

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
FEBRUARY 20, 2008**

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:04 p.m. Present were Supervisors Norman Hughes, Nan Latimer, Paul Overton and Eric Brindle. Also present were Solicitor Mark Thompson, Engineer John Theisen of LTL, Ralph Olivier, Chairman of the Planning Commission, Phil Geoghegan, Chairman of the Open Space Committee, Jeffrey Eastburn, Assistant to the Township Manager and Stephen Ross, Interim Township Manager. There were four members of the public in attendance.

Public Comment: No public comment.

**Approval of Minutes - January 16, 2008 and February 4, 2008
(Special Meeting):**

On motion by Mr. Whipple, seconded by Mr. Hughes, the Minutes of January 16, 2008 were approved as submitted. Motion carried by a vote of 5-0.

On motion by Mr. Whipple, seconded by Ms. Latimer, the Minutes of February 4, 2008 were approved as submitted. Motion carried by a vote of 5-0.

Reports:

- a. Treasurer's Report: Mr. Ross presented a summary of the January Treasurer's Report. The report included a comparison of fund totals for the same period of both 2008 and 2007. The overall total for January 2007 was \$1,436,827.46 and for January 2008 it is \$1,693,769. Other information shown in the report includes individual fund balances, line item budget year to date, deposit detail, and disbursement detail for each of the funds. Mr. Overton and Ms. Latimer questioned several invoices noted in the report and the Manager indicated that he would get the answers and respond back to the Board. Ms. Latimer also advised that the Trail Study budget is down to approximately \$10,000 and suggested that Mr. Geoghegan provide an estimate of the cost to complete that study. Mr. Whipple moved, seconded Mr. Hughes, to approve the January Treasurer's Report as presented. Motion carried by a vote of 5-0.
- b. Manager's Report: Mr. Ross provided the monthly report of the Manager and Administrative Staff dated February 20, 2008. He highlighted several items including the Civil Hearings for unpaid invoices; the Newsletter which was sent in early February; the Zoning Ordinance discussion proposed to occur at the March workshop session; the pending developments in the Township and their status; and the Eagle Scout project which will be presented to the Board in March or April. Ms. Latimer and Mr. Overton questioned various aspects of the

report and the Manager and other Board members provided answers. One of the questions dealt with the wording in the report regarding the barn located at the Township building and its disposition. Mr. Ross advised that an engineering study was placed in the 2008 budget to determine the structural integrity of the barn. Board approval will be required prior to commencing the study. Mr. Brindle asked a question regarding a presentation at the Chester County Consortium which Mr. Ross attended.

- c. Solicitor's Report: Mr. Thompson advised that the Board has a copy of the confidential report on the status of various projects including pending litigation. Mr. Whipple advised that there is a need for an Executive Session following the public meeting to discuss potential litigation with the Township Solicitor.
- d. Zoning Officer and Building Inspector Report: Mr. Ross provided information from the report prepared by Mr. Brady. This included receipt of Building Fees of \$6,039.85 and Miscellaneous fees of \$1,449.50. There were 17 building permits issued, Zoning Hearing Board application for 101 Stonegate Drive, and 4 specific zoning tasks. There were two items brought up by Mr. Overton, one having to do with the property at 1651 New London Rd. and the other item was regarding Colonial Meadows. An e-mail was sent to the attorney representing the owner of the property on New London Rd. and the Solicitor is looking into the Colonial Meadows situation and will prepare a letter regarding the septic agreement.

Planning and Zoning:

- a. Planning Commission Report – Meeting of February 7, 2008: Mr. Olivier provided a report of the Planning Commission activities for the month.
- b. Woods Edge Subdivision – Resolution 2008-08: Mr. Ross presented the plan and advised the Board that it appears the plan is fully prepared for approval by the Board of Supervisors. Mr. Whipple moved, seconded by Mr. Hughes, to approve Resolution 2008-08 which addresses the provision of financial security upon submission of detailed cost estimates to be approved by the Engineer and Solicitor with the plan not to be released until a full Security Agreement is in place. Motion carried by a vote of 5-0.

Final Plan Approval: The Woods Edge Plan is dated November 8, 2006, revised November 30, 2006 and December 12, 2007. The 44.9 acre parcel is located in the northwest quadrant of Franklin Township in the AR zoning district. It includes 25.11 acres of open space, 3.04 acres of R-O-W/easements and 16.75 acres in an area where 22 lots were created.

A phasing note on the plan and a separate agreement acknowledging that the developer shall receive building permits for lots 1-8 and 18-22.

Permits for lots 9-17 will not be issued until Blair Road in Franklin Township is connected to a London Grove Township Roadway that travels from the Woods Edge property thru London Grove Township. This roadway shall intersect with either South Guernsey Road or another existing dedicated roadway in London Grove Township. The roadway shall be a black top surfaced road with no obstructions and shall be passable to accommodate vehicular traffic including emergency vehicles.

The following SALDO waivers were granted by the Board on April 19, 2006 and are shown on the Final Plan:

1. Section 610.A.6 – A waiver was granted from the requirement to replace trees with an equal or greater size. Some plants will be installed at a small size because they are unavailable at 15'/2.5" DBH and/or they should not be transplanted as hedgerows as many native understory material survives far better when planted at smaller sizes.
2. Section 610.c.4 – A waiver was granted from the requirement to plant only trees listed in this section. Additional native species, cultivars, and related varieties are being selected for appropriateness of scale, best fit for planting site, and ornamental and wildlife value.
3. Section 711 – A waiver was granted from the requirement to provide street lighting.

On April 19, 2006 the Board opted not to require school bus stops as an optional requirement in accordance with Section 1506.3, Pedestrian Access.

On motion by Mr. Whipple, seconded by Mr. Brindle, the Woods Edge final subdivision plan was approved subject to the following conditions:

1. The applicant shall sign and notarize the Certificate of Ownership as shown on the final plans.
2. The Applicant shall obtain financial security acceptable to the Township and contingent upon the procedure outlined in Resolution 2008-08.
3. The Applicant shall execute the Declaration of Covenants, Conditions and Restrictions for Woods Edge and the Subdivision and Land Development Agreement and the Subdivision Financial Security Agreement in a form acceptable to the Township (collectively the "Developer Documents").
4. The Applicant shall execute the Agreement Prohibiting Development and Conveyance (the "Phasing Agreement") to be approved by the Township.
5. The applicant shall submit a Traffic Impact Fee of \$28,755 which shall be paid at the time of building permits.
6. The applicant shall submit a "Fee in Lieu of" in the amount of \$39,600 which shall be paid at the time of building permit issuance.

Motion carried by a vote of 5-0.

c. Extensions:

Mr. Whipple advised that Insinga's Preliminary Plan is to be considered for an extension to May 21, 2008. On motion by Mr. Whipple, seconded by Ms. Latimer, the Board approved the extension of the Preliminary Plan to May 21, 2008. Motion carried by a vote of 5-0.

Mr. Ross advised there were two Conditional Use decisions for Insinga that were tied to a single application, so whenever the first extension was granted the second would automatically be extended. Mr. Whipple moved, seconded by Mr. Overton, to extend the primary Conditional Use Decision to December 31, 2008. Motion carried by a vote of 5-0.

New Business:

a. **London Britain Township Bridge Replacement:**

The engineering firm of Erdman Anthony was engaged by PennDot to design a bridge replacement over White Clay Creek in London Britain Township (Mercer Mill Rd.) for a six month period in 2009. To facilitate the road and bridge closing, a detour will be necessary in Franklin Township beginning at Rt. 841/Chesterville Road/North Creek Road and continuing to Flint Hill Road. The Township Traffic Engineer provided a recommendation to approve the detour subject to conditions. On motion by Mr. Whipple, seconded by Ms. Latimer, the Board approved the traffic control plan submitted by Erdman Anthony for the detour route with construction to begin by PennDot in 2009 subject to the following conditions:

1. Sign #1, located in the southbound direction of North Creek Road, should have the arrow sign rotated in the opposite direction; and
2. Additional detour signs should be located in the northbound direction of North Creek Road.

Motion carried by a vote of 5-0.

b. **West Grove Fire Company Agreement:**

Mr. Ross explained that the West Grove Fire Company (WGFC) provided an agreement to the Township that will provide fire services for 90% of the community. The agreement required several revisions including adding the words "within" at three places in paragraph four and adding the word "90%" in paragraph 6, first line in front of ".25 mills". Mr. Bill "Radar" O'Connell was present and advised that he didn't object to the changes. Mr. O'Connell provided answers to questions of a general fire service nature posed by the Board and the public. Once an agreement is signed by all parties the WGFC will provide the insurance certificate as identified in the agreement. On motion by Mr. Whipple, seconded by Mr. Brindle, the 2008 Agreement with West Grove Fire Company was approved. Motion carried by a vote of 5-0.

c. **Bid Awards:**

Mr. Eastburn led the discussion regarding the following bids that were publicly opened and read at the Township Building on February 13, 2008:

1. Roadside Mowing: Bids were received from the following contractors:
 - (a) Gary Clanton, Inc. - \$18,500.
 - (b) Mt. Rocky Trucking - \$23,000.
 - (c) Yardworks, Inc. - \$25,700.

The Staff recommended that the Board of Supervisors award the mowing to Gary Clanton, Inc. On motion by Mr. Whipple, seconded by Ms. Latimer, the bid for Roadside Mowing was awarded to Gary Clanton, Inc. for a quoted price of \$18,500. Motion carried by a vote of 5-0.

2. Township Property Mowing Service: Bids were received from the following contractors:
 - (a) Carter & Son \$10,430 (Crossan Park) and \$2,700 (municipal building).
 - (b) White Clay Lawn Services - \$11,813.10 (Crossan Park) and \$2,325 (Municipal Building).
 - (c) Deerfield Mowing and Property Maintenance - \$14,483 (Crossan Park) and \$2,220 (Municipal Building).
 - (d) Atlantic Landscape Company - \$16,816 (Crossan Park) and \$5,472 (Municipal Building).

The Staff recommended that the Board of Supervisors award the Township Property Mowing Contract for Crossan Park to Carter & Son for a quoted price of \$10,430 and to White Clay Lawn Services for the Municipal Building at the quoted price of \$2,325. Mr. Eastburn explained that although Deerfield Mowing had the lowest bid on the municipal bldg. property, they were only interested if they were awarded both bids. On motion by Mr Whipple, seconded by Mr. Overton, the Board awarded the Crossan Park mowing to Carter & Son at \$10,430 and the Municipal Building mowing to White Clay Lawn Services at \$2,325. Motion carried by a vote of 5-0.

3. Weed and Feed for Crossan Park: Bids were received from the following contractors for the four athletic fields at the Park:
 - (a) Chester County Crop Care, Inc. - \$14,892.
 - (b) Atlantic Landscape Company - \$17,925.
 - (c) TruGreen Chemlawn - \$17,946.

The Staff recommended that Chester County Crop Care be awarded the bid for Weed and Feed at a bid price of \$14,892. It was noted that Nancy Bosold of PennState Extension consulted with the Township and recommended the product and the

application rate. On motion by Mr. Whipple, seconded by Mr. Overton, the award for Weed and Feed was given to Chester County Crop Care at the quoted price of \$14,892. Motion carried by a vote of 5-0.

Public Comment: Mr. Olivier asked for clarification of two points in the Manager's Report which were explained by Mr. Ross.

Mr. Ross introduced the subject of the Board considering releasing the Letter of Credit for Lexington Pointe Development. The subject was on the agenda at a previous meeting but was deferred waiting for the applicant to correct the new Letter of Credit to replace the old one. Mr. Ross advised that the letter included a new amount of \$3,488,141.54 with a new date of expiration of August 15, 2009. The Solicitor found the new LOC acceptable and felt release of the \$1,990,912.99 with an effective date of December 26, 2003 to be acceptable. Mr. Whipple was uncomfortable with discussing the release until the expiry date on the latest version of the proposed replacement LOC is clarified, since there has been uncertainty regarding the expiry date on previous versions of the proposed replacement LOC. The item was deferred.

Adjourn:

Mr. Whipple moved to adjourn at 8:31 p.m., seconded by Mr. Hughes. Motion carried by a vote of 5-0. Mr. Whipple advised that an Executive Session with the Township Solicitor is planned following the meeting to discuss potential litigation with the Township Solicitor.

Respectfully submitted,

Stephen J. Ross
Township Mgr./Secretary

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