

APPROVED
FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MARCH 18, 2009

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:15 p.m. Present were Supervisors Nan Latimer, Norman Hughes, Eric Brindle and Paul Overton. Also present were Solicitor Mark Thompson; Assistant Township Manager, Jeff Eastburn; Planning Commission Chairman, Ralph Olivier; and, Township Secretary, Sharon Norris. There were 3 members of the public in attendance.

Executive Session: Chairman Whipple announced that there will be an Executive Session following tonight's meeting to discuss legal matters.

Public Comment: No public comment.

Approval of Minutes:

BOS Minutes - 1/21/09: Mr. Whipple moved, seconded by Mr. Hughes, to approve the minutes of January 21, 2009 as presented. Motion carried unanimously.

BOS Minutes – 2/11/09: Mr. Whipple moved, seconded by Mr. Brindle, to approve the minutes of February 11, 2009. Motion carried unanimously.

BOS Minutes – 2/18/09: Mr. Whipple moved, seconded by Ms. Latimer, to approve the minutes of February 18, 2009. Motion carried unanimously.

Reports:

Treasurer's Report: Mr. Whipple moved, seconded by Mr. Brindle, to approve the February 2009 Treasurer's Report, as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$140,161.25, the Park & Rec Fund totaling \$5,499.73, the Open Space Fund totaling \$12,410.99, and the Emergency Services Fund totaling \$3,329.99, with a total balance in all funds equaling \$4,984,638.41 as of 2/28/09. Motion carried unanimously.

Solicitor's Report: No report.

Zoning Officer/Bldg. Inspector Report: Mr. Eastburn provided a summary of the Zoning Officer's report which includes the issuance of 8 building permits, total building fees of \$1,783.20 and 26 building inspections.

Planning and Zoning:

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- A. Planning Commission Report: Mr. Olivier provided a summary of the activities at the March 5, 2009 Planning Commission Meeting which included a minor correction to the Township Zoning Ordinance and the review of the Charlton Land Development Plan. The applicant is to submit, for comparison, a sketch plan that would require no waivers and then, after Township Engineer review and comment on that sketch, a revised land development plan incorporating PC comments so far concerning the associated review letter(s) that has/have been reviewed to this point by the Planning Commission.
- B. HARB/Historical Commission Report: Mr. Olivier summarized the 3/3/09 HARB meeting, highlighting the guidance provided to the applicants of the Insinga Property regarding the house design that would be appropriate for lot #3 which is the lot closest to Kemblesville. They also reviewed the HARB's policy regarding minor repairs to historic homes and plan to develop a procedure and a list of preapproved materials, which can be administered by the zoning officer when a home owner is planning minor home repairs such as roof repairs. If used, the procedure would eliminate the need for a home owner to go before the HARB for approval.
- C. Insinga Final Plan Review: Attorney Jack Wuerstle addressed the Board on behalf of the applicant regarding a proposed change to the Declaration of Covenants concerning the maintenance responsibility for the trail that passes through the Insinga property. Currently it is split among three lots at 40, 40, & 20%. The applicant is requesting that the split be among all five lots at 20% each. The Board and the Township Solicitor had no objection. Execution of the Declaration is a condition of plan approval.

Mr. Olivier reminded the applicant and the Board that, technically, the entire Insinga property is in the Historic District with the exception of Lot #5 which is outside the boundaries of the District. Lot #4 is the existing house on Appleton Road and is therefore, not an issue. Mr. Olivier's observation was that, technically, Lots 1 & 2 could need to be reviewed by the HARB, even though, due to the long and narrow shape of the parcel, they are more associated with the adjoining Kemblesville West modern subdivision, than with the Historic District. In light of the shape of the parcel and the resultant positioning of the three buildable lots, the Board agreed, as part of the conditional approval of the final plan, to specifically exempt Lots 1 & 2 from HARB review.

Mr. Whipple moved, seconded by Mr. Brindle to approve the final subdivision plan for Insinga/Appleton Glen, dated September 22, 2008, last revised January 8, 2009, including waivers from SALDO § 502.1.14, 604.D, 604.F, 604.G, 610.B.5.(a), 610.B.5.(c), 611.D, and 714.A, along with compliance with the following conditions:

- Posting of required financial security in accordance with construction cost estimates agreed to by the Township.

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- Execution of the approved financial security agreement and submission to the Township for recording.
- Execution of the approved subdivision and land development agreement and submission to the Township for recording.
- Payment to the Township before the recording of the plans, of a fee-in-lieu of constructing a sidewalk on Appleton Rd., in the amount of \$1,845, to be deposited into the Open Space Fund.
- A fee-in-lieu of recreational land dedication of \$1,800/bldg. lot, (a total of \$5,400) to be paid to the Township in two installments, one-half at the issuance of a bldg. permit and one-half at the issuance of a Certificate of Occupancy.
- Payment of an impact fee pursuant to the Township Traffic Impact Fee Ordinance in the total amount of \$17,553 to be paid as specified by the Ordinance at such time as building permits are issued.
- Execution of the approved Declaration of Covenants and submission to the Township for recording.
- Execution of the approved Stormwater Management Agreement and submission to the Township for recording.
- Placement of a note on the plans to be recorded that no construction shall be commenced and no building permit issued for lot #3 until such time as the Township HARB has recommended the issuance of a Certificate of Appropriateness for the structure to be built on that lot. Lots #1 and 2 shall be specifically excluded from the HARB review procedure.
- The applicant shall sign and notarize a Certificate of Ownership as shown on the Final Plan.
- The Applicant's engineer shall seal the plans and provide a statement that the "Zoning and Subdivision and Land Development Ordinances have been reviewed and that to the best of this preparer's knowledge, the plans are in conformance."
- Payment of all outstanding fees and billings for consultant reviews prior to the recording of the final plan.
- Compliance with all outstanding comments set forth in the Township consulting engineer's review letter.

Motion carried unanimously. Mr. Romanelli thanked everyone involved with getting this plan approved.

Extensions:

Mr. Whipple moved, seconded by Ms. Latimer, that the Board approve the following requests for extensions:

Brothers – May 22, 2009

Charlton – May 21, 2009

Baughman – June 18, 2009

Motion carried unanimously.

New Business:

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- A. 2009 Road Maintenance Program Bid Award: Asst. Twp. Mgr. Jeff Eastburn reported that the Township received 5 bids, all of which were reviewed by Engineer Scott Allen. As detailed in Engineer Allen's memo of March 13, 2009, the lowest bidder failed to follow the bid instructions and, after review by Solicitor Thompson, was legally disqualified. Engineer Allen and Mr. Eastburn recommend that the Board award the 2009 Road Maintenance Contract, in the amount of \$532,649, as well as add Alternates A, B, C, & D, to Dan Malloy Paving. Mr. Whipple so moved, seconded by Ms. Latimer. Motion passed unanimously.
- B. Contest Winner – Name for Howard Property: Ms. Latimer reported that the property known as "the Howard Property" is now known as "White Clay Crescent Preserve". The Howard family owned the property but never lived in the Township, and the Open Space Committee felt the property should have a more appropriate and descriptive name. At the suggestion of Sharon Norris, an article was placed in the Township Newsletter and the residents were asked to vote on three suggested names. The winning name was submitted by Carla Lucas. Ms. Latimer thanked everyone for their participation.
- C. Sign Vandalism – Banffshire Preserve: The Township is required, by law, to have a sign installed on property that is owned by the Township and open to the public. The Banffshire sign has been "uprooted" and destroyed by vandals. The plan is to temporarily install a more robust and less expensive aluminum sign. Mr. Eastburn obtained 3 estimates from U.S. Municipal Supply for the Board's consideration. After discussion it was the consensus of the Board that the sign will be an aluminum rectangle with an oval in the middle with the required information printed in white letters on a brown background. The sign will be mounted on two posts which will be set in concrete. It will be located outside the right-of-way on Chesterville Rd., versus the former location adjacent to Creek Rd. Supervisor Paul Overton has volunteered to be responsible for the installation.
- D. ICMA Resolution - #2009-11: Mr. Whipple moved, seconded by Ms. Latimer, to adopt Resolution 2009-11 amending Resolution 2005-20, adopting and approving the legislative body relating to a 457 deferred compensation plan to include "Township Treasurer" as coordinator. Motion passed unanimously.

Public Comment: Mr. Olivier expressed an interest in attending the Landscaping Planning Meeting, sponsored by Chester County, on Thursday 4/2/09 from 8:30 to 10:30 a.m. He was encouraged to do so by Chairman Whipple.

Adjourn: On motion by Mr. Whipple, seconded by Mr. Overton, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

APPROVED

Sharon Norris
Township Secretary

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