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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES MARCH 17, 2010

### **Call to Order:**

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Brindle, Overton, Latimer and Hughes. Also present were Solicitor Mark Thompson, Zoning Officer/Bldg. Inspector Duane Brady, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, Planning Commission Chairman Ralph Olivier, and Township Engineers Scott Allen, Stan Corbett and John Theisen. There were 4 members of the public in attendance.

**Executive Session:** Mr. Whipple announced an Executive Session with the Solicitor following tonight's meeting to discuss ongoing litigation and potential real estate acquisition activity.

**Public Comment:** No Public Comment.

**Reforestation Discussion:** Lead volunteer and Event Coordinator, Bill Skalish, along with Supervisor Paul Overton provided an update on last minute planning tasks for the tree planting project scheduled for 3/20/10. Mr. Skalish announced that there are now 177 volunteers and 17 team leaders have been identified. Specific volunteer start-up assignments have been made and confirmed such as "Greeters", "Registration Desk", "Parking Assistants, etc. Light snacks, coffee (compliments of Starbucks), and water will be provided. Sharon is maintaining a comprehensive list of volunteers and donations of food and equipment which will be posted at the sign-in table and later in the Township Newsletter. Jeff was instructed to have the bus and driver available. All final communications will advise volunteers to be aware that they will receive parking instructions as they approach the site on Saturday and may be asked to park at the school and take the bus to the site. If, by 9 a.m., the turnout is low and parking is not an issue, the bus and driver will be released. The Board expressed great appreciation to Mr. Skalish for his extensive volunteer efforts on this project. Mr. Skalish expressed his thanks and appreciation to everyone for their support and admitted (quietly) that he rather enjoyed the process.

### **Approval of Minutes:**

- a. *February 17, 2010:* Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve the February 17, 2010 Minutes as presented by the Township Secretary. Motion carried unanimously.
- b. Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Resolution 2010-10, regarding the Disposition of Records. Motion passed unanimously.

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## **Reports:**

- a. Treasurer's Report: Mr. Whipple moved, seconded by Mr. Brindle, to approve the February 2010 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$198,462.53; the Park & Rec Fund totaling \$5,063.97; the Open Space Fund totaling \$24,030.47; the Traffic Impact Fund – East totaling 0; the Capital Reserve Fund totaling \$0; the Highway Aid Fund totaling \$0; the Emergency Services Fund totaling \$78.52; and, the Fire Hydrant Fund totaling \$459.30. Total balances in all funds as of 2.28.10 equal \$2,088,660.70 Motion passed unanimously.
- b. Solicitor's Report: No report.
- c. Zoning Officer Bldg. Inspector Report: Mr. Eastburn summarized the Zoning Officer's Report which included the issuance of 5 permits in the amount of \$601.55. Permit #10-014 at 651 Old State Rd. should be corrected to 651 Old School House Rd. Twenty-four various building inspections were completed.

## **Planning & Zoning:**

- a. Planning Commission Report: Chairman Olivier reported that the Planning Commission met on March 4, 2010. They nominated officers and discussed a minor lot line adjustment for Hess Mill Lots 6 & 8, recommending to the Board that they approve the 15 waivers that were requested based on the fact that there is no construction planned.
- b. HARB/Historical Commission Report: Mr. Olivier gave a brief summary of the items discussed at the March 2<sup>nd</sup> meeting of the HARB.
- c. Hess Mill Lots 6 & 8: Mr. Whipple moved, seconded by Mr. Hughes, that the Board of Supervisors follow the recommendation of the Franklin Township Planning Commission and approve the Minor Lot Line Adjustment Plan for Hess Mill Lots 6 & 8 Land Development Plan dated 7.13.07, last revised 12.11.09, including waivers to SLDO as noted on the plan, with the condition that all necessary Final Plan approval items, including but not limited to the following, be addressed to the satisfaction of the Township:
  - Completion and execution of all appropriate legal documents in a form acceptable to the Township Solicitor and Township Engineers (and in a form acceptable for recording where appropriate), including but not limited to the following:
    - a. Hess Mill Lots 6 & 8 Utility Easement Agreement.

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- Compliance with any and all outstanding conditions and comments as set forth in the Township consulting engineers' review letters, including but not limited to:
  - a. Kohli and Associates, Inc.'s Review Letter dated 1.21.10
  - b. URS's Email dated 2.02.10
  - c. URS's Review Letter dated 3.04.09
- Receipt of DEP correspondence (the Township shall not record the plans until said correspondence is received) indicating acceptability of the request for Planning Waiver and Non-Building Declaration form.
- Payment of outstanding and expected legal/consultant review expenses and funding any and all appropriate escrow accounts in accordance with Township policies prior to the plans and agreements being released for recording.

Motion passed unanimously.

### **Escrow Releases:**

- a. Lexington Pointe Escrow Release #3: Mr. Whipple moved, seconded by Mr. Brindle, that the Board of Supervisors follow the 3/1/10 recommendation of Township Engineer Kohli and grant a request by Keystone Custom Homes, for the Lexington Pointe subdivision, for Escrow Release #3 in the amount of \$12,097.46. Motion carried unanimously.
- b. Charlton Escrow Release #4: Mr. Whipple moved, seconded by Mr. Hughes, that the Board of Supervisors follow the 3/12/10 recommendation of Township Engineers LTL Consultants and grant a request by Unlimited Construction, for the Vaughn Charlton Land Development Plan, for Escrow Release #4, in the amount of \$7,340.

During discussion, Township consultants briefed the Board concerning various items that are not yet fully completed in the manner which is called for by the approved plans, and therefore did not qualify for release of the full amount escrowed for those specific line items.

Motion carried unanimously.

### **New Business:**

- a. Road Program Bid: Township Engineer Scott Allen of McCormick Taylor summarized the bid opening process for the 2010 Road Program which involved nine bids. He listed the 8 roads that will be covered by the 2010 program as well as 5 add-alternate items. The lowest fully responsive bid was received from Dan Malloy Paving at a total \$564,744.00 which was approximately \$150,000 below our original estimate. After discussion with the Assistant Township Assistant Manager Jeff Eastburn and Township Treasurer Joan McVaugh,

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Engineer Allen's recommendation is to go forward with the base bid and all five add-alternates and award the contract to Dan Malloy Paving in the amount of \$564,744.

Mr. Whipple moved, seconded by Mr. Brindle, that the Board of Supervisors follow the recommendation of Township Engineers McCormick Taylor and award the 2010 Road Maintenance Program to the lowest qualifying bidder, Dan Malloy Paving, Inc., in the amount of \$564,744 for the quantities specified for purposes of evaluating bids, for the Base Bid and Add-Alternates A through E, with execution of the contract contingent on the contractor providing all contract documents specified in the bid package.

Motion carried unanimously.

- b. Dirt & Gravel Road Program – Franklin Rd.: Township Engineer Scott Allen advised that the deadline for the 2010 Chester County Conservation District (CCCD) Dirt Gravel Road Grant Program is March 31, 2010. He commented on the past success the Township has had with this program in the repair of Creek and Mt. Olivet Roads. When the design for Franklin Road was not accepted in 2008, CCCD helped to secure funding for that project through the American Recovery and Reinvestment Act which covered everything except the replacement of the existing 72" pipe. After a discussion with Jeff Eastburn and Dan Miloser of the CCCD, Mr. Allen feels the Township has a good opportunity to obtain the money necessary to do the pipe extension in this year's Dirt & Gravel Program. Yardworks has provided an estimate to do the pipe replacement in the amount of \$13,500. The grant program requires an in-kind contribution from the Township. Engineer Allen recommends that we ask for the cost of materials from the CCCD at approximately \$9,250 and have the Township pick-up the cost of equipment and labor at \$4,250. Ten percent of the permitting cost can also be included in the grant.

Mr. Whipple moved, seconded by Mr. Brindle, that the Township staff, with assistance as needed from Township Engineers McCormick Taylor, submit an application for a grant under the Chester County Conservation District Dirt and Gravel Road Program toward the replacement of a 72" diameter pipe that channels a stream and stormwater under Franklin Road. Motion carried unanimously.

- c. Acceptance of Agricultural Security Area (ASA) application: Mr. Whipple moved, seconded by Mr. Brindle, that an application be accepted from property owners David & Carol Hoffman, seeking consideration that a parcel they own, #72-2-64, be included in Franklin Township's ASA Program. Motion passed unanimously.
- d. Verizon FiOS TV Availability: Many residents of the Township have formed wrong opinions regarding why Verizon FiOS products (internet, phone, TV) are not yet available in Franklin Township. Mr. Todd Darlington, Director of External Affairs for Verizon, was present to provide factual information and to correct false impressions that have been formed. Mr. Darlington stated that the Township

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has in no way obstructed Verizon's entry into the video cable market. In order to have FiOS products available in a specific area, Verizon must: 1) Negotiate a franchise agreement with the municipal office; 2) Install the infrastructure; and 3) (for TV service), install Verizon's video equipment in a centrally located Verizon office. Verizon made a business decision in the 3<sup>rd</sup> quarter of 2009 to focus on fulfilling their commitments to the 355 franchise agreements they currently have in PA before pursuing additional franchise agreements in Pennsylvania. For that reason Verizon has elected not to pursue their right to negotiate a franchise agreement with Franklin Township until some time in the future. Mr. Darlington further explained that some infrastructure has been installed in the Township and is most likely the reason that some residents have been able to access internet services. However, as stated above, before TV services can be made available the Central Office has to be equipped with the video equipment and the franchise agreement has to be in place. Mr. Darlington did not know when FiOS TV would be offered in Franklin but reiterated several times that it is NOT the Township delaying the rollout of FiOS TV in Franklin.

Mr. Darlington requested that residents obtain the name of any Verizon representative that blames the Township for the lack of FiOS TV and give that person's name to the Township staff who in turn will advise Verizon so the individual can be properly trained.

Mr. Darlington was given a list of problems that the office staff is having with the Verizon phone system. He promised that he will follow up with the proper people at Verizon and will see that these issues are successfully dealt with. The Board thanked Mr. Darlington for coming to the meeting and for his help in dealing with the Township's concerns.

**Public Comment:** No public comment.

**Adjourn:** The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

BOS 3.17.10.v.2.er