

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
SEPTEMBER 19, 2007**

Call to Order:

Chairperson Juanita Bennett called the meeting to order at 7:03 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; Grant Hitchens, Engineer from Kohli and Associates; Phil Geoghegan, Chairman of the Open Space Committee; Joan McVaugh, Treasurer for the Township; and Stephen Ross, Interim Township Manager. There were 15 members of the public in attendance.

Public Comment:

- Wendy Toman commented that two signs on Appleton Road are missing and the yellow arrow sign warning of the curve going north on 896 at Appleton Rd. has been down for some time.
- Cindy Aldridge advised that there has never been a street sign on Peacedale Rd.

Approval of Minutes – August 15, 2007:

On motion by Mr. Wilson, seconded by Mr. Hughes, the minutes of August 15, 2007 were approved, subject to the following corrections:

2nd page, 2nd sentence, should read “There are additional issues with the foundation...”

2nd page, 5th paragraph should read “Although several members of the Board expressed a need to hold the discussion in executive session, the Board’s....”

Mr. Wilson and Mr. Hughes agreed to the corrections as stated above. Motion carried by a vote of 5-0.

Reports:

- a. *Treasurer’s Report – August 2007:* Mr. Ross presented the report that included a total fund balance of \$2,775,753.13. This amount compares to \$1,858,835 that was shown in the August 2006 report. The difference between last year’s fund balance and this year’s is due to the fact that the final payment for road improvements (to be considered for approval at tonight’s meeting) will be deducted from the total fund balance. Other components of the report include information on cash reconciliation, line item budget balances, and deposit and disbursement detail for all Township funds.

On motion by Mr. Hughes, seconded by Mrs. Bennett, the August Treasurer's Report was approved as presented. Motion carried by a vote of 5-0.

- b. Manager's Report: Mr. Ross provided a summary of his monthly report highlighting the following: The Township's participation in a recent meeting with the Avon Grove Charter School representatives; Landscapes 2 project information is available on the website of the CCPC; activities of eleven developments were handled by Staff; progress on the ballfield improvements at Crossan Park; the Traffic Engineer and Township Manager attended the State Transportation Commission hearings in Philadelphia to represent the Township's interest in having the improvements to the intersection of 896 and 841 placed on the 12-year program; and, members of the Board and several of the Township's professional consultants attended a meeting with representatives of DEP held at the regional office in Norristown regarding sewage issues.
- c. Solicitor's Report: Mr. Thompson advised that he didn't have additional issues beyond what is reported in the Solicitor's Report. Mr. Ross advised that today the Township received a further update of this report from Mr. Donohue but there wasn't sufficient time to note the differences in the two reports. The report will be distributed to the Board.
- d. Zoning Officer/Building Inspector Report: Mr. Ross presented the Building Inspector's monthly report. There were 17 building permits issued including building fees of \$6,461.03, Recreation/Open Space fees of \$10,680.38 and Miscellaneous fees of \$2,025.50. Other activity included 47 building inspections, activities of the Zoning Hearing Board, Historical and HARB activities and Zoning Site visits.

Old Business:

- a. 2007 Road Program Payment to American Infrastructure: Mr. Scott Allen provided the Board with a status report of the completed road program. Based on the recommendation from Mr. Allen, the payment of \$674,328.86 should be paid to American Infrastructure (Allan A. Myers). Mr. Allen explained why the payment amount exceeded the project budget. The \$33,716.44 over and above the initial bid was because of failure of the base and sub-base that was discovered after the work on several of the roads began, most notably along Elbow Lane Road and Auburn Road. The Board was complimentary to the Township Staff and Mr. Allen in seeing this project through to the end.

On motion by Mr. Whipple, seconded by Mr. Hughes, the payment of \$674,328.86 was approved for release to American Infrastructure upon receipt of a completed Certificate and Release form and Maintenance Bond in an amount equal to 25% of the total contract price. Motion carried by a vote of 5-0.

- b. Colonial Meadows Dedication of Improvements: In a report from Mr. Ross last week three items remained unresolved, including the caliper of trees, slope of the stormwater basin and review of the legal documents by the Solicitor. Mr. Hitchens advised that he is satisfied with the slope of the basin as the developer has matched the inconsistency in the field and is placing a guide rail at the south end of Constitution Road. Mr. Ross advised that the Solicitor has completed his review of documents and found everything to be acceptable. Wilkinson has agreed to take care of two additional minor issues, i.e., a gouge in one of the roads caused by a refuse truck and a collection of cement that was dumped on a Township road by Pulte Builders. The tree issue was discussed with Mark Elser and a resolution was reached.

On motion by Mr. Whipple, seconded by Ms. Price, the Board accepted the public improvements for dedication of the Colonial Meadows Development and approved Resolution Number 2007-13. In addition, the Developer shall leave sufficient money in the escrow fund to cover the cost of trees and other remaining issues such as the guide rail. Regarding replacement of trees, if one year from now the caliper of the trees planted this year is less than shown on the plan, the Developer is required to install an additional 27 supplemental trees along Walnut Glen Road or other location as designated by the Township. Regardless of the outcome of the caliper issue, the Developer has agreed to plant at least five additional trees at a location to be decided by the Township. Motion carried by a vote of 5-0.

- c. Salt Storage Shed: At the August 15, 2007 meeting of the Board, it was requested that another location be found for the proposed salt shed. Mr. Barry Stingel assisted Mr. Eastburn and Mr. Ross in determining alternative locations for the proposed shed. The recommended location is Option #2 that provides an opening in a southerly direction and is also compatible with the recycling center.

Ms. Price moved, seconded by Mr. Whipple, to approve Option #2 without widening of the driveway or providing additional parking spaces. Motion carried by a vote of 5-0.

- d. Sunoco Status Update: Mr. Ross presented information to the Board including a report from Mulry and Cresswell dated September 5, 2007, a progress report from Walt Leis dated September 14, 2007 and a letter from DEP dated September 12, 2007. The Board requested that Mr. Leis be available at the next public meeting for a more detailed discussion of the issue.
- e. Botanical Survey Update: Mr. Geoghegan was present and presented a report prepared by Ms. Janet Ebert regarding the Botanical Survey. The report includes information about 1,500 acres being surveyed; 804 species being recorded of which 259, or 32%, are alien species. They have found PNDI species of special concern including endangered, threatened and rare. Sixteen were found in the Township on 28 different locations. Several are new discoveries such as the

Buttercup which has not been collected in PA since 1929. Mr. Geoghegan advised that the survey will be completed within the next couple of months.

- f. Purchase of Sodium Chloride 2007-2008: Mr. Ross explained that Jeffrey Eastburn processed the salt purchase program through the Chester County Consortium of Managers. There are 20 municipalities that participate in the program that is coordinated by West Bradford Township. The supplier in the new contract is Oceanport at a quote of \$51.03/ton which, although higher than last year, is the best price found this year and the Manager recommends that the Board approve this contract.

On motion by Ms. Price, seconded Mr. Wilson, the Board authorized the Staff to proceed with handling the contract arrangements with Oceanport at a cost of \$51.03 per ton. Motion carried by a vote of 5-0.

Planning and Zoning:

- a. Planning Commission Report: Mr. Eric Brindle, Chairman of the Commission provided a summary report of the issues discussed at the September 6, 2007 meeting.
- b. Extension Letters: Mrs. Bennett advised that the Township received requests of extensions from the following six developments as follows:
1. Woods Edge – November 22, 2007
 2. Bernie Abel – November 28, 2007
 3. Cornerstone Presbyterian Church – December 20, 2007
 4. Ashby Hills (formerly Christens) – December 31, 2007
 5. Logan Property – December 31, 2007
 6. Miller Farm to January 16, 2008

On motion by Mr. Whipple, seconded by Mr. Hughes, the Board approved the letters of extension for the first five developments listed above. Motion carried by a vote of 5-0.

On motion by Mr. Whipple, seconded by Mr. Hughes, the Board approved the extension request concerning the Miller Farm to January 16, 2008 with the exception that, contrary to their letter of September 11, 2007, the plan review process cannot be completed unless the applicant submits a planning module. Motion carried by a vote of 5-0.

- c. TND Ordinance: This is an ordinance that establishes a new TND (Traditional Neighborhood Development District) Zoning District within the Township. Mr. Ross advised that the ordinance was advertised in the newspaper for a public hearing tonight and has been reviewed by both the County and Township Planning Commissions. However, the properties that are affected by the proposed zoning ordinance were not posted and individual property owners were not

provided a copy of the notice. Therefore, it is recommended that the Board open the hearing tonight and continue the hearing until the November 14th meeting.

On motion by Mr. Whipple, seconded by Mr. Hughes, the Board opened the hearing and continued it to November 14, 2007. Motion carried by a vote of 5-0.

- d. Cornerstone Planning Module: The Cornerstone Presbyterian Church is in the process of preparing a land development plan for an addition to their facility. As stated in Stan Corbett's August 20th letter, the Board must take action on the Planning Module within 60 days of receipt. In order to comply with the DEP regulations, it is necessary for the Governing Body to approve a resolution for plan revision for new land development. Mr. Corbett recommends approval of the resolution.

On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution 2007-14, which revises the Official Township Sewage Facilities Plan (Act 537 Plan) for Cornerstone Presbyterian Church, was approved. Motion carried by a vote of 5-0.

- e. Banner at Crossan Park: The Board received a request from Mr. Charles Weir seeking permission to hang a commercial banner at Crossan Park for the purposes of advertising the sale of pizza and other food products. The Zoning Officer advised that the ordinance allows such banners provided various conditions are met and the Board establishes an overall policy for the use of banners at the park. The Board requested the Manager to find out whether the County or State restricts commercial banners in the park, as a condition of associated County and State grant funding. Discussion was deferred until the October meeting.
- f. HARB recommendation on two separate properties in the District: At the September 18, 2007 meeting of the HARB, two applications were reviewed, 1755 New London Road and 1727 New London Road. The HARB recommended that the Board of Supervisors consider approving the Certificates of Appropriateness for both applications:

- Cindy Smith, 1755 New London Road is requesting that a sign be placed advertising a proposed retail establishment. The property is owned by Charlie Weir.

On motion by Mr. Whipple, seconded by Mrs. Bennett, the Certificate of Appropriateness for the sign to be placed at 1755 New London Road, was approved. Motion carried by a vote of 5-0.

- Matthew Rector, 1727 New London Road is requesting an expansion of an existing barn on his property. The proposed expansion is approximately 180 sq. ft.

On motion by Mr. Whipple, seconded by Mr. Hughes, the Board of Supervisors approved the Certificate of Appropriateness for 1755 New London Road. Motion carried by a vote of 5-0

New Business:

- a. HARB and Historical Commission membership: The issue is whether the Township would consider amending the two historical ordinances to permit a non-resident property owner to serve as a volunteer on the HARB and Historical Commission.

On motion by Mr. Whipple, seconded by Ms. Price, the Solicitor was authorized to draft an amendment to the two ordinances that would permit a non-resident property owner to serve on the HARB and/or Historical Commission. Both the HARB and Historical Commission recommended this change at their meeting of September 18, 2007. Motion carried by a vote of 5-0.

- b. 2007-2008 Snow Removal Contract Bid Award: Mr. Ross advised that a public notice was advertised in the newspaper and only one bid was received for the snow removal contract. Mr. J. Dominic D'Orazio of Yardworks submitted a bid in the amount of \$48,000. Bid surety was submitted by Mr. D'Orazio with a check in the amount of \$4,800. Mr. Ross advised that the bid amount was the same as the previous year.

On motion by Mr. Whipple, seconded by Mrs. Bennett, Yardworks was approved as the snow removal contractor for 2007-2008. Motion carried by a vote of 5-0.

- c. Returnable Beverage Container Act: Mr. Ross advised that Senate Bill 1035 is sponsored by two Chester County Senators and is currently pending in the Senate. Charlestown Township has taken the lead in urging Chester County municipalities to indicate their support of SB 1035 by approving the form resolution.

On motion by Ms. Price, seconded by Mrs. Bennett, the Board adopted Resolution No. 2007-15 that supports the enactment of the Returnable Beverage Container Act. Motion carried by a vote of 5-0.

Public Comment: No public comment.

Recess: Mr. Whipple moved, seconded by Mrs. Bennett, to recess the meeting at 8:42 p.m. with the understanding that the Board would reconvene the meeting following an executive session with Mr. Geoghegan. The purpose of the executive session is to discuss the potential purchase of private property for open space within the Township. Motion carried by a vote of 5-0.

Reconvene: Mrs. Bennett reconvened the public meeting at 9:36 p.m. to discuss the Township acquiring open space parcels.

APPROVED

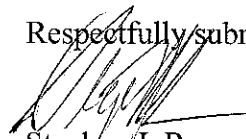
On motion by Mrs. Bennett, seconded by Mr. Whipple, the Board authorized the approval of a resolution to seek funding through the Chester County Open Space Program for the purchase of a 60 acre property north of Chesterville Road with the Township making available approximately \$552,500 from the Township Open Space Fund and other grant funds. The appropriate Township officials are authorized to execute the grant application. Motion carried by a vote of 5-0.

On motion by Mr. Whipple, seconded by Mr. Hughes, the Township Solicitor was authorized to craft a letter to be sent to the Natural Lands Trust providing support for their acquisition of a 113 acre property north of Walker Road and authorizing \$150,000 from Open Space funds as the Township's share of the property purchase. Motion carried by a vote of 5-0.

On motion by Mr. Whipple, seconded by Mr. Hughes, authorization was given for the expenditure of \$1,560 for the Brandywine Conservancy to prepare the grant applications under the County Open Space Program and DCNR Open Space Grant Program for purchase of a 60-acre parcel north of Chesterville Road. Motion carried by a vote of 4-1 with Ms. Price abstaining.

Adjourn: The meeting was adjourned at 9:50 p.m.

Respectfully submitted,



Stephen J. Ross
Township Mgr./Secretary

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