

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
APRIL 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 Eric Brindle. Mr. Overton was conflicted with another meeting. Also present were Solicitor Mark Thompson, Engineer Scott Allen of McCormick Taylor, Engineer Stan Corbett of URS, Engineer Grant Hitchens of Kohli and Associates, Jeff Eastburn, Asst. Twp. Mgr., Ralph Olivier, PC Chair, Phil Geoghegan, Open Space Chair and Steve Ross, Interim Township Manager. There were eight members of the public in attendance.

**Public Comment:** No public comment.

**Approval of Minutes – March 19, 2008:**

On motion by Mr. Whipple, seconded by Ms. Latimer, the minutes of March 19, 2008 were approved as submitted. Motion carried by a vote of 4-0.

**Reports:**

- a. *Treasurer's Report:* Mr. Ross presented a summary of the March Treasurer's Report. The total sum of the balances for the March to March period in 2007 was \$1,986,143.25, and for the same period in 2008 it was \$2,013,749.46. Mr. Whipple moved, seconded by Mr. Brindle, to approve the Treasurer's report. Motion carried by a vote of 4-0.
- b. *Manager's Report:* Mr. Ross provided a summary of the Manager's report. He highlighted several items including the 1<sup>st</sup> qtr. Budget report, 13 developments handled by Staff, maintenance activities at Crossan Park, receipt of the Liquid Fuels Check for \$134,903.45 which will be used for the 2008 Road Program.
- c. *Solicitor's Report:* The Board received a copy of the written report and Mr. Thompson had no additional information to add.
- d. *Zoning Officer/Building Inspector Report:* Mr. Ross provided a summary of the monthly report which included the issuance of four permits, 30 building inspections, two zoning tasks, and four zoning site visits.

**Planning and Zoning:**

- a. Planning Commission Report – Meeting of April 3, 2008: Mr. Ralph Olivier, Chairman of the Planning Commission presented a report of the Planning Commission's activities for the month.
  
- b. Extensions: The following extensions were presented for Board consideration:
  - 1. Megill (Matson property) to June 30, 2008
  - 2. Brothers to August 11, 2008
  - 3. Miller to September 16, 2008
  - 4. Abel to September 18, 2008

Mr. Whipple moved, seconded by Mr. Hughes, to approve the development plan extensions as submitted. Motion carried by a vote of 4-0.

- c. Release of Maintenance Bond – Auburn Hills: The Developer, Wilkinson Builders, is seeking approval from the Township to release the Maintenance Bond for the improvements in the Auburn Hills Development. The Agreement, which was done in accordance with the MPC, established terms by which the Township received a Maintenance Bond in the amount of \$43,211 to be held for a period of 18 months as surety against the completed improvements. The Township Engineer, Kohli & Associates, Inc., in a field report dated January 25, 2008, advised that no pavement failures or abnormalities were noted and it is therefore acceptable to release the amount requested. On motion by Mr. Whipple, seconded by Mr. Hughes, the Administrative Staff is authorized to release the Maintenance Bond for Auburn Hills in accordance with the Maintenance Agreement between Wilkinson Builders and Franklin Township dated September 20, 2006. Motion carried by a vote of 4-0.
  
- d. Colonial Meadows - Release of Surety: Pulte Homes is requesting release of the \$25,000 which was required by the Temporary Sewage Holding Tank Agreement for Lot 35 in Colonial Meadows. On motion by Mr. Whipple, seconded by Ms. Latimer, the Board authorized the Township Administrative Staff to release \$20,000 to Pulte Homes. The amount of \$5,000 is being held for the purpose of paying any additional legal/engineering expenses. It is further recognized that the Temporary Sewage Holding Tank is no longer needed and has been replaced by a permanent on-lot sewage system. Motion carried by a vote of 4-0.
  
- e. Lexington Point – Portion of Lots 30 and 31: This refers to the Developer, Keystone Custom Homes providing a Declaration of Drainage Easement for a portion of Lots 30 and 31. Mark Thompson recommended that two separate Declarations be approved by the Board of Supervisors. Upon

approval, the Developer will have the Declarations recorded and will provide the Township with proof of recording. Upon receipt of the recorded document the Township's Building Official and Sanitary Engineer will provide appropriate permits or letter of acceptance. On motion by Mr. Whipple, seconded by Mr. Brindle, the Board approved the Declaration of Drainage Easements for a portion, or all, of lots 30 and 31 in the Lexington Point Development in a form acceptable to the Township Solicitor. Upon execution of the Agreement by Creek LLC both documents must be recorded at the Chester County Recorder of Deeds and proof of recording provided to the Township for review and acceptance by the Township Building Official and Sanitary Engineer. Once proof of recording is received, the Township's Sanitary Engineer shall provide an appropriate letter of acceptance and the Building Official shall issue building permits. Motion carried by a vote of 4-0.

**Old Business:**

- a. Act 209 Update – Resolution No. 2008-10: Mr. Scott Allen was present to explain the Act 209 Update and what has been recommended by the Impact Fee Advisory Committee. The Committee has been meeting and reviewing options to update the Act 209 Capital Improvement Plan. As required by the MPC, the Act 209 Committee held an advertised public hearing on March 25, 2008 to solicit comments on the CIP. The recommendation from the Committee is to accept the Plan by resolution and have the Solicitor prepare an ordinance that will create new traffic impact fees. On motion by Mr. Whipple, seconded by Mr. Brindle, the Board approved Resolution No. 2008-10 that adopts the Act 209 Capital Improvement Plan. In addition the Board authorized the Solicitor to prepare an ordinance that establishes new Traffic Impact Fees for consideration at the May 21, 2008 meeting. Motion carried by a vote of 4-0.
  
- b. Ordinance Regulating Cable Service: The Solicitor for Franklin Township has worked out an agreement and ordinance with Comcast that will establish rules and regulations relative to providing cable service within Franklin Township. Mr. Ross advised that he has been discussing the ordinance with Kevin Broadhurst of Comcast who is off for a week or two and unable to confirm whether the ordinance is acceptable to Comcast. Therefore, this matter was deferred until May.

**New Business:**

- a. Eagle Scout Project: Mr. Mookie Reich, a candidate for Eagle Scout, was present to discuss a project that he's proposing for developing a landscaped planting island in the front of the Township Building. Following his Power Point presentation Mr. Reich answered the Board's questions. On motion by Mr. Whipple, seconded by Mr. Brindle, the Board accepted the proposed

Eagle Scout project that includes a landscaped decorative garden on Township Property, with the cost to the Township not to exceed \$300. Ms. Latimer and other members of the Board thanked Mr. Reich for his detailed presentation. Motion carried by a vote of 4-0.

- b. Intersection of Routes 896/841: Mr. Scott Allen presented a McCormick Taylor proposal for engineering services related to the development and submission to PennDOT of a signal permit plan for the intersection of Rts. 896 and 841, at a cost of \$4,500. On motion by Mr. Whipple, seconded by Mr. Brindle, McCormick Taylor is authorized to proceed with the preparation of a plan for the installation of flashing warning beacons on Rt. 896 at the approaches to Rt.841. Once plans are prepared the consultant shall coordinate approval with PennDOT and provide the Township with bid specifications. The consultant's cost is not to exceed \$4,500. The funds for the project include a \$20,000 grant by DCED being held by New London Township and \$15,000 from the Township's 2008 budget. Motion carried by a vote of 4-0.
  
- c. Act 537 Plan Special Study: The Township received a cost proposal from URS dated April 7, 2008 to provide Franklin Township with an analysis of existing sewage conditions within the Kemblesville Area. The estimated cost for performing the study is \$12,499 which includes plan preparation, approval process and work schedule. The survey of property owners will be conducted door to door in lieu of a mail survey. Mr. Stan Corbett of URS was present to provide further details and to answer the Board's questions. He explained that the Township is eligible for reimbursement from DEP of 50% of the costs associated with the study as long as they approve the plan. The study was requested by DEP in order to further Franklin Township's ongoing efforts to achieve 100% approval of its draft Act 537 Plan. On motion by Mr. Whipple, seconded by Mr. Brindle, the Board authorized URS to proceed with preparation of a Plan of Study and Task Activity Report at a cost not to exceed \$12,499 and complete the scope of work within a four month period, but subject to receiving approval from DEP before commencing the study. Motion carried by a vote of 4-0.
  
- d. Crown Castle-Verizon Agreement: A consent agreement between Franklin Township and Crown Castle that would permit Verizon to sublease space and install an antenna on the monopole located at Crossan Park was presented for discussion. The Township Solicitor has reviewed the letter and documents from Crown Castle dated March 24, 2008 and have found them to be acceptable. On motion by Mr. Whipple, seconded by Ms. Latimer, the Board authorized the appropriate Township official to execute the consent letter from Crown Castle dated March 24, 2008 allowing Verizon to occupy space on the Crown Castle monopole located at Crossan Park. Motion carried by a vote of 4-0.

- e. Tourist Oriented Directional Sign (TODS): Dr. David Hoffman, President of Paradox, provided a letter dated April 8, 2008 requesting the Township to approve the installation of directional signs under the PennDOT TODS program. The signs will provide directional information on the location of the Paradox Vineyards. The Township is requested to sign a letter that will be sent to PennDOT advising there are no objections to the proposed signs and six locations as noted in the application from Paradox Vineyards. The Township received a letter from Mr. George Endy, LTL Consultants advising that Franklin doesn't have jurisdiction in the matter since the sign locations are all within the PennDOT right-of-way and not on private property. On motion by Mr. Whipple, seconded by Mr. Hughes, the Board authorized the appropriate Township officials to sign and execute the application to PennDOT enabling Paradox to enter into the TODS directional sign program. Motion carried by a vote of 4-0.
  
- f. Agricultural/Conservation Easement Acquisition: Mr. Phil Geoghegan, Chairman of the Open Space Committee, advised that Chester County has made an offer for an agricultural easement on a 25 acre property located in Franklin Township. This is the first time a property owner in FT has been selected to participate in the County's Agricultural Preservation Program. The cost of the easement is \$44,000 which is somewhat lower than expected. Mr. Geoghegan recommends that the Board approve the Agreement. Mr. Whipple moved, seconded by Mr. Hughes, to authorize the Township to execute the appropriate documents accepting the County's offer of an Agricultural Easement on the approximate 25-acre parcel located south of Churchill Rd., at a cost not to exceed \$44,000 of the Township's Open Space Fund. Motion carried by a vote of 4-0.
  
- g. Grant Application – Resolution 2008-11: This refers to a Grant Application to be filed with DCNR for the purchase of a 100-acre parcel located on the north side of Parsons Road. Mr. Whipple moved, seconded by Mr. Brindle to approve Resolution No. 2008-11 authorizing the filing of an application to DCNR to acquire a parcel of approximately 100 acres located on the north side of Parsons Road. Motion carried by a vote of 4-0.

**BOS Workshop Meeting 4/09/08 – Agenda Item (c) under New Business:**

Mr. Ross recommended that Mr. Whipple consider amending his motion made at the 4/9/08 BOS Meeting on the acquisition of the Goodwin 17-Acre Tract, by increasing the authorized amount from \$28,000 to an amount not to exceed \$28,500.

Since this was not an agenda item for tonight's meeting, Mr. Whipple asked if there was any Public Comment on this item before proceeding. There being no Public Comment, Mr. Whipple moved, seconded by Ms. Latimer, to amend his 4/9/08 motion on the acquisition of the Goodwin 17-Acre Tract by increasing the

**APPROVED**

amount from \$28,000 to an amount not to exceed \$28,500. The amended motion passed unanimously.

**Public Comment:**

Phil Geoghegan mentioned another parcel being sought by the Open Space Committee and asked the Board who they recommend as the negotiator.

Mr. Earl Hatton thanked the Board of Supervisors for accepting the Act 209 report. Also, he thanked the Board for supporting the Eagle Scout Project.

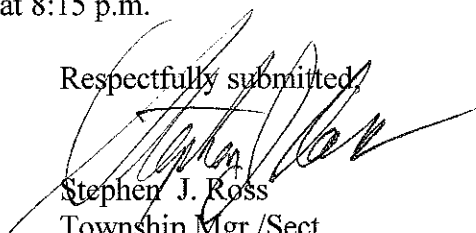
Several Board members commented on the various scout troops that are active in the area and made suggestions regarding how the Township can support them by providing opportunities for projects going forward.

Mr. Olivier provided a report on his recent visit to a public meeting in New Garden Township where PennDOT proposed a plan for repairing the historic Landenberg Bridge.

Dr. Hoffman mentioned that Paradox Vineyards is sponsoring a roadside cleanup on Saturday April 19<sup>th</sup>, followed by pizza and wine.

**Adjourn:** Mr. Whipple adjourned the meeting at 8:15 p.m.

Respectfully submitted,

  
Stephen J. Ross  
Township Mgr./Sect.

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