

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MARCH 19, 2008**

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:03 p.m. Present were Supervisors Norman Hughes, Nan Latimer, Paul Overton and Eric Brindle. Also present were Solicitor Mark Thompson, Engineer Scott Allen of McCormick Taylor, Walt Leis, Hydrogeologist, Tetrahedron Consultants, Inc., Ralph Olivier, Chairman of the Planning Commission, Jeffrey Eastburn, Assistant Township Manager and Sharon Norris, Office Secretary. Mr. Jim Mulry and Ms. Stephanie Skelonis of Mulry & Cresswell were in attendance along with Mr. Dennis Harney of DEP and 17 members of the public. DEP representatives, Ms. Lauren Mapleton and Mr. Walter Payne called to say they would be late. Chairman Whipple announced that the DEP presentation would be delayed pending their arrival and began the meeting with Public Comment. The DEP representatives arrived at approximately 7:40 p.m.

Public Comment: Mr. Whipple explained public comment and said that the A-Plus remediation would have its own public comment with a question and answer period. There was no agenda-related public comment.

Approval of Minutes – February 20, 2008:

On motion by Mr. Whipple, seconded by Mr. Hughes, the minutes of February 20, 2008 were approved as submitted. Motion carried by a vote of 5-0.

Reports:

- a. Treasurer's Report: Mr. Eastburn presented a summary of the February Treasurer's Report. The report included a comparison of fund totals for the same period of 2008 and 2007. The overall total for February 2008 was \$1,720,322.31 compared to \$1,459,776.31 for February 2007. Mr. Whipple moved, seconded by Ms. Latimer, to approve the February Treasurer's Report as presented. Motion carried by a vote of 5-0.
- b. Manager's Report: Mr. Eastburn provided the monthly report of the Manager and Administrative Staff dated March 19, 2008. He highlighted several items including the audit report; the 2008 road program and the Mt. Olivet Road project.
- c. Solicitor's Report: The Board was provided a copy of the confidential report on the status of various projects including pending litigation. Solicitor Thompson advised there was nothing additional to report.
- d. Zoning Officer and Building Inspector Report: Mr. Eastburn provided information from the report prepared by Mr. Brady. This included one

building permit for a new home, 2 decks, 2 roof jobs, a pole barn, 2 permits for school, a renewal of an addition, a driveway, and a demolition permit.

Planning and Zoning:

- a. Planning Commission Report – Meeting of March 6, 2008: Mr. Olivier provided a report of the Planning Commission activities for the month.

- b. A-PLUS Sunoco Remediation Update: Although the Township isn't responsible for the cleanup of the A-Plus Sunoco Station, the Supervisors wanted to create a forum for information exchange regarding the remediation of the site. For that purpose representatives from DEP and the environmental services firm of Mulry & Cresswell (M & C) were invited to attend the meeting. M & C was represented by Mr. Jim Mulry and Ms. Stephanie Skelonis. The DEP representatives, Ms. Lauren Mapleton and Mr. Walter Payne, were detained and arrived during Mr. Mulry's presentation. Mr. Mulry's presentation included the current status of M & C's remedial action plan at the Sunoco site; an explanation of Methyl Tertiary Butyl Ether, known as MTBE, which is the contaminant detected in the test wells and several of the local domestic wells; an explanation of why the offsite MTBE may not have originated at the Sunoco site; and, what M & C's plan is going forward. His presentation was followed by a question and answer period and questions were posed by members of the audience as well as Board members.

Mr. Jim Kerr, 104 Sunset Circle asked if the contamination of test wells could be attributed to past leakage and is there a continuing source of contamination. Mr. Mulry advised that no leaks were detected at the Sunoco site and the fact that the numbers are going down is an indication that there is no constant contamination. Mr. Kerr also asked about the depth of the test wells and whether records are kept regarding the depths of domestic wells. Ms. Mary McVeigh, 202 Sunset Circle asked for clarification regarding the fact that levels of MTBE are decreasing. Mr. John Auerbach asked for the details of the remediation system used. Mr. Paul Gastney asked about vapor discharge.

The end result of the discussion was that the cleanup efforts at the A-Plus Sunoco are going well and the levels of MTBE are reducing. Mr. Payne from DEP stressed that it is important for homeowners to continue to test their private wells for bacteria and chemicals. He also supported the information given by Jim Mulry regarding the sources of MTBE being from vapor lines, piping and pumping connections and auto accidents rather than from underground leaks. Mr. Mulry advised that the next test is scheduled for March 27th. Mr. Overton suggested that those present spread the word that residents who live near the Sunoco, who have not had their wells tested, should call Stephanie Skelonis at M & C to schedule

a test. Mr. Payne invited residents to access additional information by going on the DEP website at www.depweb.state.pa.us, using the hot link button on the left and clicking on "drinking water". A link will be placed on the Township website.

- c. HARB Report: Mr. Olivier provided a report of the March HARB meeting. There were no items on the agenda, however it was noted that three members of the HARB have their homes for sale with one sale pending by month-end; therefore, volunteers are needed to fill these pending vacancies. Mr. Olivier advised that he knew of one interested candidate and Mr. Overton offered that he knew of a possible candidate as well.

New Business:

- a. Bid Award for 2008 Road Maintenance Program: Mr. Eastburn gave an overview of the road maintenance program bidding results. The Township received a record 6 bids with Dan Malloy Paving being the lowest responsible bidder with a base bid of \$465,455. With Add-Alternates A, B, and C Malloy's total bid was \$543,216. This amount is well below the \$620,000 amount budgeted for this project leaving a cushion of \$76,784. Scott Allen of McCormick Taylor discussed how this surplus might be used but recommended waiting until the end of the project to make that decision. The Board has the ability to extend the contract if they so choose. Mr. Allen recommended awarding the bid to Dan Malloy for \$543,216 pending receipt of the necessary documentation as required in the bid package. Mr. Allen's goal is that the project will be completed by Memorial Day. The Escalator Clause was discussed and Mr. Allen explained that PennDOT has a specific formula which is outlined in the Construction Specification Manual. It's based on a monthly asphalt rating index and is used to determine what credit the contractor may be entitled to based on escalating costs of liquid asphalt and fuel. He doesn't think the Escalator Clause will become an issue in this case because of the short duration of the project. Mr. Allen answered the Board's questions regarding when and how residents will be notified of road work in their neighborhoods; Malloy's low bid on Alternate A; and concerns about Auburn Rd. and the Hess Mill Rd. Bridge.

Mr. Whipple moved, seconded by Mr. Brindle, to award the contract for the 2008 Road Maintenance Program, as outlined, to the lowest responsible bidder, Dan Malloy Paving, for the base amount plus Add-Alternates A, B and C, for a total of \$543,216. Motion carried by a vote of 5-0.

- b. Crown Castle International Sublease with Cricket Communications, Inc.:

Mr. Eastburn advised that Solicitor Donohue has examined this information closely and advises that everything is in order. If the Township approves this sublease, the Township will receive \$750/month

plus an additional 4% increase per month. Mr. Whipple moved, seconded by Mr. Overton, that the Chairman of the Franklin Township Board of Supervisors be authorized to execute the Collocation Agreement between Franklin Township and Cricket Communications Inc. The agreement, once executed, authorizes Cricket Communications, Inc. to install the necessary equipment on the Crown Castle tower site in accordance with the conditions as outlined in the Conditions Incorporation Letter, Exhibit "A" to Conditions Incorporation Letter for Collocation Agreement, and the Site License Acknowledgment with Cricket Communications, Inc. The motion passed unanimously.

Public Comment: Mr. Olivier noted there were no extension letters. Mr. Auerbach questioned agenda item labeled "Open Space Appraisals" and was told he had an outdated agenda. Mr. Auerbach commended the "people who worked on the road program" on their "good work" and recommends that we hold the extra money for next year. Dr. Hoffman suggested including a message on testing private wells in the next newsletter and also note this on the website.

Adjourn: Mr. Whipple moved to adjourn at 8:47 p.m., seconded by Mr. Hughes. Motion carried by a vote of 5-0.

Respectfully submitted,

Stephen J. Ross
Township Mgr./Secretary

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