a developer to immediately stop all site work for any project. A motion was made by Mr. Whipple, seconded by Mr. Hughes, to authorize the Township Manager to proceed to advertise the ordinance for Board consideration at the May 16 meeting. Motion carried by a vote of 5-0.
- c. Extension Letters: The Board approved the following extension letters on motion by Mr. Whipple, seconded by Mr. Hughes:
 - 1. Woods Edge – until June 30, 2007
 - 2. Godfrey – until July 25, 2007

Motion carried by a vote of 5-0.

- d. Escrow Release: Wilkinson Builders requested an amount of \$25,843.50 be released from the Colonial Meadows Phase I, II, and III escrow account. Mr. Surrender Kohli recommended that Release No. 18 be approved but that 10% of the amount requested be retained as per the Municipalities Planning Code. On motion by Ms. Price, seconded by Mr. Wilson, approval was granted to release funds in the amount of \$23,259.15 from the Colonial Meadows escrow account. Motion carried by a vote of 5-0.

New Business:

- a. Future Road Projects: At the April 11, 2007 meeting Scott Allen of McCormick Taylor presented a preliminary plan of proposed road improvements for the summer of 2007. The matter was deferred because the Board required more time to review the proposal. In the interim Mr. Allen and Mr. Eastburn reviewed the plan and traveled the Franklin roads to validate the listing of the roads that are under consideration. In an e-mail from Mr. Ross dated April 17, 2007 there is a listing of roads for Board approval, estimated to cost \$631,000 which is within the approved amount of the 2007 budget. On motion by Mr. Whipple, seconded by Mr. Hughes, the road program for 2007 was approved and the Staff is authorized to begin the bidding process as outlined in an April 16 letter from McCormick Taylor with the exception of the guard rail on Laurel Hill Road which will be handled differently by the Staff. Motion carried by a vote of 5-0.
- b. Act 209 Study: Mr. Ross explained that at the April 11, 2007 meeting of the Board, approval was granted to authorize McCormick Taylor to proceed with an update of the Act 209 study. Because there was a problem with not having a full contingent of volunteers to serve on the Impact Fee Advisory Committee, the resolution to move ahead was deferred. Therefore, Resolution 2007-10 now includes a full contingent of volunteers to serve on the Committee including the following people:

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| 1. Kevin Barrow | 5. Earl Hatton |
| 2. Tina Chromey | 6. Dave Kidder |
| 3. Ken Crossan | 7. Patty Kehrer |
| 4. Scott Downs | |

On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution 2007-10 which includes authorizing the Township Solicitor to prepare and publicly advertise a Notice of Intention to Adopt an Impact Fee Ordinance, was approved. Motion carried by a vote of 5-0.

- c. Zoning Ordinance Amendment: A brief recess was taken in order to determine if Mr. Comitta would be attending the meeting. (It was later learned that he had a family

emergency.) Mrs. Bennett began to adjourn the meeting and was interrupted by the public requesting the final public comment session.

Public Comment:

Eric Brindle referenced a written document from the County Planning Commission regarding Community Values and how trail systems enhance this notion.

Jane Brown questioned Mr. Brindle on the nature of the grant that was approved at the last Planning Commission meeting and the name of the property owner. Mr. Brindle advised that it was the D'Andrea property.

Zoning Ordinance Amendment:

Mr. Whipple advised that he thought the Board should proceed with the agenda item concerning the Comprehensive Plan and related update of the zoning ordinance since the Board had all the relevant material and information in front of them. A majority of the Board concurred. Mr. Whipple indicated that he was comfortable with proposing to approve the Comitta and Brandywine Conservancy proposal at a cost of \$62,820. Mr. Wilson requested that Mr. Ross provide an explanation of what process was used to prepare the RFP and to whom it was sent. Mr. Ross explained that he received specific direction by the Board of Supervisors at the March 14, 2007 meeting to obtain a separate quote from the Brandywine Conservancy to update the Zoning Ordinance. The zoning ordinance update study includes recommended amendments flowing from the February 2006 Comprehensive Plan. The RFP was submitted to both Mr. Comitta and the Brandywine Conservancy as directed by the Board. Subsequently, a joint proposal was received from TCA and BC that was different from the RFP prepared by Mr. Ross. Mrs. Bennett questioned why the Township didn't receive competitive quotes from other consultants and Mr. Ross advised that he was following the specific direction provided at the March 14 meeting. Mr. Whipple moved, seconded by Mr. Hughes, to approve the joint proposal from TCA and BC at a cost of \$62,820. On the vote by the Board, Mr. Wilson and Mrs. Bennett voted against the motion, Mr. Whipple and Mr. Hughes voted for the motion and Ms. Price abstained due to her association with BC. Motion failed.

Mr. Whipple moved, seconded by Ms. Price, to appoint Tom Comitta (TCA) to do the zoning ordinance update as originally proposed at \$56,000 with \$42,000 grant money provided under the County Vision Partnership Program. There was discussion concerning getting proposals from other consultants versus using TCA who was already completely up to speed on the topic, due to being the lead consultant for the 2006 Comp Plan revision. Motion carried with approval votes from Mr. Whipple, Ms. Price and Mr. Hughes and Mr. Wilson and Mrs. Bennett voting against the motion.

Village Area Zoning:

Mr. Whipple moved, seconded by Ms. Price, to approve the TCA proposal dated April 10 which includes preparation of a TND (Traditional Neighborhood Development) Overlay

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District and design standards for the Kemblesville Village Area. Mr. Whipple stressed that such a proposed Overlay would need to include TDR's (Transfer of Development Rights), just like the TND concept did that was included in the 2006 Stipulation agreement. It was also pointed out that, as a result of the 2006 Stipulation, the Township was essentially under a court order to consider such an Overlay. The cost of the proposed study is \$16,845. Mr. Wilson requested information on how much money was budgeted for the study and whether grant money is available for the study. Mr. Whipple explained that he felt confident that the County Vision Partnership Program would cover 75% of the larger study, since Franklin's 2006 Comp Plan does, and related ordinance updates likely will closely follow the County's Comp Plan, "Landscapes". Mr. Whipple indicated he was uncertain how much, if any would be covered for the specific, Stipulation required, Kemblesville Village Area Study, even though it also is directly in synch with the County's Comp Plan. Motion carried by a vote of 3-2 with Mr. Wilson and Mrs. Bennett against the motion.

Adjournment: The meeting adjourned at 8:35 pm.

Respectfully Submitted,

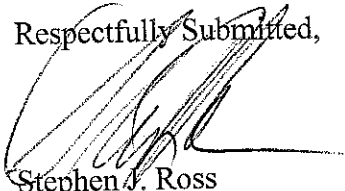
Stephen J. Ross
Interim Township Manager

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Stephen A. Ross
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