

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES SPECIAL MEETING MARCH 4, 2009

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:14 p.m. Present were Supervisors Nan Latimer, Norman Hughes, Paul Overton and Eric Brindle. Also present were Solicitor Mark Thompson; Asst. Township Mgr., Jeff Eastburn; Township Secretary Sharon Norris, Township Engineer Scott Allen and Open Space Committee Chairman, Phil Geoghegan. There were 2 members of the public in attendance.

Public Comment: No public comment.

Executive Session: Mr. Whipple announced an Executive Session after the public meeting to discuss pending legal matters. The March 11 BOS Meeting will probably be cancelled due to having this Special Meeting tonight.

Old Business:

Emergency Bridge Repair Contractor: Emergency repairs to the Walker Road Bridge were approved at the last BOS meeting. Engineer Allen solicited estimates from four contractors including Technivate, Inc., Kuhn Construction, Eastern Highway Specialists and Walker Diving, all of whom were prequalified by either PennDOT or DelDOT. An unsolicited estimate was received from Unlimited Construction Co.; however that contractor did not meet the PennDOT or DelDOT prequalification criteria that was considered necessary by the Township Engineer in soliciting prices for such bridge related emergency repair work. In his memo to the Board dated February 26, 2009, Mr. Allen recommended that the contract be awarded to Technivate, Inc. in the amount of \$24,412.83. In a letter dated February 25, 2009 Technivate provided a detailed scope of work to be performed. DEP reviewed the scope of work and informed Mr. Allen that emergency permits were not required. Mr. Allen was referred to Chester County Conservation District (CCCD) by DEP. Mr. Matt Miller, of CCCD, gave his approval to proceed with the work as outlined.

Solicitor Thompson drafted a Construction Agreement which has been executed by Technivate and returned to Engineer Allen along with an insurance certificate indicating that they have over ten million dollars of insurance which is over and above what is required. Mr. Thompson has requested that they provide us with an endorsement proving that the Township is an additional insured under the policy.

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Mr. Whipple moved, seconded by Mr. Brindle, that the Board hereby approves and ratifies the recommendation of Township Engineer Scott Allen, P.E., as set forth in his memorandum dated February 26, 2009 to contract with Technivate, Inc., in order to perform emergency repairs to the Walker Road Bridge as set forth in Franklin Township Resolution No. 2009-10, attached hereto. The Board further approves and ratifies the form of the Construction Agreement and the Contract sum of \$24,412.83, to be paid to Technivate, Inc., for completion of the work pursuant to the Agreement and authorizes an appropriate official to execute the Agreement on behalf of the Township. Motion carried unanimously.

Mr. Overton requested that Engineer Allen obtain time and material rates that would apply if there should be any additional work to be done which falls outside the scope of work covered by the contract.

Revised PennDOT ELA Agreement/Resolution - Resolution 2009-12: Mr. Whipple moved, seconded by Ms. Latimer, to approve Resolution 2009-12 which states that Franklin Township agrees to use the dotGrants on-line reporting system to file the required Liquid Fuels forms annually, including but not limited to the MS-965, MS329 and the MS999 forms. Motion carried unanimously.

AGCS PennDOT Highway Occupancy Permit (HOP) for Peacedale Road Intersection Improvement & Reimbursement Agreement: Solicitor Thompson advised that the Township has agreed to be the permittee on the HOP for the improvements to Peacedale Road and 896. As discussed at the last BOS meeting, the parties agreed that if the Township consented to be the permittee, there should be a reimbursement agreement in place indicating that the Township would not be liable for any of the charges or liabilities in its status as the permittee for the HOP Permit. Attorney Jack Wuerstle and the Solicitor have negotiated such an agreement. Mr. Wuerstle was unable to obtain confirmation from representatives of the school regarding the language concerning the indemnity that the school would be providing to the Township in time for this meeting. Solicitor Thompson anticipates getting their approval shortly. Engineer Scott Allen indicated that it's imperative that the HOP application be submitted to PennDOT ASAP so that the work can begin as scheduled. Solicitor Thompson recommended that the Board approve the submission of the application subject to the Solicitor's review and approval. If, for any reason, the School doesn't execute the agreement, the Township, as permittee, can pull the application and the School will have to resubmit it as the permittee..

Mr. Whipple moved, seconded by Mr. Brindle, that the Board hereby approves the submission of an HOP Application, executed by a Township Official, to the PennDOT for improvements to realign the intersection of Peacedale Road and New London Road (SR 896). This approval is subject to an Agreement executed by an official of Avon Grove Charter School

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and approved by the Township Solicitor, that provides for reimbursement of any fees incurred by the Township and protects them from any liability related to the Township's status as the applicant/permittee. The motion passed unanimously.

New Business:

Costars Contract, 2009-2010 Road Salt: For several years the Township has participated in the West Bradford Salt Consortium for the purchase of road salt. Asst. Mgr. Eastburn advised that there were several times this past winter when he felt at risk of not receiving a delivery in time to meet the needs of the Township. Therefore he is recommending that the Township become part of the COSTARS Program. This is the Commonwealth of Pennsylvania's statewide contract for sodium chloride (road salt). This program has proven to be successful in obtaining excellent pricing for sodium chloride and therefore substantial savings for the program's participants. As a member, the Township would have to legally commit to their need for salt prior to the state's bidding process and would be bound to purchase at least 60% of their commitment. A possible disadvantage of the program could be that in the event of a mild winter, the Township could end up with a left-over supply of salt which would need to be stored until the following winter season. After discussion, the Board decided that the advantages of participating in the COSTARS program surpassed the possible disadvantage. Mr. Whipple moved, seconded by Mr. Hughes, that for the August 2009 – July 2010 season, the Board approves the Township's participation in the state's COSTARS Salt Purchase Program. The Motion carried unanimously.

Grant Application Review: Mr. Phil Geoghegan, Chairman of the Open Space Committee, addressed the Board and those present regarding the status of pending grants and plans for soliciting additional grants. Items covered included the following:

- Acquisition of property north of Parsons Road and the receipt of a County Grant.
- DCNR Grant being switched from a property east of Route 841 to a property north of Parsons Road.
- East Branch Linkage Consultant.
- Grants for Trails - Middle Branch Regional Recreation Trail from Goodwin to Howard.

PECO Grant - \$10,000

Dockstader Foundation - \$20,000 (thru Nat'l Lands Trust)

DCNR - \$120,000

Chester County

Township contributions for these Grants will be due in 2010.

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- WREN (Water Resources Education Network) consists of the White Clay Wild & Scenic Program, The Brandywine Conservancy and Stroud Water Research Center. Their goal is to encourage municipalities and residents to reforest open spaces as the best and most cost effective way to protect the water resources and wildlife habitat. The Board approved Mr. Geoghegan to write a letter supporting the project. There is no cost involved to the Township.

Public Comment: Mr. Ralph Olivier reinforced Supervisor Overton's comments (Emergency Bridge Repairs) regarding the good practice of securing rates up front for any work that could potentially be beyond what was identified in the agreed upon scope of work. Mr. Olivier also asked Supervisor Latimer to consult with the Historical Commission, specifically Chairperson Dolores Hughes, regarding the next issue of the Newsletter in which it is planned to highlight historical homes in the Township.

Adjournment: Mr. Hughes moved, seconded by Ms. Latimer, to adjourn the meeting at 8:14 p.m. Motion carried unanimously.

Respectfully submitted,

Sharon Norris
Township Secretary

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