

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES December 10, 2008

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Norman Hughes, Paul Overton and Eric Brindle. Supervisor Latimer was absent. Also present were Solicitor Mark Thompson; Assistant Township Manager, Jeff Eastburn; Open Space Chairman, Phil Geoghegan; Township Treasurer, Joan McVaugh; and Township Secretary, Sharon Norris. There were 2 members of the public in attendance.

Announcements: Chairman Whipple announced that the December 17th BOS Meeting is tentatively cancelled at this time. A final decision will be made later in the month. Chairman Whipple also announced an Executive Session following tonight's meeting to discuss legal issues.

Public Comment: No public comment.

Approval of Minutes

Minutes of November 12, 2008: On motion by Mr. Whipple, seconded by Mr. Brindle, the Minutes of the November 12, 2008 BOS Meeting were approved as presented. Motion carried by a vote of 4-0.

Minutes of November 19, 2008: On motion by Mr. Whipple, seconded by Mr. Brindle, the Minutes of November 19, 2008 were approved as presented. Motion carried by a vote of 4-0.

Reports:

Treasurer's Report: Mr. Eastburn advised the Board as follows: Current balance for all funds total \$2,364,938.54 compared to \$1,825,628.93 for the same period last year Disbursements: General Fund - \$115,590.19; Park & Rec. - \$13,611.67; Open Space - \$1,529.38; Capital Reserve Fund - \$2,239.08; Emergency Services Fund - \$29.99. Mr. Whipple moved, seconded by Mr. Brindle, to approve the November 2008 Treasurer's Report as presented by the Township Treasurer including fund balances and cash disbursements as reported by Assistant Mgr. Eastburn. Motion carried unanimously.

Solicitor's Report: Mr. Thompson advised that he had one addition to his report which is the rescheduling of Paradox Vineyard's appeal before the Zoning Hearing Board which has been continued to January 2009, specific date to be decided.

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Zoning Officer/Bldg. Inspector Report: Mr. Eastburn advised that seven permits were processed for a total of \$1,883.70; Miscellaneous Fees totaled \$829.50; and, 28 building inspections were conducted.

Planning and Zoning:

- A. Planning Commission Report: Mr. Brindle provided a summary of the activities discussed at their December 4, 2008 Planning Commission Meeting, including the PC's recommendation to the BOS to approve the Brothers Property Subdivision.

New Business:

- A. Right To Know – Resolution Nos. 2008-22 and 2008-23: Mr. Eastburn advised the Board that the new Right-To-Know law goes into effect January 1, 2009. The Solicitor has provided two resolutions for the purpose of implementing the Act, as follows: Resolution 2008-22 provides for the appointment of an Open Records Officer and a Deputy Officer who shall be responsible for the implementation and administration of the Right-To-Know Act of February 14, 2008. Resolution 2008-23 establishes a policy and procedure for the release to the public of public records in the custody of Franklin Township. Solicitor Thompson explained the significant differences between the new law and that which has been in effect thus far, which are the right of appeal and the presumption that all records are public with the burden of proof being on the Township to prove otherwise.

Mr. Whipple moved, seconded by Mr. Brindle, to adopt Resolution 2008-22, a Resolution appointing Jeffrey P. Eastburn as Franklin Township's Open Records Officer and Sharon Norris as the Deputy Open Records Officer. The motion passed unanimously.

Mr. Whipple moved, seconded by Mr. Brindle, to adopt Resolution 2008-23, to comply with the Right-To-Know Act of 2008 by establishing a procedure for the release to the public of public records. Motion carried unanimously.

- B. Tax Levy - Resolution 2008-24: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Tax Levy Resolution No. 2008-24 setting the Township's real estate tax millage for 2009 at a total of 3.083 mills, broken down as follows:

- General Purposes 1.913 mills
- Emergency Services .400 mills
- Park & Rec .270 mills
- Open Space .500 mills

Motion passed unanimously.

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- C. 2009 Budget Adoption – Resolution 2008-25: Treasurer Joan McVaugh advised that the total budget is the same as presented at the last meeting. Total expenditures are budgeted at \$10,370,035; total Cash & Revenue \$11,154,387.67; Cash Balance at end of 2009 is expected to be \$784,352.67. There are no additions or changes. Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Resolution 2008-25 adopting the 2009 Budget for Franklin Township. The motion carried unanimously.
- D. Authorized Signers – Resolution 2008-26: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Resolution 2008-26 designating those Township officials who are authorized signers for the Township funds and accounts. Mr. Whipple pointed out that the Resolution adds the Treasurer as a signer and specifies that the Township Treasurer always be a signer along with two Board members. The Motion passed unanimously.

Planning & Zoning

A. Escrow Releases:

Escrow Release #7 – Laurel View: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Escrow Release #7 for Laurel View in the amount of \$8,143.17. Motion carried unanimously.

Escrow Release #21 – Colonial Meadows: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Escrow Release #21 for Colonial Meadows in the amount of \$12,000. Motion carried unanimously.

Escrow Release #11 – White Clay Knoll: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Escrow Release #11 for White Clay Knoll in the amount of \$60,050. Motion carried unanimously.

Lexington Point: Chairman Whipple advised that the Township received an escrow release adjustment request from Lexington Point. Township Engineers Sandi Morgan and Grant Hitchens responded to the applicant advising that the request needed to be resubmitted in a more typical format. The Township Solicitor followed up with a letter further advising the applicant what was required in order for the Township Engineers to analyze the escrow release adjustment request and submit a review letter to the Township. The request, as submitted, was denied. An amended request has not yet been received from the applicant.

B. Extension Letters:

Mr. Whipple moved, seconded by Mr. Brindle, that the following extensions be approved by the Board:

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- Brothers to February 27, 2009
- Hess Mill, Lots 6 & 8 to March 20, 2009
- Miller to March 31, 2009
- Fisher, 101 Stonegate to March 31, 2009
- Logan to March 31, 2009
- Ashby Hills (formerly Christens) to March 31, 2009
- Megill aka Matsen to May 31, 2009

Motion passed unanimously.

New Business, cont'd:

- E. *Downs/Goodwin – Resolution 2008-27*: Mr. Whipple moved, seconded by Mr. Brindle, to approve Resolution 2008-27 concerning the fee-simple purchase of 18.5 acres and supporting a conservation easement on 43.15 acres of property commonly referred to as the Downs/Goodwin property. The Resolution concerns the approval of the Agreement of Sale; the Conservation Easement between the owner, the Township and Natural Lands Trust (NLT); the Trail Easement; the Reimbursement Agreement with NLT; an expenditure of certain funds to NLT pursuant to the Reimbursement Agreement, the authorization of the Chairman and/or Vice Chairman to execute these Agreements which allow the Township to seek reimbursement from Chester County and PA DCNR, as well as to waive the real estate transfer tax; and, to take all actions necessary to effectuate the transaction. Motion carried unanimously.
- F. *Annand Property – Resolution 2008-28*: Mr. Brindle moved, seconded by Mr. Hughes, to approve Resolution 2008-28 concerning the purchase of certain interest in real property consisting of 61.4 acres of land, from David S. and Shirley Annand in their capacity as legal owners and Charles L. Wilkinson, in his capacity as equitable owner. The Resolution approves an expenditure of funds for the property; approves and authorizes the execution of a Declaration of Covenants, Conditions and Restrictions for the property; and also indicates that the Township shall take immediate action to seek reimbursement from Chester County and PA DCNR for the funds expended. Furthermore the Township waives its' portion of the real estate transfer tax on the transaction and authorizes the Chairman and/or Vice Chairman to take all actions necessary to effectuate the transaction. Motion carried unanimously.
- G. *Pierson Property – Resolution 2008-29*: Mr. Whipple moved, seconded by Mr. Overton, to approve Resolution 2008-29 authorizing the purchase of an Agricultural Conservation Easement on a property consisting of 27.279 acres located in Franklin Township, known as the Pierson Property. The passing of the Resolution approves the following: The expenditure of funds for the agricultural easement; the

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execution, not only of the agricultural easement, but also the trail easement agreement between the owner of the property and the Township; and, authorizes the Chairman and/or the Vice Chairman or Secretary to do all things necessary to acquire the easement and trail easement. The motion passed unanimously.

Public Comment: Mr. Hatton congratulated the Township regarding their achievements in open space and extended his best wishes for a Happy Holiday Season to everyone.

Adjourn: On motion by Mr. Whipple, seconded by Mr. Brindle, the meeting was adjourned at 7:51 p.m. Motion carried unanimously.

Respectfully submitted,

Sharon Norris
Township Secretary

BOS 12.10.08.v.3.er