

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MAY 16, 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, and Teddy Price. Norman Hughes was excused from the meeting. Also present were Solicitor Vince Donohue, Planning Commission Chairman Eric Brindle, Assistant Township Manager Jeffrey Eastburn, Township Engineer John Theisen and Interim Township Manager Stephen Ross. There were approximately 7 members of the public in attendance.

Public Comment: No public comment.

Approval of Minutes:

The minutes of April 18, 2007 were approved on motion by Ms. Price, seconded by Mrs. Bennett, subject to correcting the date of May 15 to May 16 that appears on page 2, 7th paragraph, 9th line, under "Subdivision Ordinance Amendment". Motion carried by a vote of 4-0.

Reports:

- a. *Treasurer's Report – April 2007:* Mr. Ross provided a summary of the report including a month-end balance of \$2,266,566.14. This amount compares to an amount of \$2,344,215 for the same period in 2006. The difference is explained, in part, by the money expended for the acquisition of the Howard property which will most likely be reimbursed through the Vision Partnership Grant Program. Mr. Wilson moved, seconded by Mrs. Bennett, to approve the Treasurer's Report for April 2007. Motion carried by a vote of 4-0.

- b. *Manager's Monthly Report:* Mr. Ross summarized his monthly report highlighting the following subjects: Proposal for document imaging; codification of the ordinances; Zoning Ordinance update and filing for funds under Vision Partnership Program; filing of the application for grant reimbursement on the Howard property; Crossan Park improvement bid schedule; and, schedule for bid opening on the road improvements for 2007. Mr. Wilson asked for an update on the Kemblesville School situation. Mr. Ross referenced an e-mail from the Solicitor advising that a representative of the Charter School is interested in talking with the Township about the pending sale of the school.

- c. *Solicitor's Report:* Mr. Donohue confirmed that Kevin McKenna from the firm Latsha, Davis, Yohe and McKenna, attorney for the Charter School, is interested in meeting with the Township Manager to discuss their interest in the Kemblesville

Elementary School. They have submitted a bid and would be interested in using the school as is with no near-term plans for renovation or land development. Mr. Donahue will coordinate the meeting. Mr. Donohue requested that the discussion of the developers' payment of outstanding fees owed to the Township be discussed in executive session.

- d. Zoning Officer/Bldg. Inspector Report: Mr. Theisen advised that the report has been made available to the Board. Mr. Ross stated that 8 permits were issued during the month resulting in the receipt of \$4,458.05 in building permit fees, \$8,464.54 in Impact Fees and \$915.00 in miscellaneous fees. Other work-related inspections included 53 building inspections, 3 zoning inspections, 3 Historical Activities and 4 Zoning Site visits. Mr. Wilson complimented the Code Enforcement Officer for his professional approach in performing his job and interfacing with the residents of Franklin Township.

Old Business:

- a. Interim Road Work: Mr. Ross advised that bids were received from two contractors for the general maintenance work. Mr. Eastburn led the discussion by providing an overview of the scope of the contract and the contractor providing services to the Township such as pothole patching, shoulder repairs, downed tree removal, storm water drainage maintenance, sign installation and park maintenance. The two bidders included J. Dominic D'Orazio, Inc. and Mt. Rocky Trucking. It was recommended by Mr. Eastburn that J. Dominic D'Orazio, Inc. be awarded the bid since they are the low bidder. On motion by Mr. Whipple, seconded by Ms. Price, the bid was awarded to J. Dominic D'Orazio, Inc. for the interim road work. Motion carried by a vote of 4-0.

Planning and Zoning:

- a. Planning Commission Report: Mr. Brindle summarized the minutes of the Planning Commission Meeting of May 3, 2007.
- b. Subdivision Ordinance Amendment: Mr. Ross provided background information on the proposed ordinance that will amend the Subdivision and Land Development Ordinance (SALDO). The amendment provides for stipulated penalties in the amount of \$500/day for each day the developer fails to comply with the provisions of an approved plan regarding erosion and sedimentation control and stormwater management. The penalty continues to run until the violation is corrected to the satisfaction of the Township. Ms. Price questioned why the Ordinance Amendment was part of the SALDO and not a stand alone ordinance. Mr. Donahue explained that because the Ordinance Amendment is dealing with the enforcement of a subdivision and land development process, it appropriately belongs in the SALDO.

The Township received review comments from the Chester County Planning Commission, the Township Planning Commission and LTL Consultants. Mr. Ross

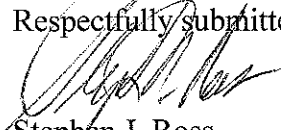
further advised that the Township received a proof of publication from the Daily Local News. Referring to the CCPC review letter of May 1, 2007, Mr. Donohue stated that the issue is how the ordinance is to be interpreted. An applicant could argue that it contravenes section 515.3 of the MPC which prohibits the imposition of a fine until the district justice makes a finding of a violation. The Solicitor's position is that the ordinance does not contravene the MPC provision but merely establishes a contractual agreement between the applicant and the Township that if a violation occurs, the fine will be \$500/day. The fine would not be enforceable until the district justice finds that a violation has occurred. Mr. Donahue recommended that the ordinance be revised to include the language requiring that the district justice make a finding of a violation prior to the imposition of a penalty and that it be re-advertised for consideration at a future meeting. The consensus of the Board was to proceed ahead as recommended by Mr. Donohue.

- c. Escrow Release – Happy Harry's: The Happy Harry's escrow release #10 in the amount of \$89,799.28 is the final release of funds for the development. Mr. Theisen confirmed that all improvements have been completed including replacing the dead trees. The applicant, Lessard Contracting, has produced an 18 month maintenance agreement in the form of an irrevocable standby Letter of Credit from Wilmington Trust in an amount of \$98,801.30. On motion by Mr. Whipple, seconded by Mrs. Bennett, the Maintenance Agreement was accepted and the Chairman and Secretary were authorized to execute the Maintenance Bond Agreement. Motion carried by a vote of 4-0.

- d. Miller Farm Extension Letter: A letter dated March 9, 2007 was received from Daniel Becker, Attorney representing the Development Group. Said letter provides Franklin Township with an extension of time to consider the pending Miller Farm Plan until September 20, 2007. On motion by Mr. Whipple, seconded by Ms. Price, the Board accepted the extension of time for completing the subdivision and land development plan review process. Motion carried by a vote of 4-0.

Public Comment: Earl Hatton questioned the stop work provision in the proposed SALDO ordinance amendment.

Adjournment: The meeting was adjourned at 7:38 p.m. Mr. Donohue requested an Executive Session following the public meeting to discuss the fees owed by the developers.

Respectfully submitted,

Stephen J. Ross
Interim Township Manager

5/16/07.v.2.er