

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 12, 2007**

Call to Order: Chairperson Juanita Bennett called the meeting to order at 7:03 p.m. Present were Supervisors Roger Wilson, Norman Hughes, Dick Whipple and Teddy Price who arrived at 7:15 p.m. Also present were Solicitor Mark Thompson, Engineer John Theisen of LTL, Grant Hitchens of Kohli and Associates, Scott Allen of McCormick Taylor, Stan Corbett of URS, Eric Brindle, Planning Commission Chairman and Steve Ross, Interim Township Manager. There were 14 members of the public in attendance.

Executive Session: An executive session was held on December 6, 2007 at 4 p.m. Three attorneys were present for the purpose of providing legal guidance to the Board regarding court-related matters. Upon questions from Mr. Wilson regarding whether or not the subject matter met the legal requirements for an executive session, Solicitor Mark Thompson advised that it was a legitimate session in accordance with the Sunshine Act. A discussion of legal obligations under court orders followed which led Mrs. Bennett to question the fact that certain developers involved in the ongoing litigation have not kept their accounts current as ordered by the court. Mr. Ross and Mrs. McVaugh advised that the Township staff is pursuing unpaid invoices with balances up to \$8,000 through the District Magistrate and Mrs. McVaugh is working with the Handler organization to resolve their outstanding invoices. All other unpaid invoices greater than \$8,000 will be handled by the Solicitor.

Public Comment: No public comment.

Approval of Minutes – November 14, 2007: Discussion was deferred until full Board was present.

Reports: The following reports were presented to the Board and public.

- a. **Treasurer's Report – November 2007:** Mrs. McVaugh presented the monthly report that included a total fund balance of \$1,825,628.93. This amount compares to \$1,910,451.76 that was shown in the November 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 November Treasurer's Report was approved as presented. Motion carried by a vote of 5-0.
- b. **Manager's Report:** Mr. Ross presented a summary of his December 12, 2007 report, commenting briefly on the following: The 2008 Budget review and approval; the action being taken by Township staff and the Solicitor regarding overdue payments from certain developers; the Amended Zoning Ordinance; the status of various developments; McCormick Taylor's completion of the Traffic Control Sign Inventory and the Ten-Year Road Maintenance Program,

recommending that both reports be presented to the Board in January; the grant for the repair of Mt. Olivet Road and the turf management work being coordinated by Jeff Eastburn at Crossan Park.

Mr. Wilson questioned the section of the Manager's Report entitled "Amended Zoning Ordinance" stating that, in his opinion, there has been a lack of information on the subject. Mr. Wilson said that he was not aware that the Planning Commission and the Township Consultants had been working for approximately six months on a new zoning ordinance based on the wording in the Comprehensive Plan. He indicated that many resident landowners had expressed concern regarding the effect that large-acre zoning might have on their property values. Mr. Wilson stated that he has not seen a draft of the document and doesn't know if 10 and 20 acre zoning is contemplated. He stated that this document is now proposed for adoption early in 2008 and requested that a presentation be made to the Board prior to the adoption of the Amended Zoning Ordinance.

Mr. Ross advised that the scope and progression of this work was reported in the manager's monthly reports of July, August, October, November and December 2007. The contract to retain Mr. Comitta was approved at the April public meeting and signed by all members of the Board with the exception of Mr. Hughes who was not available. In addition updates were given by Mr. Brindle in his monthly reports to the Board as the work progressed at the PC meetings. Mr. Ross pointed out that the PC meetings are public meetings and the agendas are posted and advertised. Mr. Brindle stated his objection to statements made by Mr. Wilson in an email suggesting that work was being done outside of the public meetings. Mr. Ross provided each Board member with a copy of the "Summary of the Franklin Township Zoning Ordinance Amendments".

Mr. Ross presented gifts from the Township to Mrs. Bennett and Ms Price in recognition of their years of service to the Township. Mrs. Bennett commented on her time on the Board and wished the Township well in the future.

Approval of Minutes – November 14, 2007: Mr. Ross provided a copy of suggested changes to the November 14, 2007 Minutes which included Mr. Wilson's suggested additions and Ms. Price's comments.

Pg. 4, last paragraph, Mr. Wilson requested that the second sentence be deleted and replaced with the following:

Mr. Wilson proposed for discussion and described what he considers a modest Township Property Tax reduction for 2008 (10 or 20%). There is a nationwide housing slump and development work in our area is also down significantly. He suggested the Township should be responding to business conditions and should not look at 2008 as another year like 2007 or 2006. A 15% reduction in the Property Tax mils rate (from 3.245 mils to 2.758 mils) would be a reduction of about \$146,000 in 2008 income to the Township

from Property Taxes. A 15% reduction in the Real Estate segment of Property Taxes (from 2.075 mils to 1.764 mils) would result in a reduction of approximately \$53,000 in income to the Township General Fund. Prepared pages describing the proposal and recent Township tax rates (2005 thru 2007) were distributed. Juanita Bennett supported further consideration of the Tax Reduction proposal. There was no support from the other 3 Board members. Teddy Price commented "I feel like you need to show where we can reduce spending and then we can debate that. Otherwise this is just an exercise in political posturing." Concern was expressed by some Board members that it is too ... (continue with the rest of that sentence).

Page 5, item c, (TND Ordinance), leave the first paragraph as written, insert the following as the second paragraph and leave the last two paragraphs as written:

There was discussion about the number of housing units allowed by present zoning, the number currently planned for the Echo Hill parcel per the Stipulation, and the housing densities allowed by the proposed TND Ordinance (4.0 to 5.5 dwelling units/gross acre). Information on the gross acreage of the parcel (128 acres) was provided by Mr. Comitta.

On motion by Mr. Whipple, seconded by Mr. Hughes, the Minutes of the November 14th meeting were approved with the proposed changes. Motion carried by a vote of 5-0.

Reports, (cont'd.):

- c. *Solicitor's Report:* Mr. Thompson advised that the Board received a report dated December 12, 2007 which has been further revised with completed projects. Mr. Ross indicated that he would send a revised copy of the report to the Board.

Ms. Price was excused at this point in the meeting to attend to a personal matter. She returned to the meeting 25 minutes later. The order of the agenda was changed due to not having the full Board to vote on crucial issues.

- d. *Zoning Officer/Bldg. Inspector Report:* Mr. Ross provided a summary of the report that included issuance of 11 permits and receipt of \$5,957.95 in permit fees, \$4,742.71 in Recreation Open Space Fees and \$1,264 in miscellaneous fees. The report details information on 23 building inspections, 3 zoning tasks, 1 HARB activity and 8 zoning site visits.

Old Business:

- a. *Paradox Vineyards:* Discussion deferred until arrival of Mr. Hoffman.
- b. *Amendment to the Subdivision and Land Development Ordinance:* This is an ordinance requiring a title search and copies of all encumbrances, deed restrictions, and other filings listed on the certificate to be submitted with the preliminary plan. On motion by Mr. Whipple, seconded by Mr. Wilson, the Township Staff was authorized to proceed with having the ordinance reviewed by

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the County and the Township Planning Commission and to provide public notice that the Board will consider the ordinance in the future. Motion carried by a vote of 4-0.

Planning & Zoning:

- a. *Avon Grove Charter School (AGCS) Resolution 2007-20*: Discussion deferred at the request of the applicant until the full Board is present.

- b. *Extension Letters*: The Township Staff has been working with six representatives of property owners or applicants to have their plan applications extended. Extension letters were received from the following owners:
 - a. Dolores Morris to January 31, 2008
 - b. Woods Edge to February 22, 2008
 - c. Cornerstone Presbyterian Church to March 20, 2008
 - d. Logan Property to March 31, 2008
 - e. Ashby Hills (formerly Christens) to March 31, 2008

Mr. Whipple moved, seconded by Mr. Hughes, to approve the five developments as noted above. Motion carried by a vote of 4-0.

- f. Miller Farm to April 16, 2008

Mr. Whipple explained that the Township has been unable to complete their review because to date the applicant has not made a fully complete submission.

On motion by Mr. Wilson, seconded by Mrs. Bennett, the Miller extension request to April 16, 2008 was approved. The applicant will be advised that, contrary to the language in the applicant's request letter, the Township cannot complete their review of the Miller plan until the applicant has provided to the Township a fully completed plan. Motion carried by a vote of 4-0.

New Business:

- a. *2008 Budget Resolution 2007-21*: The 2008 Preliminary Budget was approved by the Board on November 14, 2007 subject to the Staff amending the document with the changes to be shown in the final proposal. Mrs. McVaugh and Mr. Ross presented the budget and explained the changes. The public was provided a copy of the 2008 summary sheets that included the following expenditures and income of all funds:

FUND	PROPOSED EXPENDITURES	CASH & PROPOSED INCOME	CASH BALANCE
GENERAL	\$1,535,720.00	\$1,731,500.00	\$195,780.00

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PARK & RECREATION	\$186,430.00	\$452,700.00	\$266,270.00
PARKLAND & RECREATION FACILITIES	\$5,000.00	\$22,500.00	\$17,500.00
OPEN SPACE	\$2,379,250.00	\$3,492,000.00	\$1,112,750.00
TRAFFIC IMPACT - EAST	\$0.00	\$52,500.00	\$52,500.00
TRAFFIC IMPACT - WEST	\$0.00	\$42,550.00	\$42,550.00
CAPITAL RESERVE	\$760,000.00	\$903,000.00	\$143,000.00
HIGHWAY AID	\$135,000.00	\$135,075.14	\$75.14
EMERGENCY SERVICES	\$129,090.00	\$163,500.00	\$34,410.00
TOTALS	\$5,130,490.00	\$6,995,325.14	\$1,864,835.14

There was a brief discussion during which Mr. Wilson objected to the budget on the basis that the Board should consider a reduction in tax millage. Mr. Ross advised the Board that if the Open Space Funds are removed from the budget the expenditure difference from 2007 to 2008 includes an overall reduction of 27% in expenses.

On motion by Mr. Whipple, seconded by Mr. Hughes, the Board approved Resolution 2007-21 approving the 2008 Budget including proposed expenditures of \$5,130,490 and revenue of \$6,995,325.14 with a year end cash balance of \$1,864,835.14.

Note: The vote on the above motion was delayed until the full Board was present.

Old Business, cont'd.:

- a. Paradox Vineyards Escrow Agreement, Subdivision Agreement and Declaration of Covenants and Stormwater Facilities: There were three separate agreements provided by the applicant for approval by the Board.
 - A Subdivision Financial Security Agreement between Flint Hill Handshake Partners LLC and Franklin Township which includes a check to be deposited by the Township in the amount of \$48,476.45. Mr. Whipple moved, seconded by Mr. Hughes, to approve the Financial Security Agreement. Motion carried by a vote of 4-0.
 - The second agreement is the standard Subdivision and Land Development Agreement which was approved on motion by Mr. Whipple, seconded by Mr. Hughes. Motion carried by a vote of 4-0.

- The third agreement included a Declaration of Covenants, Easements and Restrictions concerning Stormwater Facilities. Moved by Mr. Whipple, seconded by Mr. Hughes, to approve the Declaration of Covenants, Easements and Restrictions. Motion carried by a vote of 4-0.

Ms. Price returned to the meeting at this point.

Planning & Zoning, cont'd:

- a. Avon Grove Charter School Resolution 2007-20: The Avon Grove Charter School (AGCS) was represented by the following: Attorney Jack Wuerstle, Mr. Joseph DiGiacomo, President of the AGCS Board, Dr. Mark Cirino, Vice President, Eugene Steger, Chair of the Audit Committee and Donna Archer, Bs. Mgr. Also present in support of the AGCS was David Galligan a Township resident and past board member of AGCS. The Township Solicitor, Mark Thompson and Charter School Counsel, Jack Wuerstle completed a Resolution that would grant a waiver from Land Development associated with improvements proposed for the AGCS property located at New London and Peacedale Roads subject to conditions as approved by the Board of Supervisors. Mr. Wuerstle advised that, although his clients do not object to the proposed conditions in concept, they have issues with timing and how certain of these conditions are met. The Board, Township Solicitor and Attorney Wuerstle discussed various changes to the proposed Resolution. Mr. Thompson will make the changes and distribute the revised Resolution to all parties. The changes agreed to include the following:
- 1) Revising Item #9 to allow that the permanent relocation of Peacedale Rd. and the related left turn lane on 896 be completed no later than the opening of the 2010 school year, contingent upon approval from PennDOT;
 - 2) Acceptance of financial security required by Item #8.a.2 in the form of cash and/or a letter of credit;
 - 3) A Stormwater Management Plan as requested by John Theisen to be submitted after the permanent realignment of Peacedale Rd.; and
 - 4) The school shall submit a landscaping plan to the Township prior to the commencement of any construction of the improvements associated with the permanent realignment of Peacedale Road.

In addition, Mr. Whipple requested that the record show that all representatives of AGCS in attendance understand that Item 8.a.2 of the Resolution clearly states that financial security of 110% of all improvements, both temporary and permanent, will be posted prior to the school opening in the fall of 2008.

On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution No. 2007-20 was approved as amended. Motion carried by a vote of 5-0.

New Business (cont'd.):

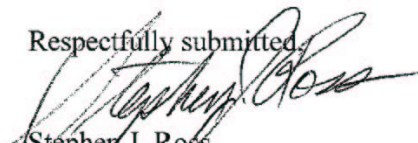
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- a. 2008 Budget: The vote was taken on Mr. Whipple's motion to approve the 2008 Budget. The motion carried by a vote of 3-2 with Mrs. Bennett and Mr. Wilson voting No.
- b. 2008 Tax Levy Resolution 2007-22: A resolution was presented to the Board of Supervisors for consideration and approval of the tax levy. The Resolution included the following tax schedule for 2008:
- | | |
|---------------------|-------------|
| General Purposes | 2.075 mills |
| Emergency Services | .400 mills |
| Park and Recreation | .270 mills |
| Open Space | .500 mills |
- Mr. Whipple moved, seconded by Mr. Hughes, to approve the 2008 Tax Levy Resolution 2007-22. Motion carried by a vote of 3-2 with Mrs. Bennett and Mr. Wilson voting No.
- c. Earned Income Tax Ordinance: The Township adopted an Earned Income Tax in 2005 with an expiration date of December 31, 2007. The proposed ordinance would amend the 2005 ordinance by replacing certain sections as outlined in Ordinance 2007-07. On motion by Mr. Whipple, seconded by Mr. Hughes, Ordinance 2007-07 is approved. Motion carried by a vote of 4-1 with Mrs. Bennett voting No.
- d. Speed limit on Parsons Road: Mr. Ross explained that the Township previously received a request from Township resident Mrs. Ott to place speed limit signs on Parsons Road. After consulting with Scott Allen it was recommended that the Township accept the traffic study done for the Miller Farm which provides a 40 MPH speed limit. Mr. Whipple moved, seconded by Mr. Hughes, to approve the speed limit on Parsons Road at 40 MPH. An ordinance would be included in the Codification Book and when approved the speed limit will go into effect. Motion carried by a vote of 5-0.
- e. Cancellation of December 19, 2007 Meeting: Moved by Mr. Whipple, seconded by Mr. Hughes, the December 19, 2007 BOS Meeting was cancelled. Motion carried by a vote of 5-0.

Public Comment: Ms. Price thanked her fellow Board members, Solicitor, Township Mgr. and Staff and the public for the support she received while serving on the Board over the past 4 years.

Adjourn: The meeting was adjourned at 10:08 p.m.

Respectfully submitted,


Stephen J. Ross
Township Mgr./Secretary

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