

# APPROVED

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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES NOVEMBER 11, 2009

### **Call to Order:**

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Hughes, Brindle, Latimer & Overton. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Township Treasurer Joan McVaugh, Trail Committee Chairman Phil Geoghegan and Township Secretary Sharon Norris. There were 3 members of the public in attendance.

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

**Public Comment:** Dave Clark, President of the Home Owners Association (HOA) of the Franklin Chase Subdivision, presented to the Board a brief overview concerning the recent conveyance of control of the HOA from the developer to the owners of lots in the subdivision upon which houses have been constructed. Mr. Clark further explained that his primary purpose for attending the meeting was to seek whatever assistance the Township could offer in getting the owner of the property to provide, or pay for, snow plowing services in 2009-2010. It was generally acknowledged that, regardless of what entity might be the legal owner of the property, the bank holding a mortgage on the property was "calling the shots".

Chairman Whipple indicated that the Twp. would do what it could to reinforce with the bank their obligation for snow plowing until such time as the bank completes site improvements to the point where the roads qualify for dedication and conveyance to the Township. Additionally, Chairman Whipple emphasized the important legal considerations involved in situations such as this. Except for certain emergencies, if the Township were to perform work on privately owned property, owners of other private property could have reason to require the Township to perform such work on their property.

### **Approval of Minutes:**

*BOS Meeting 10/21/09:* Mr. Whipple moved, seconded by Ms. Latimer, to approve the minutes of October 21, 2009 as presented. Motion passed unanimously.

*Resolution 2009-42 – Disposition of Records:* Mr. Whipple moved, seconded by Mr. Hughes, to approve Resolution 2009-42 authorizing the disposition of records. Motion carried unanimously.

**Extension Requests:** Mr. Whipple moved, seconded by Mr. Hughes, to accept the requests for the following extensions:

- Brothers – February 24, 2010

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- Hess Mill Run, Lots 6 & 8 – March 19, 2010
- Sarana (formerly Davis) – March 31, 2010
- Logan Property – March 31, 2010
- Stonegate – March 31, 2010
- Ashby Hills (formerly Christens) – March 31, 2010
- Miller Property – March 31, 2010

Motion passed unanimously.

### **New Business:**

- a. Laurel View – Escrow Release No. 8: Mr. Whipple moved, seconded by Ms. Latimer, that based on the November 3, 2009 letter from Kohli & Associates, that an amount equal to \$2,705.22 be released as Escrow Release No. 8 for the Laurel View Subdivision. Motion passed unanimously.
- b. S. Guernsey Road Embankment Bid Award: Mr. Whipple moved, seconded by Ms. Latimer, that, pursuant to the receipt of bids through the public bidding process, and at the recommendation of the Township Traffic Engineer, the Township awards the S. Guernsey Road Embankment Stabilization Contract to Out of Site Contractors, as the lowest responsible bidder, for the base bid amount of \$34,755.58. Mr. Hughes verified that Out of Site Contractors were approved by Township Engineer Scott Allen and that they are PennDOT certified. Motion passed unanimously.
- c. Multi-Municipal Trail Link Study: Mr. Geoghegan advised that the Study has been completed and has been accepted by the Township Planning Commission and the Chester County Planning Commission after minor revisions were made. Ms. Latimer asked for clarification of the project cost. Mr. Whipple moved, seconded by Mr. Brindle, that upon recommendation from the Franklin Township Planning Commission, the Board of Supervisors accept the White Clay Creek Corridor Inter-Municipal Trail Link Study, as prepared by Simone Collins Landscape Architects. Motion passed unanimously.
- d. Lexington Point:
  1. Approval of Addendum to Agreement: Mr. Whipple summarized for the Board that the benchmarks for the development of the Lexington Point Sewer Plant which were originally developed, and then revised, by Sandi Morgan, have been reduced to an Addendum to the original Agreement that requires the Board's approval. Mr. Whipple moved, seconded by Mr. Hughes, to authorize the Chairman of the Board of Supervisors to sign an Addendum to the Agreement to Construct Community Waste Water Collection, Treatment & Disposal Facility, with Creek, LLC, for the Lexington Point Subdivision, said original Agreement dated 9/11/07. Mr. Hughes asked for clarification of #6 of the Addendum. Solicitor Thompson provided an explanation of #6 and a further explanation of how the Agreement will be implemented. The motion carried unanimously.

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2. Acknowledgement of Revised Letter of Credit: Mr. Whipple moved, seconded by Ms. Latimer, to acknowledge the receipt of a replacement capital reserve account Letter of Credit increasing the total by \$63,524.16 such that the Letter of Credit is now for \$690,613.67. Motion passed unanimously.
- e. Authorization for Township Commitment to Hazardous Waste Collection: Mr. Whipple advised that every 2-3 years the Chester County Solid Waste Authority provides the opportunity for municipalities to participate in the Southeast Regional Household Waste Collection Program. The Township's participation ensures residents the ability to participate in at least 5 local collection events per year, at reduced rates, as well as events scheduled in adjacent participating counties. Mr. Whipple moved, seconded by Mr. Hughes, to authorize the Chairman of the Board of Supervisors to sign the 2010-2012 Regional Household Hazardous Waste Collection Program Commitment Form, entitling Franklin Township to both reduced rates for resident participation at periodic collection events, and for certain reimbursement payments from DEP and SECCRA. Motion passed unanimously.
- f. Natural Lands Trust (NLT) Proposal for Property Adjacent to Peacedale Preserve: Mr. Whipple moved, seconded by Ms. Latimer, to approve Natural Lands Trust's proposal for a fee simple acquisition of certain property east of Franklin Road and authorizing the Chairman of the Board of Supervisors to sign said proposal. Motion passed unanimously.
- g. Keystate Publishers Supplementation Agreement: Mr. Whipple moved, seconded by Ms. Latimer, to authorize the Chairman of the Board of Supervisors to sign an Agreement with Keystate Publishers, Inc., for supplementation and revision services for Franklin Township's code of ordinances. Motion passed unanimously.
- h. 2010 Budget Discussion: Township Treasurer, Joan McVaugh, presented the Township Budget for 2010. She provided the beginning balance, expected income and expenses and the ending balance for each fund and provided the opportunity for questions/discussion after each. There were two items in the General Fund that Mrs. McVaugh introduced for discussion. The first was a possible reduction in the amount of the Treasurer's Bond since the Township's cash balance has decreased. It was decided to reduce the Bond from \$6.5 million to \$4.5 million, a cost savings of approximately \$1,200. The second item discussed was the possibility of another PECO Grant for \$10,000 and whether it should be added to the budget. It was decided not to add it at this time, but rather if and when it is received. Mrs. McVaugh made the necessary change related to the Treasurer's Bond.

Mr. Whipple moved, seconded by Mr. Hughes, that pursuant to the Second Class Township Code, the Staff is authorized to place a public notice in the newspaper advising that the proposed budget will be made available for review at the Township office between the hours of 8 a.m. and 4 p.m.,

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Monday – Friday for twenty days, with final adoption to occur on December 9, 2009. Motion passed unanimously.

**Public Comment:** Mr. Earl Hatton congratulated everyone on an excellent job of getting the finances in good order.

**Adjourn:** The meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

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