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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES SEPTEMBER 17, 2008

### **Call to Order:**

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Norman Hughes, Eric Brindle and Paul Overton. Ms. Latimer was not present since she was attending an out-of-town open space seminar. Also present were Ralph Olivier, Planning Commission and Historical Commission/HARB Chairman, Scott Allen, Engineer McCormick Taylor, Sandi Morgan, Engineer URS, Mark Thompson, Solicitor and Stephen Ross, Interim Township Manager. There were 3 members of the public in attendance.

### **Public Comment:**

Chairman Whipple announced that the agenda item concerning Act 209 would be moved forward in order to accommodate the court reporter who was present for that topic.

*Public Hearing Act 209 – Traffic Impact Fee:* Solicitor Mark Thompson opened the hearing and advised the Board that they must first approve the revised Transportation Capital Improvements Plan (TCIP) prior to approving the Act 209 Ordinance. The Board had previously approved a TCIP in April, 2008 (Resolution 2008-10). Mr. Scott Allen of McCormick Taylor advised that after further discussion and at the direction of the Board, it was decided that the numbers used in the original TCIP should be adjusted due to rising construction costs. The Act 209 Committee held a public hearing on August 18, 2008 at which they approved the revised TCIP. The revised TCIP was available for public view at the Township office for 10 days prior to the August 18<sup>th</sup> public hearing, which is a requirement of Act 209. Mr. Thompson recommended that the Board approve Resolution 2008-18, adopting the revised TCIP. Mr. Thompson advised that Resolution 2008-18, by its language, supersedes Resolution 2008-10. Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Resolution 2008-18 adopting the Transportation Capital Improvements Plan in conjunction with Act 209 Planning. There was no public comment offered. The motion passed unanimously.

Regarding the enactment of the Act 209 Ordinance, Mr. Thompson advised that the Ordinance was duly advertised for tonight's public hearing and has been available at the Township Office for 10 days prior to tonight's hearing for public review. Mr. Thompson marked the following as the Exhibits of Record for tonight's hearing: The Ordinance as T1; Proof of Publication in the Daily Local as T2; Letter from Mr. Thompson to Daily Local T3; full copy of the Ordinance & public notice itself as T4; letter to Chester County Law Library enclosing copy of the Ordinance as T5; Resolution 2008-18 approving the TCIP as T6; record of the Act 209 Committee hearing on 8/18/08 as T7; proof of publication of that hearing as T8. He stated that the trip valuation numbers are as follows: The Impact Fee for the East Zone is \$3,510.60/trip and the West zone is \$667.41/trip. Mr. Thompson recommended to the Board that they consider the Ordinance for enactment. Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Ordinance 2008-02, an Ordinance pursuant to the authority of Act 209 of 1990 and Article V.A. of the PA MPC imposing

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a traffic impact fee upon new development in Franklin Township, Chester County, Pennsylvania. There was no public comment offered. Motion carried unanimously.

Mr. Thompson closed the public hearing.

## **Approval of Minutes:**

On motion by Mr. Whipple, seconded by Mr. Overton, the Minutes of August 20, 2008 were approved as submitted. Motion carried by a vote of 4-0.

## **Reports:**

- A. Treasurer's Report: The monthly report contains financial information including monthly disbursements and revenues, budget information, and fund balances. The current balance for all funds is \$2,045,780.33. On motion by Mr. Whipple, seconded by Mr. Overton, the August 2008 Treasurer's Report was approved as prepared by the Township Treasurer. Motion carried by a vote of 4-0.
- B. Manager's Report: Mr. Ross provided a brief synopsis of the monthly report which includes activities of the Manager and the Staff during the month. He highlighted the following: Meetings with banks and investment bankers; review of document management systems; activities related to developments, the park and road projects.
- C. Solicitor's Report: Mr. Thompson advised that everything is covered in his report which was provided to the Board in advance.
- D. Zoning Officer/Bldg. Inspector Report: Mr. Ross provided a summary of Mr. Brady's report which includes issuance of four building permits totaling receipts of \$160 and \$200 in Miscellaneous Fees. There were 48 building inspections, 14 zoning tasks, 1 zoning site visit and no historical architectural review board activities.

## **Planning and Zoning Activities:**

- A. Planning Commission Report: Mr. Olivier advised that the September 4<sup>th</sup> meeting of the Planning Commission was cancelled.
- B. HARB/Historical Commission Report: Mr. Olivier presented a report of the September 16, 2008 meeting. He advised of the resignation of Wendy Toman from the HARB and the Historical Commission and on behalf of both organizations he recommended to the Board that they recognize Mrs. Toman's service to the Township. In addition the HARB moved to recommend that the Board appoint Paul Lagasse to the HARB. Mr. Whipple asked Mr. Olivier to arrange to have Mr. Lagasse appear at a future BOS meeting.
- C. Extensions: Mr. Whipple announced that the Township received extension requests for the following Subdivision and Land Development Plans:
  - 1. Hess Mill Lots 6 & 8 to December 19, 2008
  - 2. Megill to December 31, 2008
  - 3. Sarana (Davis) to December 24, 2008
  - 4. Fisher Property (101 Stonegate) to December 24, 2008
  - 5. Christens Property to December 24, 2008

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6. Logan Property to December 24, 2008
7. Abel Property to March 20, 2009

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

Attorney Greg Adelman was present representing Keystone Custom Homes (Lexington Point) regarding the need to request an extension of the pump and haul permit that DEP had issued for that subdivision. Mr. Adelman was reminded that the day before the meeting, 9/16/08, the Township had received requested information from Keystone such that the Township was now in a position to forward a permit extension request to DEP. This information included a Keystone prepared "Build-Out Schedule", dated 9/15/08 that the Township needed in order to make an extension request to DEP. It was the consensus of the Board that the needed pump and haul extension request should be promptly forwarded to DEP. The existing pump and haul permit expires 9/30/08.

Mr. Adelman reported that his clients were making progress on the construction and eventual testing of the pump and haul infrastructure that needs to be installed, tested and inspected in order for any Certificates of Occupancy to be issued for the Lexington Point subdivision. Mr. Adelman was reminded, and Mr. Adelman acknowledged that the water service provided by Chester Water Authority to the Lexington Point subdivision also needed to be fully operational before any Certificates of Occupancy could be issued.

Mr. Adelman was advised that Engineer Morgan had crafted, and Solicitor Thompson was reviewing, a series of "benchmarks" that specified how far along construction of the full sewer plant needed to be in order to continue obtaining Building Permits and Certificates of Occupancy. The purpose of the benchmarks is to ensure that construction of the sewer plant moves in parallel with the construction of housing units such that, when sufficient housing units are built in order to activate the sewer plant, the sewer plant would be fully constructed, tested and inspected. Mr. Adelman acknowledged that insuring a parallel path such as this was a reasonable and responsible approach by the Township.

In further discussion concerning the importance of timely construction of the sewer plant, Mr. Adelman mentioned that he believed his client had awarded a contract for the construction of the sewer plant. Engineer Morgan advised that her understanding was that such a contract had not yet been officially awarded. Engineer Morgan also noted that she still had not received certain needed construction drawings. Mr. Adelman provided assurances that he would verify with his client whether a construction contract had been awarded and he would also encourage his client to provide any needed drawings or documentation to Engineer Morgan.

## **Old Business:**

### A. *Cable Ordinance Regulations:*

Mr. Ross explained that an ordinance for Franklin Township is being proposed that will supersede the previous ordinance 89-08 regulating the activities of

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cable TV in the Township. On motion by Mr. Whipple, seconded by Mr. Brindle, the Township staff was authorized to advertise the ordinance regulating cable service for a future Board meeting. Mr. Hughes advised that he needs more time to review the ordinance and he might have questions regarding certain provisions contained in the ordinance. The motion was withdrawn. The Board deferred taking action until all Board members have had more time to fully study any Cable Ordinance that will eventually be advertised.

## **New Business:**

- A. Mt. Olivet Culvert Repair: Mr. Ross explained that a study was prepared by Mr. Scott Allen regarding three options for repair of the damaged culvert on Mt. Olivet Road. Mr. Allen explained the various scenarios to repair or install a new pipe. The three scenarios include the following:

1. Repair of the existing structure.
2. Removal of the existing structure and replacement with a pipe.
3. Installation of a pipe sleeve within the existing structure.

There was discussion that, given the costs of all three options, the Board may need to consider at least temporarily closing the roadway, beyond the emergency closing that is currently in effect. In order to make the most informed decision possible, the Board requested that Engineer Allen develop an "all costs included" estimate for option #2, which is apparently the least costly approach. The Board further requested Solicitor Thompson to provide them with additional information on the other possible options, e.g. closing just the culvert area; closing the entire roadway; temporarily closing the roadway; permanently closing the roadway; etc.

- B. Agreement with Keystone Municipal Services: Mr. Whipple moved, seconded by Mr. Hughes, to terminate the agreement between Franklin Township and Keystone Municipal Services for Interim Management Services to be effective October 17, 2008. Motion carried by a vote of 4-0.

- C. HARB Certificate of Appropriateness: Mr. Olivier explained that the HARB reviewed the request from Xavier Aizpuru and Leigh Hogben, 3317 Appleton Road, Landenberg, requesting approval for the following:

1. Removal of two diseased trees on the property.
2. Add a car turnaround area to the existing driveway for vehicles to safely exit the driveway.
3. Add a board rail fence with wire mesh on lower half around the perimeter of the property.
4. Replace the existing railroad ties and add new railroad ties around the driveway expansion.

The HARB's recommendation to the Board of Supervisors is to grant a Certificate of Appropriateness for the following:

1. Removal of two diseased trees on the property.
2. Installation of driveway modifications and turnaround.
3. Add a board rail fence with wire mesh on lower half around the perimeter of the property.

Mr. Whipple moved, seconded by Mr. Hughes, to grant a Certificate of Appropriateness to Mr. Xavier Aizpuru and Leigh Hogben for the property at 3317 Appleton Road. Motion carried by a vote of 4-0.

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## **Public Comment:**

Mr. Earl Hatton questioned whether Verizon was offering FIOS in Franklin. The Board members offered an explanation of the conditions to Mr. Hatton.

## **Adjourn:**

On motion by Mr. Whipple, seconded by Mr. Brindle, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Stephen J. Ross  
Interim Township Mgr./Sect.

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