

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES FEBRUARY 11, 2009

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:03 p.m. Present were Supervisors Nan Latimer, Norman Hughes, Paul Overton and Eric Brindle. Also present were Solicitor Mark Thompson, Township Secretary Sharon Norris, and Township Engineers John Theisen and Scott Allen. There were approximately 16 members of the public in attendance.

Public Comment: No public comment.

New Business:

- a. Authorization to approve Avondale Fire/EMS Agreement: Avondale Fire Co. provides 10% of the Township's Fire/EMS services. Mr. Whipple thanked the representatives of Avondale Fire Co. for attending and offered them the opportunity to address the meeting. They declined. Mr. Whipple moved, seconded by Mr. Brindle, to approve the Agreement with the Avondale Fire Co. in the amount of \$3,500 to provide EMS Services to the residents of the Township for the period of January 1, 2009 through December 31, 2009. Motion carried unanimously.

Mr. Whipple moved, seconded by Mr. Brindle, to approve the Agreement with the Avondale Fire Co. in the amount of \$4,500 to furnish fire protection to the residents of the Township for the period of January 1, 2009 through December 31, 2009. Motion carried unanimously.

- b. West Grove Fire Co. (WGFC) Contract and Demonstration: WGFC provides 90% of the Township's fire protection services. Bill (Radar) O'Connell, President, Steve Flagel, Vice President and Bill Wohl, Lieutenant Ambulance Division, were present on behalf of WGFC to provide information to the Board and to request that the Township approve the annual contract in the amount of \$67,616 in support of the services they provide. In addition, the Ambulance Division is requesting funding to purchase three motorized power assist stretchers. As explained by Bill Wohl of WGFC's Ambulance Division, the stretchers are required in order to limit the number of back injuries that occur from manually lifting patients. After demonstrating how the stretchers work, he explained that each township in the area is being asked to contribute an amount based on the percentage of ambulance calls in their township from January 2008 to October 2008. Franklin Township's share is 10%, or \$3,300.

Mr. Whipple moved, seconded by Mr. Brindle, that the Board authorize an expenditure of up to \$3,300 toward the purchase of three motorized power assist stretchers. Motion carried unanimously.

Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve the 2009 Agreement with the WGFC and the attached payment schedule that lists four

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equal payments of \$16,904 for an annual total of \$67,616. Motion carried unanimously.

Planning & Zoning:

Extensions:

Wood's Edge Financial Security Extension – February 28, 2010: John Panizza was present on behalf of the applicant. The applicant is seeking a one year extension to provide financial security for improvements to the property. Solicitor Mark Thompson advised that under the MPC the applicant has 90 days to post financial security after the plan is approved and they have the right to request an extension of that time period. In this case, the applicant has requested and received two extensions and is now requesting a third. The Solicitor stated that the Township is reluctant to grant extensions longer than six months and recommends that the Board grant an extension to August 25, 2009.

Mr. Whipple moved, seconded by Ms. Latimer, that the applicant's request be honored and that a six month extension be granted to August 25, 2009 for the Wood's Edge Subdivision Improvements Agreement and posting of Financial Security. Motion carried unanimously.

Robert B. Baughman Property Extension – April 15, 2009: Mr. Whipple moved, seconded by Mr. Hughes, to grant an extension to Mr. Baughman to April 15, 2009. Motion carried unanimously.

Old Business:

Avon Grove Charter School (AGCS): Solicitor Thompson advised that, as a result of the Township's waiver of the land development process for AGCS, certain issues have arisen and the Township has found it necessary to issue temporary Use and Occupancy Permits, subject to certain improvements being completed. The applicant's attorney, Jack Wuerstle, explained the applicant's future plans regarding two of the improvements, 1) the additional parking facilities and 2) the PennDOT road improvements to Rt. 896.

Starting with the PennDOT application, Resolution 2007-10 provides for the School to construct certain roadway improvements by September 2010. AGCS is interested in accelerating that project so that these improvements are completed during the 2009 summer recess. The design of the left turn lane off 896 has been submitted to and approved by PennDOT. Because these improvements are a benefit not just to the school, but also to the community as a whole, PennDOT has recommended that the Township act as the applicant to PennDOT. Having the Township as the applicant may produce a savings to the School which could be applied to expediting other improvements. Both Engr. Allen and Solicitor Thompson support the Township being the applicant to PennDOT. They both agree that a reimbursement agreement is needed to ensure that the Township is reimbursed for any and all costs incurred by the Township with regard to the 896 project. The Board reached consensus in support of having the Township be the applicant to PennDOT as well as authorizing the Solicitor to work with Mr. Wuerstle to draft a reimbursement agreement.

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AGCS plans to construct and install the stormwater management facilities and the additional parking facilities over the 2009 summer recess. Regarding the parking facilities, Mr. Wuerstle advised that the immediate issue in doing so is the school's temporary Certificate of Occupancy (CO), which is contingent upon working on the parking issue and expires February 19, 2009. Therefore the School needs an extension of the temporary CO or the issuance of a permanent CO that is contingent upon a specific construction schedule. In order to get to the end of the school year, the temporary CO needs to be extended to June 19, 2009. The Township is not willing to issue a permanent CO with a contingency. The Board agreed to the extension and authorized Engineer John Theisen to issue a temporary occupancy permit, with the same conditions as the previous COs, and an expiration date of 6/19/09. This will allow Engr. John Theisen and AGCS to get the planning phase with contracts, etc., laid out and to come back before the Board in April or May for another temporary CO to get them through the summer.

In additional discussion regarding the School's proposal for 8-10 parking spaces in front of the school, Engineer Allen emphasized the importance, for public safety, of having appropriate signage designating these spaces as "Employee Only". Engineer Allen's first preference is not to have parking spaces where users need to cross the bus lane. However, if they are constructed, proper signage is critical.

Mr. Allen also encouraged the use of curbing to define the potential reinforced turf supplemental parking area in the front of the School. Discussions concerning the implementation schedule for the supplemental parking area included the Board expressing interest that it be installed sooner rather than later. Representatives of AGCS indicated that the School may use offsite facilities for the majority of events that involve a large attendance. In addition to potentially using offsite facilities, School representatives indicated that they intend to stagger certain large attendance activities by grade level. The Board requested that the School provide data concerning how many large attendance events are expected per year, as well as how many of these large attendance events are likely to be held offsite.

The representatives of the School who participated in these discussions included the School Principal and CEO, Dr. Kevin Brady; President of the Board of Trustees, Dr. Mark Cirino; the Chief Financial Officer, Ms. Donna Archer; the Principal, ELC, Ms. Kristen Bishop; and the architect, Mr. Matt Heckendorn.

New Business, cont'd:

- c. Tax Collector Ordinance #2009-01: The Tax Collector is an elected position in Franklin Township and the pay structure is pursuant to the Second Class Twp. Code. It is either \$2/bill prepared and mailed by the tax collector or a total of \$500/annum. This Ordinance was advertised to be enacted at tonight's public meeting. Proof of publication in the Daily Local News indicates that it was published on February 1, 2009. Mr. Whipple moved, seconded by Ms. Latimer, to approve Ordinance #2009-01, an Ordinance fixing the compensation payable to the elected tax collector for Franklin Township. The motion passed unanimously.

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- d. Financial Institutions – Resolution #2009-07: Mr. Whipple moved, seconded by Mr. Hughes, to approve Ordinance 2009-07 indicating the financial institutions that shall be designated as depositories for all Township funds and accounts as being National Penn Bank (formerly Peoples Bank of Oxford), Local Government Trust (PLIGIT), and Wilmington Trust Co.
- e. Walker Road Emergency Road Closing – Resolution 2009-08: After a routine bridge inspection conducted in Franklin Township on February 5, 2009, Engineer Scott Allen recommended that the bridge be closed for repair immediately due to significant scouring of the abutments, undermining of the footers and significant cracking in the footers. In a letter to the Township dated February 6, 2009, Engr. Allen expressed his professional opinion regarding the imminent danger of the bridge collapsing. The Solicitor advised that the Second Class Twp. Code permits the Township to temporarily close roads based on Engineer Allen's recommendation and under the circumstances, the Township had no option other than to close Walker Road. Mr. Whipple moved, seconded by Mr. Hughes, to approve Resolution 2009-08 which retroactively ratifies the actions taken as well as approves the official closure of the road by order which is required under the Township Code. Motion carried unanimously.
- f. DCNR Resolution for Reimbursement – Resolution 2009-09: A portion of the cost associated with the Trail Feasibility Study done by Ray Ott is reimbursable from DCNR. Mr. Whipple moved, seconded by Mr. Hughes, that the Board approve Resolution 2009-09 seeking reimbursement from DCNR for the Trail Feasibility Study. Motion passed unanimously.
- g. Walker Road Bridge Repairs – Resolution 2009-10: In his letter to the Township of February 6, 2009, Engineer Scott Allen advised the Township that the Walker Road Bridge was in danger of collapsing if mitigating measures were not taken immediately. The Solicitor issued a legal opinion on February 9, 2009, indicating that the Township had the ability to begin the process of repairing the bridge without bidding out contracts. Resolution 2009-10 approves the work to be completed to ensure that the bridge foundation is secure and the bridge does not collapse. The Solicitor advised that the Resolution is drafted broadly to allow Mr. Allen the latitude to take whatever measures are needed to accomplish the necessary scope of work. Mr. Whipple moved, seconded by Ms. Latimer, to approve Resolution 2009-10 authorizing the emergency repair to be completed on the Walker Road Bridge. The motion carried unanimously.

Executive Session: Solicitor Vince Donohue joined the meeting at this time and an Executive Session was announced immediately following this meeting to discuss ongoing legal activity.

Public Comment: There was no public comment.

Adjournment: Mr. Whipple adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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