

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
January 16, 2008**

**Call to Order:**

Chairman Richard Whipple called the meeting to order at 7:03 p.m. Present were Supervisors Norman Hughes, Nan Latimer, and Paul Overton. Also present were Solicitor Mark Thompson, Engineer John Theisen of LTL, Traffic Engineer Scott Allen of McCormick Taylor, Ralph Olivier, Chairman of the Planning Commission, Jeffrey Eastburn, Assistant to the Township Manager and Stephen Ross, Interim Township Manager. There were twelve members of the public in attendance.

**Mr. Wilson's Resignation:**

Mr. Whipple announced that the Township received a resignation letter from Mr. Roger Wilson dated January 9, 2008. In said letter Mr. Wilson sited his displeasure at serving on the Board for the past two years. The letter of resignation will be part of the meeting file maintained by the Township. The Second Class Township Code allows 30 days to fill the vacancy, or by February 8, 2008. Mr. Whipple stated his objections to the content of the letter and requested that the following statement be placed in the minutes.

"Mr. Wilson's 1/9/08 Letter of Resignation from the Franklin Twp. Board of Supervisors, either intentionally or unintentionally, uses numerous words, phrases, and/or language, such as, but not limited to, 'openness,' 'rubber-stamp,' and 'pre-determined.' As a member of the Board for Mr. Wilson's entire tenure as a Supervisor, I think it's critical that the 1/16/08 meeting minutes concerning Mr. Wilson's resignation reflect that, though Mr. Wilson is certainly entitled to any nonprofessional 'legal opinions' that he may wish to intentionally or unintentionally offer, the Franklin Township Board and Staff have been, and are expected to continue to be, extraordinarily diligent, with continuous input from Twp. Solicitors who have decades of experience in municipal governance, in seeking to be in FULL COMPLIANCE with ALL relevant legal and other requirements concerning ALL Township activities.

"In plain English, under our wonderful system of free and open majority rules government, numerous majority decisions of the Franklin Board of Supervisors, during Mr. Wilson's tenure, ended up being ones that Mr. Wilson apparently was not in favor of. None of those decisions occurred as a result of any lack of 'openness,' or 'rubber stamping,' or 'pre-determinedness,' etc. All such decisions occurred, after full and open public discussion, strictly because a majority of the Board arrived at a different conclusion about a given topic than Mr. Wilson did. As Mr. Wilson referred to in the last paragraph of his 1/9/08 resignation letter, such fully open discussion and subsequent non-unanimous decisions by the Franklin Twp. Board admirably

reflect on 'our democratic form of government providing for majority rule.'" Respectfully, Dick Whipple.

Mr. Whipple opened the meeting to public comments regarding the open vacancy on the Board. Following the public comment session Mr. Whipple acknowledged receipt of the resignation and announced a vacancy in the position of Township Supervisor and advised the public that further consideration of the vacancy will occur under New Business of the agenda.

**Public Comment:** John Auerbach requested that a format be considered for public comment that would allow open public discussion during selective portions of the meeting.

**Approval of Minutes:** All unapproved Minutes for 2007 were approved at the January 7, 2008 meeting. The January 7, 2008 minutes will be considered in February.

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

- a. Treasurer's Report: Mr. Ross provided a summary of the December Treasurer's Report. The total year-end fund balance of the report for December 2006 was \$1,393,581.58 as compared to \$1,685,748.97 for December 2007. Mr. Whipple complimented the Manager and Treasurer on the quality and accuracy of the budget. On motion by Mr. Whipple, seconded by Mr. Hughes, the December 2007 Treasurer's Report was accepted. Motion carried by a vote of 4-0.
- b. Manager's Annual Report: Mr. Ross presented a summary of the 2007 Annual Report of the Manager and Staff. The summary version included the names of Staff, the financial information including taxes and rate of investment return, new playing field at Crossan Park, the efforts of the Open Space Committee, the efforts of the Act 209 Committee (Traffic Impact Fee), and the 2007 Road Projects. A copy of the Wastewater related report from URS was attached to the report. Mr. Ross further advised that the report will be available on the Township Web Page in several days. If the Web Page isn't accessible to the public, black and white copies of the report will be made available at the office.
- c. Solicitor's Report: Mr. Thompson advised that the Board received a report dated December 12, 2007 that has been further revised with completed projects. Mr. Ross indicated that he would send a revised copy of the report to the Board. Mr. Thompson also advised the Board on the status of the Keen Property.
- d. Zoning Officer/Bldg. Inspector Report: Mr. Ross summarized the report which included issuance of 7 permits and receipt of \$3,244.55 in building fees, \$5,340.19 in Recreation Open Space Fees and \$895.50 in

miscellaneous fees. The report details information on 21 building inspections, 5 zoning tasks, 1 HARB activity and 5 zoning site visits.

Mr. Overton and Mr. Hughes advised the Solicitor that the Zoning Officer has questions regarding a plan of action for the Gallo property on 896 and he also needs a letter to close out the septic agreement on lot 35 in Colonial Meadows.

**Old Business:**

- a. Mt. Olivet Road: Mr. Eastburn provided the Board with a memorandum dated January 11, 2008 outlining the three phases of the project to improve Mt. Olivet Road under the Chester County Dirt and Gravel Road Program. The .7 mile long road has significant surface damage and erosion problems. The grant application will provide funding of \$12,894.10 and the balance, estimated to be \$14,507.50, will be taken from the Township budget. On motion by Mr. Whipple, seconded by Mr. Hughes, the Manager was authorized to sign the contract with the Chester County Conservation District under the Dirt and Gravel Road Program for the repair of Mt. Olivet Road. Motion carried by a vote of 4-0.

**Planning and Zoning:**

- a. Cornerstone Presbyterian Church Final Plan Approval: Mr. Ross advised that a final plan for the church has been through the planning process and there is a checklist prepared by Staff outlining all the issues regarding final approval. The church is located at the intersection of Routes 896, 841 and Gypsy Hill Road. The property contains 22.77 acres. The size of the church building is 11,700 square feet with an immediately proposed addition of 16,084 square feet. A future proposed addition of 9,553 square feet is contemplated. Mr. Mark Blair, Chairman of the Building Committee, discussed the proposal with the Board. After a lengthy discussion among the Board and the Church representatives the Board deferred action on approval of the land development plan until the following issues are resolved:
  - 1. Execution of an Improvements Agreement, with security, between the Township and the church.
  - 2. Review of the O&M plan and agreement by the Township Solicitor and the applicant's attorney.
  - 3. A note on the plan stating that the church agrees to provide the ultimate right of way for Rt. 896, Rt. 841 and Gypsy Hill Road.

The Township will draft a letter and send it to the church outlining the sections of the SALDO requiring dedication of right-of-way. It is probable that there will be a special meeting held prior to the next regularly scheduled BOS meeting and the Board agreed to consider approval of the plan at that meeting.

- b. Planning Commission Report: Mr. Olivier provided a report of activities based upon the Commission meeting held January 10, 2008.
- c. Extension Letters: The Township Staff has been working with three representatives of property owners or applicants to have their plan applications extended. Extension letters were received from the following owners:
  - 1. Megill Homes LLC to March 31, 2008
  - 2. Brothers Properties to May 11, 2008
  - 3. Lands of Dolores Morris to June 30, 2008

Mr. Whipple moved, seconded by Mr. Overton, to accept the request for extensions as noted above. Motion carried by a vote of 4-0.

- d. Amendment to SALDO - Ordinance 2008-01, Title Insurance Certificate: The Solicitor opened the hearing and explained that the proposed amendment to the Subdivision and Land Development Ordinance (SALDO) had been duly advertised. A Court Stenographer was present for the purpose of making a transcript of the hearing. The official transcript will be made part of the meeting file. The Ordinance Amendment requires submission of a title insurance certification whenever a preliminary subdivision plan is submitted by a property owner. At the conclusion of the hearing Mr. Whipple moved, seconded by Mr. Overton, that Ordinance 2008-01 amending the subdivision ordinance be approved. Motion carried by a vote of 4-0.

**New Business:**

- a. 10-year Road Maintenance Program - 2008 Road Program: Mr. Ross introduced Scott Allen of McCormick Taylor who designed the program that will now become the guide for future road programs. Mr. Allen explained that the 10 year Road Program is a systematic program for maintaining the 35 miles of Township roads. The value of the program is that it will serve as a budget tool enabling the Township to evaluate the roads annually and make adjustments as needed. Examining bridge construction was not included in this study, however McCormick Taylor is preparing a proposal to examine the Township bridges which will be submitted shortly. McCormick Taylor is the Bridge Engineer for Chester and Delaware counties.

Mr. Eastburn provided an overview of the 2008 Road Program and recommended that the Board provide approval of the program. The roads that are scheduled for repair in 2008 include Hess Mill Road, Highland Drive, Lizanne Lane, Kimbelot Lane, Carriage Run Drive and Liberti Lane. Other roads may be added to the list depending on the severity of the winter and the availability of funds. The consensus of

the Board was to approve the 2008 road maintenance program as presented.

- b. Sign Inventory: Mr. Allen provided an explanation of the traffic control sign inventory, how it was developed and what it contains. McCormick Taylor worked with the Township Staff to complete the sign inventory which will assist in tracking the signage repair and replacement needs in the future. Again, like the Road Maintenance Program, the inventory will serve as a future budget tool.
  
- c. Avondale Fire Company Contract: The contract being proposed is to provide fire service for a limited geographical area being 10% of the Township. On motion by Mr. Whipple, seconded by Ms. Latimer, the Board approved the \$4,500 contract with Avondale Fire Company to provide fire service to a small portion of the Township. Motion carried by a vote of 4-0.
  
- d. Code of Ethics – Resolution 2008-06: The Board reviewed a resolution that would adopt the Code of Ethics for all officials. The Code is applicable to all appointed and elected officials and employees of the Township. Mr. Ross explained that the Code was prepared at the suggestion of the Auditors of the Township. The Code, with an agreement form, will be provided to everyone involved in the Township with an expectation that once executed, the person agrees to abide by the Code. On motion by Mr. Whipple, seconded by Mr. Hughes, Resolution 2008-06 was approved. Motion carried by a vote of 4-0.
  
- e. Open Space Update: Mr. Geoghegan provided the Board and Public with an update on the various projects of the Open Space Committee. This includes the Botanical Survey, Bird Survey and Trail Study. The Trail Study was recently discussed at the Open Space Committee and there is need for further review. An RFP was prepared by Sheila Flemming of the Brandywine Conservancy to develop a multi-municipal trail link between London Grove, Franklin, New Garden and London Britain Townships. The plan is to have London Grove Township be the lead in this effort and once selected, the consultant will write a proposal to Chester County (CC) for funding under the Division Partnership Program. It is expected that CC will cover 90% of the total cost and each participating township will pay approximately \$1,000. It was noted that there would be public workshops at London Grove Township with the theme of “Community Spaces-Natural Places”. These workshops are scheduled for Saturday, February 23 in the morning and Tuesday February 26 in the evening, weather permitting. There will also be field training sessions scheduled in April and May. The program is being sponsored by The White Clay Creek National Wild and Scenic River Program and the Townships of London Grove, London Britain, Franklin and New Garden Townships. Mr. Geoghegan also advised that it was necessary for him to speak with

the Board of Supervisors in executive session in order to discuss pending property acquisitions.

- f. Supervisor Vacancy: Mr. Whipple led the discussion regarding the supervisor vacancy that was announced earlier at the public meeting. The dates of January 29<sup>th</sup> or February 4<sup>th</sup> were tentatively selected for a special meeting to decide on the choice for a new Supervisor and, as discussed earlier, the land development plan of the Cornerstone Presbyterian Church will also be considered at that meeting. The availability of counsel and the Church will be confirmed by the Manager and a firm date for the meeting established. It was decided to place an article on the web page and in the newspaper advising of the need for a Township Supervisor.

**Public Comment:**

1. Mr. Hatton suggested an alternative method for a Supervisor selection process.
2. Mr. Auerbach asked about the selection process for the Township Supervisor.

**Executive Session:** Mr. Whipple announced that an Executive Session will be held immediately following the regular Board meeting to discuss land acquisition issues.

**Adjournment:** The meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Stephen J. Ross  
Township Mgr./Sect.

1.16.08.v.4.er