

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
OCTOBER 17, 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 Vince Donohue; Eric Brindle, Chairman of the Planning Commission; Walt Leis, Hydrogeologist from TCI, Al Federico, Traffic Engineer from McCormick Taylor; Grant Hitchens, Engineer from Kohli and Associates; Stan Corbett of URS; Phil Geoghegan, Chairman of the Open Space Committee; and Stephen Ross, Interim Township Manager. There were 10 members of the public in attendance.

Public Comment: No public comment.

Approval of Minutes – September 19, 2007: On motion by Mr. Whipple, seconded by Mr. Hughes, the minutes of September 19, 2007 were approved as presented. Motion carried by a vote of 5-0.

Reports:

- a. Treasurer's Report – September 2007: Mr. Ross presented the report that included a total fund balance of \$2,016,370.92. This amount compares to \$1,913,560.68 that was shown in the September 2006 report. 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. Whipple, seconded by Mr. Hughes, the September 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: Status of the 2008 budget and plans for review; grant workshop sponsored by Senator Pileggi; activities of fifteen developments that were handled by Staff; progress on completion of the ball field improvements at Crossan Park; PIRMA Playground Inspection; and, a status report on the activities of the Traffic Impact Fee Advisory Committee.
- c. Solicitor's Report: Mr. Donohue provided the Board with a written confidential report on the standing of various legal issues.
- d. Zoning Officer/Building Inspector Report: Mr. Ross presented the Building Inspector's monthly report. There were 12 building permits issued including building fees of \$9,956.10 and miscellaneous fees of \$6,206.50. Other activity included 25 building inspections, activities of the Zoning Hearing Board, Historical and HARB activities and zoning site visits.

Old Business:

- a. Banners in Crossan Park: The Board received a request from Mr. Charles Weir seeking permission to hang a commercial banner at Crossan Park for the purpose 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. At the September meeting, the Board requested the Manager to find out whether the County or State has restrictions regarding commercial banners in parks where grant funding was used. Mr. Ross advised that Mr. Eastburn contacted the County and State and was advised there were no such restrictions. Mr. Brindle suggested that the Board establish a policy that such banners be removed after each event and that the policy be revisited after it has been in use for one year. Mr. Whipple moved, seconded by Mrs. Bennett, that advertising banners be permitted for a single sporting event and removed after each event and that compliance with the Township's existing sign ordinance be required. The policy is to be in effect for one year and will be reexamined by the Board at that time. Motion carried by a vote of 5-0.

- b. Sunoco Progress Report: Mr. Walt Leis, Tetrahedron Consultants, Inc. provided the Board and public with his report dated October 9, 2007 and further updated based upon a meeting that was held today at the Township building. Those present at today's meeting included representatives from Sunoco, Mulry and Cresswell, and the Township. Representatives of DEP did not attend today's meeting. A map was circulated to the members of the Board showing where sampling wells are to be located on the Happy Harry and Sunoco properties. Several residents questioned Mr. Leis regarding his report and the concern of ground water approaching individual properties.

- c. Rt. 896 Issues:
 1. DCED Grant for Routes 896 and 841: Mr. Ross provided his report dated October 11, 2007 which included a recommendation on the use of the \$20,000 grant from the PA Department of Community and Economic Development (DCED). New London Township received the money because they coordinated the filing of the grant application. The funds were sought by the Rt. 896 Task Force for the evaluation of improvement options for the Rt. 896 and 841 intersection. The Task Force felt that it was important to better understand what the improvement alternatives could be and receive initial engineering work including survey and right-of-way identification. Since the time the Manager's report was prepared, the survey cost has been further clarified to be \$5,000 and not \$12,000 to \$15,000. Therefore, the balance of money not spent, being \$15,000, could be applied toward the installation of the flashing warning beacons. Mr. Federico provided additional detail

information. Mr. Federico indicated that he would check with PennDOT to determine the status of a previous request for other improvements including rumble strips and signs. On motion by Mrs. Bennett, seconded by Mr. Whipple, the Board authorized the survey to be conducted at a cost of \$5,000. Motion carried by a vote of 5-0.

2. 896 Corridor Plan Implementation: The 896 Task Force completed a plan for the 896 corridor. The Task Force is moving toward plan implementation by directing McCormick Taylor to begin the Roadway Safety Audit. This includes 5 separate tasks: plan dissemination, program research, agency coordination, meetings and coordination of specific initiatives. Mr. Federico explained that Franklin Township has partnered with other municipalities including New London, Penn, and Upper Oxford. Each municipality will spend \$5,200 for the implementation plan. On motion by Mr. Whipple, seconded by Mr. Hughes, the proposed plan was approved for expenditure in 2008. Motion carried by a vote of 5-0.

Planning and Zoning:

- a. Report of the Planning Commission: Mr. Brindle provided a report on the activities of the October 4, 2007 Planning Commission Meeting.
- b. Godfrey Property: The Godfrey subdivision is a 20.76 acre parcel being divided into 2 separate lots and located within the AR (Agricultural-Residential District) zoning district. The property will include both on-site water and sewer. The plan has been reviewed by Kohli and Associates, TCI, Township Solicitor, DEP, Chester County Planning Commission, Chester County Conservation District, and Franklin Township Planning Commission. Mr. Matt Longo of Hillcrest Associates provided an overview of the plan.

After a brief discussion, on motion by Mr. Whipple, seconded by M. Hughes, the Godfrey Subdivision Plan dated May 11, 2004, last revised July 11, 2007, was approved subject to the following conditions:

1. Waiver of section 502.M.1 of the SALDO, the requirement of providing contours for the entire tract area.
2. Waiver of section 714.F of the SALDO, to permit the existing driveway of 10 ft. in lieu of the 16 ft. that is required by the Ordinance.
3. Waiver of section 405.Z.1 of the SALDO from the requirement to replace the existing culvert.
4. Payment of \$1,800 for the Fee In-Lieu of Recreation Facilities, with payment at the time of issuing a building permit for lot 2.
5. Payment of \$1,810.50 for the Traffic Impact Fee with payment at the time of issuing a building permit for lot 2.

Motion carried by a vote of 5-0.

c. Escrow Releases:

1. Colonial Meadows - Release #20: Surrender Kohli approved release of \$153,946.17 from the escrow account leaving a balance of \$12,000 in the account.
Mr. Whipple moved, seconded by Mrs. Bennett, to approve Release #20 from the Colonial Meadows Escrow Fund in the amount of \$153,946.17, leaving a balance of \$12,000. Motion carried by a vote of 5-0.
2. Laurel View - Release #6: Surrender Kohli recommended the release of \$10,946 from the escrow account leaving a balance of \$125,891.20.
Mr. Whipple moved, seconded by Mrs. Bennett, to approve Release #6 from the Laurel View Escrow Fund in the amount of \$10,946. Motion carried by a vote of 5-0.
3. White Clay Knoll - Release #10: Surrender Kohli recommended the release of \$43,200 from the escrow account leaving a balance of \$855,093.
Mr. Whipple moved, seconded by Mrs. Bennett, to approve Release #10 of the White Clay Knoll escrow fund in an amount of \$43,200. Motion carried by a vote of 5-0.

d. Davis Property:

1. Resolution 2007-16 - Planning Module: Stan Corbett provided a letter dated October 10, 2007 with his recommendation for the Board to consider the sewage facilities planning module. In the letter, Mr. Corbett noted that, with the exception of inclusion of a satisfactory hydrogeologic study, the planning module is technically acceptable for consideration by the Board. Mr. Leis advised that he just received a copy of the Brickhouse Environmental report and it would take a few days to complete his review.
On motion by Mr. Whipple, seconded by Mrs. Bennett, the Board approved Resolution 2007-16 that includes approval of a 537 plan revision for new land development subject to receiving a favorable review from Walt Leis of TCI. Motion carried by a vote of 5-0.
2. Resolution 2007-17 - Conservation Easement funding: A resolution prepared and approved by the Township Solicitor would authorize the Township to accept the placement of a Conservation Easement over the Davis Property located along Lewisville-Chesterville Road containing 83.175 acres of land. The property, identified as tax parcel number 72-4-20, is owned by Thomas H. and Verna H. Davis.
On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution No. 2007-17 was approved. This Resolution authorizes granting of a Conservation Easement to the North American Land Trust (NALT) and authorizes reimbursement out of Open Space funds to NALT of expenses they incur, not to exceed \$20,000, in connection with the preparation of the Conservation

Easement and the payment of an endowment to the NALT for the future maintenance and administration of the Conservation Easement. As a condition of approval the Township Solicitor must be satisfied with the final Easement Agreement document prepared by counsel for the applicant. Mr. Neil Meisel provided the Board with backup information regarding Mr. Davis's concerns regarding the Easement Agreement. Ms. Price and Solicitor Donohue added further explanation of the limited authority the Township would have as a co-grantee and expressed the Township's willingness to work with applicant's counsel to draft language that would ease their concerns. Motion carried by a vote of 5-0.

- e. HARB Ordinance No. 2007-04: This is an ordinance to amend Ordinance No. 2003-06 by adding a provision that "owners of real estate located in Franklin Township" shall be authorized to be members of the Historical Architectural Review Board. On motion by Mr. Whipple, seconded by Ms. Price, Ordinance No. 2007-04 was approved. Motion carried by a vote of 5-0.
- f. Historical Commission Ordinance No. 2007-05: This is an ordinance to amend Ordinance No. 2002-15 providing for the appointment of Historical Commission members. Proposed ordinance 2007-05 provides that "members may be residents of Franklin Township or owners of real estate located in Franklin Township." On motion by Mr. Whipple, seconded by Ms. Price, Ordinance No. 2007-05 was approved. Motion carried by a vote of 5-0.

Public Comment: Mrs. Ott, who resides on Parsons Road, requested the Township to look into the problem of speeding vehicles on Parsons Road. Mr. Ross will look into the issue and provide the Board with a report and recommendation.

Recess to Executive Session: Meeting was recessed at 8:48 pm.

Meeting Reconvened: Meeting was reconvened at 9:28 p.m.

Agricultural Easement on Property:

In an Executive Session, the Board discussed possibly participating with Chester County for the possible purchase of an agricultural easement on 25.2 acres of an approximately 40 acre property located on Church Hill Road. For an additional 13.5 acres of the parcel, the owner will work with the Brandywine Conservancy and Chester County to place a voluntary conservation easement. A small portion of the property, containing the existing dwelling, makes up the remainder of the approximately 40 acre parcel. This concept was previously discussed with the Board earlier in the year.

The parcel owner's intention to apply to the County Ag Easement program was conveyed to the Board early in the year and in 2006. John Goodall and Robert Lonsdorf of the Brandywine Conservancy have worked with the property owner to navigate the County

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Ag Easement application procedure, and to possibly end up with the landowner granting a voluntary conservation easement on the land that is not eligible for an Ag Easement.

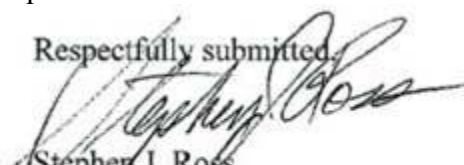
On motion by Mr. Whipple, seconded by Mrs. Bennett, the Board authorized the Township Manager to indicate to the County Agriculture Land and Preservation Board, the Township's interest in participating with the County in securing an Agricultural Easement on the 25.2 acres. The estimated amount of Township Open Space funds that would be required to achieve this 25.2 acre Agriculture Easement is \$162,000.

In addition, the Township supports Brandywine Conservancy to negotiate with the property owners and directs the Township Solicitor to follow the process to be sure the trail easement is obtained in the legal documents at the time of a sales agreement. Motion carried by a vote of 5-0.

It was announced that another Executive Session would be held with the Township Solicitor to discuss pending litigation.

Adjourn: The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Stephen J. Ross
Township Mgr./Secretary

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