

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES JANUARY 21, 2009

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Nan Latimer, Norman Hughes, Paul Overton and Eric Brindle. Also present were Solicitor Mark Thompson, Assistant Township Manager Jeff Eastburn, Township Secretary Sharon Norris, and Planning Commission & HARB Chair Ralph Olivier. There were 2 members of the public in attendance.

Announcements: Chairman Whipple announced an Executive Session following the meeting to obtain guidance on outstanding legal issues. He also advised of changes to the agenda as follows: Under "Old Business", the addition of a) *the sign at Banffshire* and under "New Business" the resolutions will be taken in order of the resolution number.

Public Comment: No public comment.

Approval of Minutes:

BOS Minutes of 12/10/08, v.3: On motion by Mr. Whipple, seconded by Ms. Latimer, the Minutes of December 10, 2008, version 3, were approved as presented. Motion carried by a vote of 5-0.

BOS Minutes of 1/5/09, v.3: On motion by Mr. Whipple, seconded by Mr. Brindle, the Minutes of January 5, 2009, version 3, were approved as presented. Motion carried unanimously.

Reports:

Treasurer's Report – December 2008: Mr. Whipple moved, seconded by Mr. Brindle, to approve the December 2008 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$606,996.81, the Park & Rec Fund totaling \$6,214.29, the Open Space Fund totaling \$1,432,815.32, and the Emergency Services Fund totaling \$37,452.13, with total balances in all funds, at 12/31/08, equaling \$4,421,435.43. Motion carried unanimously.

Solicitor's Report: Mr. Thompson advised that he was informed by the Solicitor for the Zoning Hearing Board that Paradox Vineyard's request for an extension was granted. The hearing is to be held before the end of February.

Zoning Officer/Bldg. Inspector Report: For the period of 11/24/08 – 12/22/08, 11 permits were issued totaling \$6,578.75 with misc. fees totaling \$1,858.50. Thirty-four inspections were conducted.

Planning & Zoning:

Planning Commission Report: Mr. Olivier announced that the Planning Commission did not meet in January and therefore there is no report.

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HARB & Historical Commission: Mr. Olivier reported that the HARB met on January 20 and nominated Mr. Olivier as Chairman, Paul Lagasse as Vice Chairman and Pat Talwin as secretary. The Historical Commission/HARB changed their regular meeting to the first Tuesday of every other month beginning in March which will allow time between the HC/HARB meeting and the BOS meeting to take care of administrative matters. Dolores Hughes was elected Chairman, Dave Kidder as Vice Chair and Lou Mandich as secretary.

Paradocx Zoning Hearing Board: In regard to the Appeal of Flint Hill Handshake Partners, LP (Paradocx Vineyards) before the Franklin Township Zoning Hearing Board, Mr. Whipple moved, seconded by Mr. Hughes, that the Board of Supervisors hereby authorizes the Township's Solicitor, Lamb McErlane PC, to take all actions necessary to defend the Zoning Officer's determinations issued by letter dated September 19, 2008 concerning use of the property located at 1833 Flint Hill Road owned by Flint Hill Handshake Partners, LP for agriculture as permitted by the Township Zoning Ordinance. Motion carried unanimously.

Old Business:

Sign at Banffshire: Mr. Overton referenced a memo sent to the Board by Mr. Whipple asking for input regarding replacing or repairing the Banffshire sign which has been vandalized by gun shots. After discussion it was decided to wait some period of time, perhaps a year, to see if further vandalism occurs before taking any action.

New Business:

Authorization to participate in Multi-Municipal Trail Linking Study: Mr. Whipple moved, seconded by Mr. Brindle, to authorize Franklin Township to participate in a Chester County Planning Commission led Multi-Municipal (Franklin, London Grove & New Garden) Trail Linking Study involving an expenditure of \$5,000 by Franklin Township all of which, with the exception of \$500, will ultimately be reimbursed by Chester County upon successful completion of the study. London Grove Township is the lead township in so far as paying the selected consultant the expected eventual total of \$15,000 and billing Franklin and New Garden for 1/3 each as payments are made to the consultant. The motion carried unanimously.

Liquid Fuels Resolution # 2009-05: Mr. Whipple moved, seconded by Mr. Brindle, to approve Resolution 2009-05, accepting the necessary licensing agreements in order for Franklin Township to use the PennDOT dotGrants System when working with the Township's Liquid Fuels account with the state. Motion carried unanimously.

Banffshire as permanent name, Resolution #2009-06: Mr. Whipple moved, seconded by Mr. Brindle, to approve Resolution 2009-06, dedicating the former Annand property (tax parcel #72-2-47) for public open space, park and passive recreation purposes, which shall henceforth be known as "Banffshire Preserve". The name "Banffshire" comes from the town in Scotland where Dr. Annand's father was born. Motion carried unanimously.

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Public Comment: Mr. Olivier inquired if a date had been set for the Paradox hearing before the ZHB and Mr. Whipple advised that, although attempts have been made, the date has not yet been set. Mr. Earl Hatton inquired whether safety aspects had been taken into account concerning the type of barrier gate placed on the Banffshire Preserve to deter trespassers. Mr. Hatton was thanked for mentioning this important safety item and assured that appropriate visibility was a primary consideration in the selection of the needed barrier.

Adjourn: On motion by Mr. Whipple, seconded by Mr. Overton, the meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

BOS 1.21.09.v.3.er