

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
AUGUST 15, 2007**

Call to Order:

Chairperson Juanita Bennett called the meeting to order at 7:02 p.m. Present were Supervisors Dick Whipple, Norman Hughes, Teddy Price and Roger Wilson. Also present were Solicitor Mark Thompson; Eric Brindle, Chairman of the Planning Commission; Scott Allen, Traffic Engineer from McCormick Taylor; Duane Brady, Code Enforcement Officer; Stan Corbett of URS; Jeff Eastburn, Assistant Township Manager; and Stephen Ross, Interim Township Manager. There were 9 members of the public in the audience.

Public Comment: No public comment

Approval of Minutes – July 18, 2007:

On motion by Mr. Hughes, seconded by Mr. Whipple, the Minutes of June 20, 2007 BOS meeting were approved, subject to the following corrections:

- Page 1, Reports: (d) Solicitor's Report: Replace the last sentence with the following: "Mr. Donohue stated that he is attempting to set up a meeting with the developers and the Township to discuss the Stipulation and the revised plan."
- Page 3, 2nd paragraph from the top, last sentence, add "s" to developer.
- Page 5, 1st paragraph, 3rd sentence, add "," after privacy and before littering.

Motion carried by a vote of 5-0.

Reports:

- a. Treasurer's Report – July 2007: Mr. Ross presented the monthly report showing total Township funds of \$2,784,440.97. This compares to a fund balance of \$2,062,508.54 for the same period in 2006. The report also includes deposit and disbursement detail for all funds. Mr. Whipple moved, seconded by Ms. Price, to approve the June Treasurer's Report. The motion carried unanimously.
- b. Manager's Report: Mr. Ross provided a summary of his monthly report, commenting on the Crown Castle Cell Tower Agreement, the Township Newsletter to be mailed in November (not October as stated in the report), pending developments that are under review, the Crossan Park Project, 2007 Road Project, and flood plain management information to FEMA. In answer to a question from Mrs. Bennett regarding the Ford Farm, Mr. Ross advised that a meeting has been tentatively scheduled for Tuesday, August 21 with the Committee to discuss a proposal from Hugh Lofting & Co. who have submitted a

bid of \$11,000 to stabilize the main barn on the Ford Farm. There are additional issues with the foundation which are not included in this initial bid.

- c. Solicitor's Report: The municipal law section of the firm continues to work with the Township on the pending legal issues. Mr. Thompson further commented on the Crown Castle Cell Tower Agreement stating that Mr. Donohue has sent a letter to the owner.

Stipulation Agreement: In response to a question posed by Nancy Chromey at the July 8 meeting, Mr. Whipple provided a handout regarding the status of the Stipulation Agreement. The handout has been made part of the meeting packet file and a copy was provided to each of the Board members and the public. The developers have requested a meeting to discuss changes they are proposing to the Stipulation. One of the questions raised by Mr. Whipple, which was discussed by the Board, involved whether the meeting with the developers and their counsel should be a public meeting or be held in executive session. Each of the Board members expressed their views.

The majority of the Board agreed to hold the session on September 12, 2007 in a public session.

Although several members of the Board expressed a need to hold the discussion in executive session, the Board's conclusion was that there will be more than one meeting. The first meeting will most likely be informational only and on that basis they agreed to a public forum for the first meeting.

West Grove Fire Company - Helicopter Response: Mr. Mike Decker, Chief of Avondale Fire Co. and Jeff Simpson Chief of West Grove Fire Co. requested to be placed earlier in the agenda. The Board had no objection. They are seeking approval from the municipalities that are within their service area to designate the Fire Chief as the responsible party to make a determination regarding which helicopter service to use in an emergency. Mr. Wilson moved, seconded by Mr. Whipple, to authorize the Manager to write letters to both the West Grove Fire Company and the Avondale Fire Co. in support of having the Fire Chief make the decision regarding what helicopter service is used in an emergency situation. Motion carried by a vote of 5-0.

- d. Zoning Officer/Building Inspector Report: Mr. Ross summarized the report by advising that 9 permits were issued totaling \$1,237.40 of building fees and \$700 in miscellaneous fees. Thirty-eight building inspections were conducted, as well as zoning tasks, HARB activities and one zoning site visit.

Old Business:

- a. Swimming Pool Resolution 2007-07: The Board reviewed a resolution at the August 8th meeting that requires a homeowner to pay a permit fee of \$30.00, renewable every two years, in the case of above-ground pools greater than 24" in

depth and requiring electricity to operate. It was explained that pools are already within the UCC regulations but to enforce payment of the fee the proposed resolution must be adopted. Mr. Duane Brady, the Township's Code Enforcement Officer, was in attendance as requested by Mrs. Bennett, to discuss the reasons for the resolution and to answer the Board's questions. On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution No. 2007-07 amending the fee resolution by requiring property owners to secure a two year permit and remit \$30 was approved. Motion carried by a vote of 5-0.

b. Land Use Assumption - Resolution 2007-08: The Board was furnished with detailed information in their meeting book including the Act 209 Study prepared by McCormick Taylor. Members of the Committee that were present included Patty Kehrer, Tina Chromey and Earl Hatton. Mr. Scott Allen of McCormick Taylor, provided the Board with an explanation of the report which was part of a public hearing held July 30, 2007 by the Traffic Impact Advisory Committee. On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution 2007-08, which approves by reference the Land Use Assumptions Report, was approved. Motion carried by a vote of 5-0.

c. Updates on Trails: Mr. Phil Geoghegan, Chairman of the Open Space Committee, was present and provided the following information:

1. Botanical Survey: The Roadside survey is complete. The Committee has contacted 50 landowners that were selected for the site surveys and received 25% agreement with 6% declining. The remaining landowners have not yet made a decision. Janet Ebert will be available at the September 19th BOS meeting to provide a status report. Mrs. Bennett asked Mr. Geoghegan to be sure to have the landowner's permission before entering onto their property.
2. Trails: Ray Ott will conduct the Trail Study Public Meeting which is planned for September 10, 2007. The purpose is to get as much input as possible from the residents on what kind of trails they're interested in and where they should be located. Various methods of advertising the meeting were discussed. Mr. Geoghegan advised that mailing flyers to each landowner would cost approximately \$350. He believes this method is best and asked the solicitor to check to see if it is legal to pay for the mailing from the Open Space Fund. On motion by Mr. Wilson, seconded by Mr. Whipple, approval was given to expend money from the Open Space Fund, subject to the Solicitor's review, for mailings to residents for the September 10, 2007 public meeting.
3. Chester County Planning - Ltr. from Jake Michaels: The Township was approached approximately 6 months ago on doing a trail study for the entire White Clay Watershed (WWC). The focus would be to show how existing trail plans for the four townships in the WWC would link together. The WWC Mgmt. Committee is going to fund the writing of an RFP and Steve

Browning has agreed to be the lead on the project. The cost to the Township will be minimal with four townships participating.

4. White Clay Creek Management Committee: This is an Outreach Program to promote homeowner awareness of the impact of land management practices and encourage development of open space and land management plans. Workshops are being planned for the winter and spring of 2008 in each participating township. Mr. Geoghegan has volunteered to be the coordinator for Franklin Township. Sharon Norris's help may be needed to do some copying and handle other administrative details. Advertising for the workshops will be by newsletter, newspaper and the web site. Sign-up will be required to attend the workshops. Someone from the Township is needed to explain the Township's open space management procedures and what tools the Township has to help homeowners keep their property consistent with good management practices.

- d. Sprint Spectrum: This item was deferred from the August 8th meeting. The Solicitor is to provide his opinion on whether it would be in the best interest of Franklin Township to enter into an agreement with the current owner of the cell tower located in Crossan Park. Mr. Thompson explained that Mr. Donohue has been handling the matter and he recently requested by letter, that the current owner, Crown Castle International, submit a sublease for his review. Completion of the review will occur once Mr. Donohue receives a copy of the sublease.

- e. Sunoco: Mr. Ross provided an update on the recent report dated July 27 which was submitted by Walt Leis and circulated to the Board. In summary, Mr. Ross commented on the following:
 - Re-sampling at 1731 New London Rd. and Kemblesville Elementary School.
 - Presently a shutdown for carbon changeout.
 - The air stripper is down for a day or two.
 - New monitoring well access agreements with the Happy Harry location.
 - Mr. Leis recommended that he continue with monthly inspections and not go back to quarterly inspections until the end of the year.

Planning and Zoning

- a. Woods Edge Planning Module: Proposed Resolution No. 2007-09, that amends the Township's official sewage planning module, was submitted to the Board for consideration and approval. Mr. Corbett of URS explained the necessity of approving the Woods Edge Planning Module for conformance to applicable sewage related zoning and other sewage related municipal ordinances. On motion by Mr. Whipple, seconded by Mr. Wilson, Resolution 2007-09 for plan revision for new land development was approved and authorization was given to have the appropriate Township officials execute the Resolution. Motion carried by a vote of 5-0.

b. Escrow Release: Colonial Meadows Release #19 was submitted by Wilkinson Builders in the amount of \$90,020. Kohli Associates submitted a letter dated August 7, 2007 recommending release of \$89,020.11 leaving a balance in the escrow account of \$165,946.17. On motion by Mr. Whipple, seconded by Mr. Hughes the Board authorized release of \$89,020.11 from the Colonial Meadows Escrow Fund. Motion carried by a vote of 5-0.

c. Extension Letters:

- Dolores Morris subdivision plan to be extended to October 16, 2007.
- Woods Edge subdivision plan to be extended to September 19, 2007.

On motion by Mr. Whipple, seconded by Mr. Hughes, the extensions for Woods Edge and Dolores Morris were granted. Motion carried by a vote of 5-0.

d. SALDO Amendment - Ordinance #2007-03: An amendment to the Township Subdivision and Land Development Ordinance was duly advertised for consideration by the Board of Supervisors. The ordinance sets forth stipulated penalties for a developer's failure to comply with the provisions of an approved plan regarding erosion and sedimentation control and stormwater management. The ordinance was reviewed by both the Township and County Planning Commissions. On motion by Mr. Whipple, seconded by Mr. Wilson, Ordinance 2007-03 was adopted. Motion carried by a vote of 5-0.

e. Gallo Zoning Hearing Board: The applicant is seeking a variance from the zoning ordinance relative to a non-conforming business located in the I-1 zoning district. The Zoning Officer cited the property owner and sent an enforcement notice on June 20, 2007. The hearing is scheduled for September 11, 2007. On motion by Mr. Wilson, seconded by Mr. Whipple, the Board authorized the Solicitor to attend the hearing to represent the Township Zoning Officer on behalf of the Board of Supervisors. Motion carried by a vote of 5-0.

New Business:

a. Salt Shed: Mr. Ross explained that salt from the salt storage shed has leached through the walls into the adjacent storage area where records of the Township are kept. There is a need to either move the office from the existing building or build a new salt shed. A sketch of the proposed location for a new salt storage shed was presented to the Board. A proposal from Hillcrest and Associates included survey, preparation of plans, engineering, and approval from Chester County Conservation District at the cost of \$8,800. Motion by Mr. Wilson, seconded by Mr. Whipple, to authorize additional engineering and having the staff review several alternatives relative to the location of the salt shed including issues with the extension of Walker Road and protection of the view sheds. Motion carried by a vote of 5-0.

- b. Individual Procurement Card – Resolution 2007-10: Mr. Ross advised the Board that the Township is experiencing problems with the use of the Bank of America credit card. It appears that an individual name must be assigned to the credit card, not just the Township. This arrangement creates a problem for the individual's credit rating when the payment is not made on time. Therefore, Mr. Ross recommended that an Individual Procurement Card (IPC) be considered in lieu of the previous credit card. The IPC is one of the services offered by PLIGIT that now handles various funds of the Township. The IPC is less expensive and would be handled using the Township purchase procedure that was approved by the Board in June 2007. The Solicitor reviewed the agreements and Resolution and is satisfied with the documents. On motion by Mrs. Bennett, seconded by Mr. Whipple, Resolution 2007-10 authorizing the Individual Procurement Card, was approved. Motion carried by a vote of 5-0.

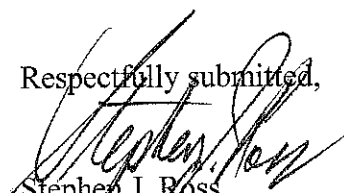
Public Comment:

1. Question from Mr. Bennett regarding the proposed salt shed.
2. Question from Tina Chromey regarding the Stipulation.
3. Question from Pat Kehrer regarding the Board working together.

Adjournment: The meeting was adjourned at 9:37 pm.

Executive Session: Mrs. Bennett announced an executive session immediately following the BOS meeting to discuss new property acquisitions.

Respectfully submitted,



Stephen J. Ross,
Township Mgr./Secretary

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