

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES November 19, 2008

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:05 p.m. Present were Supervisors Nan Latimer, Norman Hughes, and Eric Brindle. Supervisor Overton arrived at 7:07, prior to any action being taken. Also present were Solicitor Mark Thompson; Assistant Township Manager, Jeff Eastburn; Planning Commission Chairman, Ralph Olivier; and, Township Secretary, Sharon Norris. There were 5 members of the public in attendance.

Public Comment: No public comment.

Approval of Minutes:

On motion by Mr. Whipple, seconded by Mr. Brindle, the Minutes of October 15, 2008 were approved as presented. Motion carried by a vote of 5-0.

Reports:

Treasurer's Report: The monthly report contains a total fund balance of all funds of \$2,409,884.81. On motion by Mr. Whipple, seconded by Mr. Hughes, the October 2008 Treasurer's Report including disbursements from the General Fund totaling \$130,268.76, the Park & Rec Fund totaling \$15,015.99, the Open Space Fund totaling \$9,729.05 and the Emergency Services Fund totaling \$29.99, was approved as prepared by the Township Treasurer. Motion carried by a vote of 5-0.

Solicitor's Report: Mr. Thompson advised that everything is covered in his report which was provided to the Board in advance of the meeting.

Zoning Officer/Bldg. Inspector Report: Mr. Whipple provided a summary of the Zoning Officer's report which includes the issuance of 8 building permits, total building fees of \$60, miscellaneous fees of \$526, and 43 building inspections were conducted.

Planning and Zoning:

- A. *Planning Commission Report:* Mr. Olivier provided a summary of the activities discussed at their November 6, 2008 Planning Commission meeting which included a public hearing on the amendments to the Zoning and SALD ordinances.
- B. *HARB/Historical Commission Report:* Mr. Olivier advised that the Historical Commission did not meet this month. The HARB met November 18, 2008. Two items were discussed as follows: Mr. Kidder met with a member of PennDOT and they have identified the sites where the Historical District signs will be installed by PennDOT. The second item discussed was a Certificate of Appropriateness Application from Mr. Philip Eastburn of 3307 Appleton Road

APPROVED

who has applied to do repair of exterior stucco on his house. Since it is simply a repair of existing materials, the HARB dispensed with the normal adjudication process and recommends to the Board that the Certificate of Appropriateness be granted. Mr. Whipple moved, seconded by Mr. Brindle, that following the recommendation of the HARB, a Certificate of Appropriateness be granted for repair and restoration to the existing stucco exterior cladding of the dwelling at 3307 Appleton Rd. Motion passed 5-0.

Old Business:

A. Cable Ordinance 2008-03: Mr. Thompson advised that this Ordinance is enacted under the Second Class Township Code and applies specifically to Comcast of Southeast Pennsylvania, LLC. It permits the Township to provide franchises for cable operations in the Township. Attached to the Ordinance is an Agreement to be considered along with the Ordinance which allows Comcast to have a franchise in Franklin Township. For purposes of the record Mr. Thompson marked the following exhibits:

- Exhibit #1 is the actual proposed Ordinance which has been previously reviewed by the Board and was duly advertised;
- Exhibit #2 is the public notice which was sent to the Daily Local News;
- Exhibit #3 is the Solicitor's letter to the Daily Local News providing the public notice;
- Exhibit #4 is the Solicitor's letter to the Chester County Law Library;
- Exhibit #5 is the actual advertisement in the Daily Local News. The Proof of Publication will be incorporated in Exhibit #5 when it is received.
- Exhibit #6 is e-mail correspondence with the Daily Local News.

Mr. Thompson advised that the Ordinance and the Exhibits are for the Board's consideration along with the Agreement with Comcast which is a 15 year agreement with 5-year renewal provisions. The solicitor asked for comments from the public.

Hearing none, Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Ordinance #2008-03, an Ordinance regulating cable service pursuant to the Township's power to regulate use of the public rights-of-way, exercise the Township's general police powers, enforce pertinent sections of the Second Class Township Code, and exercise authority to grant a non-exclusive franchise for the provision of cable service pursuant to federal and state law. Motion passed 5-0.

Mr. Whipple moved, seconded by Mr. Brindle, to approve the Franchise Agreement between Franklin Township and Comcast of Southeast Pennsylvania, LLC, dated 19 November, 2008. Motion passed 5-0.

Chairman Whipple recognized the court reporter who was present for the next discussion regarding Zoning Ordinance Amendments.

B. Zoning Ordinance Amendment: Solicitor Thompson acknowledged that there are three ordinances to be considered. Two are Zoning Ordinance Amendments and one is an amendment to the Subdivision and Land Development Ordinance (SLDO).

APPROVED

Zoning Ordinance Amendment – No. 2008-04: Solicitor Thompson advised that all the necessary steps have been taken under the MPC to ensure that the Zoning Ordinance Amendment is enacted pursuant to the proper procedure. The provisions of the ordinance were drafted in conjunction with a county grant program through Tom Comitta's office, working with the Township Planning Commission. The ordinance provides revisions to the environmental provisions of the ordinance which provide for the protection of certain environmentally sensitive lands. The many revisions to the ordinance are outlined individually in the public notice. The ordinance is embodied in codified Chapter 27. The Exhibits are numbered T1-T15, as follows:

- Exhibit T1 is the original letter dated August 15, 2008 to the Chester County Planning Commission (CCPC) enclosing this ordinance.
- Exhibit T2 is the review letter from CCPC dated August 25, 2008. This letter recommends approval of the ordinance finding it consistent with the planning document for the County.
- Exhibit T3 is the Franklin Township Planning Commission meeting minutes of October 2, 2008.
- Exhibit T4 is a letter to the CCPC dated October 20, 2008 again providing the ordinance along with the cover ordinance.
- Exhibit T5 is a letter to the Daily Local News requesting that a public notice advertising the PC meeting on November 6, 2008 be published two times.
- Exhibit T6 is the actual public notice advertising the public meeting that was held by the PC on November 6, 2008.
- Exhibit T7 is the Proof of Publication of that public notice.
- Exhibit T8 is the proposed motion of the Township PC which was considered by the PC at their November 6th meeting.
- Exhibit T9 is the Minutes of the PC meeting of November 6, 2008 whereby they made a recommendation to the Board.
- Exhibit T10 is a November 4th letter to the Daily Local News requesting that the public notice for this ordinance be published twice – Nov. 5 and 8 for enactment at tonight's hearing.
- Exhibit T11 is a letter to the CC Law Library providing a full copy of the ordinance.
- Exhibit T12 is the actual 4-page public notice itself for the ordinance.
- Exhibit T13 is the public notice itself and the Proof of Publication.
- Exhibit T14 is a letter from the CCPC dated November 17, 2008 reviewing for the second time the submittal of the Township and again recommending that the BOS enact it, finding it consistent with the County planning document.
- Exhibit T15 is a copy of the ordinance itself along with a full copy of what was submitted to the PC. The proposed Zoning Ordinance Amendments document which was submitted by Thomas Comitta Associates. It's the 9th draft dated August 8, 2008 provided to us by Keystates Publishers. All of the ordinance amendments are worked into this document.

This is being enacted as an amendment to the Zoning Ordinance providing for a new numbering system, known as Chapter 27, Parts 1 – 26.

The solicitor asked for comments from the public.

APPROVED

Hearing none, Mr. Whipple moved, seconded by Mr. Hughes, to adopt Ordinance 2008-04, an Ordinance of Franklin Township, Chester County, Commonwealth of Pennsylvania, pursuant to the authority of the Pennsylvania Municipalities Planning Code, amending the Franklin Township Zoning Ordinance, to revise the current sections to refer to Chapter 27, Parts 1 through 26 and to revise specific sections of the Zoning Ordinance as identified in the proposed Zoning Ordinance Amendments appended hereto and incorporated herein. Motion passed 5-0.

SLDO Amendment – No. 2008-05: The Solicitor advised of the following exhibits to the Subdivision and Land Development Ordinance Amendment:

- Exhibit T1 is a letter to the CCPC dated August 15, 2008 providing them with the ordinance and the attachments.
- Exhibit T2 is a letter from the CCPC dated September 25, 2008 recommending that Township enact the ordinance and finding it consistent with the County's planning document.
- Exhibit T3 is the meeting minutes from the PC's October 2nd meeting.
- Exhibit T4 is a letter to the CCPC dated October 20, 2008 providing the ordinance and attachments.
- Exhibit T5 is a letter to the Daily Local News dated October 22, 2008 advertising the public meeting of the PC whereby this ordinance was considered.
- Exhibit T6 is a public notice dated November 6, 2008 advertising the public meeting of the PC on November 6th.
- Exhibit T7 is the Proof of Publication of the November 6th meeting notice.
- Exhibit T8 is the proposed motion that was considered by the PC at their November 6th meeting.
- Exhibit T9 is the minutes from the November 6th PC meeting.
- Exhibit T10 is a letter to the Daily Local News dated November 5, 2008 providing the notice for this particular ordinance.
- Exhibit T11 is a letter to the CC Law Library providing the ordinance.
- Exhibit T12 is the public notice itself.
- Exhibit T13 is the Proof of Publication of tonight's hearing for this ordinance.
- Exhibit T14 is a letter from the CCPC dated November 17, 2008 recommending that the Board consider the ordinance for enactment and finding it consistent with the landscapes planning document.
- Exhibit T15 is the proposed ordinance with the attached proposed subdivision and land development ordinance amendments dated August 8, 2008, prepared by Comitita Asso., of the final document being prepared by Keystates Publishers which is incorporated as part of the ordinance that is proposed for enactment tonight.

The Solicitor asked for comments from the public.

Hearing none, Chairman Whipple moved, seconded by Mr. Brindle, to approve Ordinance No. 2008-05, an ordinance of Franklin Township, Chester County, Commonwealth of Pennsylvania, pursuant to the authority of the Pennsylvania MPC, amending the Franklin Township Subdivision and Land

APPROVED

Development Ordinance, to revise the current sections to refer to Chapter 22, Parts 1 through 10 and to revise specific sections of the subdivision and Land Development Ordinance as identified in the proposed amendments appended hereto and incorporated herein.
Motion passed unanimously.

Zoning Map – No. 2008-06: The Solicitor advised that when the original ordinance was sent to the CCPC on August 15, they made recommendations regarding 4 particular provisions as proposed by the Township. These recommendations involved Sections 202, 302, 1514 and 1606. Although the revisions were minor, the Solicitor felt it was prudent to re-advertise a 2nd ordinance in order to effectuate these provisions in the document. The Exhibits are numbered T1 through T15 as follows:

- Exhibit T1 is a letter to the CCPC dated August 15, 2008 providing them with the ordinance and the attachments.
- Exhibit T2 is a letter from the CCPC dated September 25, 2008 recommending that Township enact the ordinance and finding it consistent with the County's planning document.
- Exhibit T3 is the meeting minutes from the PC's October 2nd meeting.
- Exhibit T4 is a letter to the CCPC dated October 20, 2008 providing the ordinance and attachments.
- Exhibit T5 is a letter to the Daily Local News dated October 22, 2008 advertising the public meeting of the PC whereby this ordinance was considered.
- Exhibit T6 is a public notice dated November 6, 2008 advertising the public meeting of the PC on November 6th.
- Exhibit T7 is the Proof of Publication of the November 6th meeting notice.
- Exhibit T8 is the proposed motion that was considered by the PC at their November 6th meeting.
- Exhibit T9 is the minutes from the November 6th PC meeting.
- Exhibit T10 is a letter to the Daily Local News dated November 5, 2008 providing the notice for this particular ordinance.
- Exhibit T11 is a letter to the CC Law Library providing the ordinance.
- Exhibit T12 is the public notice itself.
- Exhibit T13 is the Proof of Publication of tonight's hearing for this ordinance.
- Exhibit T14 is a letter from the CCPC dated November 17, 2008 recommending that the Board consider the ordinance for enactment and finding it consistent with the landscapes planning document.
- Exhibit T15 is the proposed ordinance itself. The one thing this ordinance does that was not considered by the PC is it makes reference to the existing zoning map. The Township did not have an updated zoning map. Thomas Comitta took the revisions that were made by the ordinances enacted over the years and put all of those revisions into an existing zoning map. No zoning districts have been added or changed.

Solicitor Thompson asked for comments from the public.

APPROVED

There being none, Chairman Whipple moved, seconded by Supervisor Latimer, to adopt Ordinance 2008-06, an Ordinance of Franklin Township, Chester County, Commonwealth of Pennsylvania, pursuant to the authority of the Pennsylvania MPC amending the Franklin Township Zoning Ordinance, Chapter 27, sections 202, 302, 1514 and 1606. Motion passed unanimously.

Solicitor Thompson closed the public hearing.

Mr. Kevin Broadhurst, Director of Government Affairs and Community Relations for Comcast Cable in Chester County arrived at 7:38 p.m. Chairman Whipple advised him that the Cable Ordinance, as advertised, was adopted earlier in the meeting. Mr. Broadhurst talked about the upcoming transition from analog to digital TV broadcasting and explained the options available to the public. He offered to answer questions from the public and received a complaint from Mr. Olivier which he said he would take care of.

New Business:

- A. Debt Ordinance – No. 2008-07: The Solicitor advised that the ordinance was duly advertised and published on November 16, 2008 through DelVal Financing. The agreements associated with this ordinance have been reviewed and found to be acceptable by the Solicitor and it is recommended that the Board consider this ordinance for adoption.

Mr. Whipple moved, seconded by Supervisor Latimer, that the Board adopt Ordinance No. 2008-07, an ordinance that authorizes the incurrence of non-electoral debt by the Township of Franklin pursuant to the issuance of the General Obligation Notes, 2008 Series in the aggregate par amount of \$3,500,000 and approves certain capital projects; approves the negotiated sale of the 2008 Notes to the Delaware Valley Regional Finance Authority; approves the substantial forms of the loan document and authorizes execution and delivery of all necessary documents; states the amortization schedule and maximum annual debt service payments; authorizes and awards a transaction under a qualified interest rate management agreement and authorizes and directs a filing to the Department of Community and Economic Development; pledges the full faith, credit, and taxing power of the Township for the timely repayment of the 2008 Notes, including the regularly scheduled payments due under the qualified interest rate management agreement; Covenants to pay any termination charges, creates and appoints a sinking fund depository; authorizes the application for approval of the issuance of the 2008 Notes to the Department of Community and Economic Development; authorizes advertisement of enactment; and repeals inconsistent ordinances. Motion passed unanimously.

- B. Master Casting Agreement - Resolution No. 2008-21: The Solicitor explained that this agreement authorizes PennDOT, when doing work on a state road, to concurrently perform any work that they or the Township deem necessary on a particular utility conveyance that may be located in the state road right-of-way. The Township doesn't have any utility conveyances at this time, but may in the future. Solicitor Thompson advised that he has reviewed the agreement, discussed the issues that the agreement presents with Township Consultant Scott Allen, and finds it acceptable.

APPROVED

Chairman Whipple moved, seconded by Supervisor Hughes, to approve Resolution 2008-21 authorizing Franklin Township to enter into an agreement with PennDOT entitled "Master Agreement for Adjustment of Incorporated Utility Facilities 2008-2011". Motion passed unanimously.

Executive Session:

The Chairman announced an Executive Session after the regular meeting to discuss potential acquisition of real property and other potential litigation matters.

Public Comment: A group of "Brothers Riding" residents which included Heather and Michael Blansfield, Kara Korengel and Wayne Hunter were present at the meeting. Heather Blansfield advised the Board that there has been a rash of break-ins of both homes and automobiles in Brothers Riding over the past year. Mrs. Blansfield stated that residents are frustrated by what they perceive as a lack of interest and/or action on the part of the state police. Mr. Hunter expressed concern that the residents will take matters into their own hands and someone will get hurt. Chairman Whipple strongly encouraged them to make an appointment with Lt. Snead of the Avondale Barracks whom he has always found to be very responsive to the needs of the communities served by Avondale State Police. He suggested that they go as a group and convey to Lt. Snead all the information they have as well as their concerns regarding their perception of a lack of interest or action from the police. Mrs. Korengel asked for advice about forming a neighborhood watch. Mr. Brindle provided a pamphlet to Mr. Hunter with guidelines for organizing a neighborhood watch as well as suggestions regarding posting signs advising the public that the neighborhood is protected in that way. Other suggestions were made by members of the Board including the installation of surveillance cameras and motion lights. Mr. Hunter thanked the Township for installing new street signs and asked for a description of the contractor's vehicles so that residents can eliminate the contractor from suspicion. Mr. Eastburn will provide this information to Mr. Hunter. Mrs. Korengel asked about having speed bumps installed in the development. Mr. Whipple stated that the Township favors other ways of controlling speeders because of the potential for damage to snow plows and emergency response vehicles from attempting to navigate the speed bumps.

Adjourn: On motion by Mr. Whipple, seconded by Mr. Hughes, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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