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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES APRIL 21, 2010

### **Call to Order:**

Vice Chairperson Nan Latimer called the meeting to order at 7:02 p.m. Present were Supervisors Brindle and Overton. Chairman Richard Whipple and Supervisor Norman Hughes were absent. 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 Engineer Grant Hitchens. There were 8 members of the public in attendance.

**Public Comment:** No Public Comment.

Vice Chair Latimer announced that several items appearing later on the agenda will be moved up to accommodate the individuals involved. She turned the meeting over to Supervisor Overton regarding the reforestation event.

**Reforestation Close-Out:** Mr. Overton mentioned the success of the reforestation project that occurred on 3.20.10 at the Goodwin Preserve and thanked Bill Skalish, the project manager and event coordinator, and his assistant Nicole, for their significant contributions to the success of the event. On behalf of the Board of Supervisors, Mr. Overton presented Bill and Nicole with gift certificates as a small token of the Board's appreciation. Mr. Skalish expressed his appreciation for the help and support he received from the Township and said he would be happy to help with future projects.

**Scout Projects:** Ms. Latimer advised that there are two scouts present who are planning to do projects at Crossan Park.

- **Carolyn Lewis** presented her proposal for redoing a reflection garden at the park at a previous BOS meeting and is here to provide specific details. She provided a handout to the Board. She obtained a cost estimate from a landscaper of approximately \$1,000 which includes mulch, shrubs and perennials. She has also received a preliminary estimate from Mr. Wells of Wells Nursery who is offering her wholesale prices. After discussion it was decided that additional mulch is not needed. Ms. Latimer advised that the Township will contribute \$250 toward the overall cost of the project. Ms. Lewis feels that the wholesale price from Mr. Wells, without the mulch, will be in the neighborhood of \$500 to \$750 and she expects to receive some donations of plants and supplies. She explained the Girl Scout's regulations and limitations regarding obtaining additional funds and donations and the Board made some suggestions in that regard. Ms. Latimer asked Carolyn to

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provide a plan for the ongoing care and maintenance of the plants and shrubs.

- **Ryan McCampbell** presented his Eagle Scout project which involves the renovation of the gazebo at the park. Mr. McCampbell explained that the focus of his project is replacing cedar shingles on the roof of the gazebo and possibly power washing, or otherwise restoring, the floor. He plans to start in late May or early June depending on when his fellow scouts are available to assist him. Ms. Latimer suggested that Ryan meet with Mr. Eastburn regarding his budget and obtaining donations from local businesses. Ryan plans on completing the project in two weekends with the help of his fellow scouts. Mr. Eastburn said John Hocking is interested in the project and may be available to help if he is available on the weekends selected. Ryan advised that he plans to contact a local trash company to see if they will donate a dumpster for disposition of the old shingles. Other suggestions were made regarding disposition of the shingles, including asking John Hocking if he wants them. Mr. Olivier suggested that Ryan look at pressure treated pine shingles which may be more cost effective and have a longer life expectancy than cedar. Mr. Brindle suggested that Ryan apply wood preserve to the floor if he power washes it and offered to supply the product.

**Church Hill Stormwater:** Mr. Turpin was present to discuss a problem with stormwater runoff that comes onto his property from the Wyndemere Subdivision. The most recent development plans are dated 2005 but were approved by the Township in 2003. The project has been abandoned by the developer and the property is currently owned by the bank. Another builder has indicated preliminary interest in the property but no final steps to purchase it have been taken. There is an existing house on the property which was built as a model home and has been vandalized several times that is also an issue. Mr. Turpin is a resident living at 569 Churchill Rd. across from the development. Although Mr. Turpin discussed the issue with the Township's Building Inspector, Duane Brady and also with Assistant Township Mgr. Jeff Eastburn, it has never been brought before the Board of Supervisors at a public meeting. The current Board was not seated at the time the plan was approved and the current Township Engineers were not employed by the Township at that time. Therefore, the current Board suggested that Mr. Turpin come before the Board and the current consultants in order that they could hear his complaints first hand. After a long discussion, during which Mr. Turpin pointed out on the plan where the problems exist and showed photographs of the actual damage being done to his property, the Board agreed to have Township Engineer Grant Hitchens examine the site and provide the Board with an outline of the issues and who is responsible for correcting them so that an action plan can be developed.

### **Approval of Minutes:**

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- a. **March 17, 2010**: Mr. Brindle moved, seconded by Ms. Latimer, that the Board approve the March 17, 2010 Minutes as presented by the Township Secretary. Motion carried unanimously.
- b. Ms. Latimer moved, seconded by Mr. Brindle, that the Board approve Resolution 2010-11, regarding the Disposition of Records. Motion passed unanimously.

### **Reports:**

- a. **Treasurer's Report**: Ms. Latimer moved, seconded by Mr. Brindle, to approve the March 2010 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$131,658.36; the Park & Rec Fund totaling \$46,447.99; the Open Space Fund totaling \$26,990.77; the Traffic Impact Fund – East totaling 0; the Capital Reserve Fund totaling \$229,003.36; the Highway Aid Fund totaling \$0; the Emergency Services Fund totaling \$17,775.23; and, the Fire Hydrant Fund totaling \$399.30. Total balances in all funds as of 3.31.10 equal \$2,903,447.12. Motion passed unanimously.
- b. **Solicitor's Report**: No report.
- c. **Zoning Officer Bldg. Inspector Report**: Mr. Brady had nothing to add to his written report. Mr. Overton asked a question regarding the rejection of a permit to a riding ring due to not meeting a setback requirement. Mr. Brady advised that the setback is required by the zoning ordinance. There was some discussion regarding the relevance of the requirement which will be followed up at a later date.

### **Planning & Zoning:**

- a. **Planning Commission Report**: Chairman Olivier reported that the Planning Commission did not meet in the month of April due to having no business to discuss.
- b. **HARB/Historical Commission Report**: Mr. Olivier advised that there being no historic district activity to discuss, the April meeting was cancelled.

### **Escrow Releases:**

- a. **Cornerstone Presbyterian Church**: Ms. Latimer moved, seconded by Mr. Brindle, that the request for Escrow Release #4 from the Cornerstone Presbyterian Church, in the amount of \$89,650.87, be approved as recommended in a 3/24/10 letter from LTL Consultants, contingent upon the Cornerstone Presbyterian Church executing a maintenance agreement and providing appropriate security, both of which are subject to the satisfaction of the Township Solicitor. Motion passed unanimously.

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- b. **Charlton Escrow Release #6:** Ms. Latimer moved, seconded by Mr. Brindle, that, as recommended in a 4/21/10 letter from LTL Consultants, \$26,000 be approved as Escrow Release #6 for the Vaughn Charlton Land Development. Motion passed unanimously.

### **New Business:**

- a. **Public Hearing: Challenge Grant Resolutions for Conservation Easements:** Solicitor Mark Thompson opened the public hearing to offer the public the opportunity to comment on the money the Township intends to spend for the easements. The Proof of Publication was marked as Exhibit T1. Solicitor Thompson introduced three individual Resolutions which describe the Township's actions and the properties involved, as follows:  
**Resolution 2010-12** indicates that the Township will be acquiring an agricultural conservation easement on a 66 acre property comprised of three tax parcels, 72-2-5.2; 72-2-6; and 72-2-6.2A.  
**Resolution 2010-13** is for a property comprised of 19 ½ acres identified as tax parcel 72-4-1.6.  
**Resolution 2010-14** for a property comprised of 36 acres identified as tax parcel 72-4-1.

The Solicitor called for public comment. Mr. Olivier asked where the properties are located.

Mr. Eastburn indicated that two of them are east of Conard Mill Rd., north of Hess Mill and the third one is west of School House Rd.

Hearing no further public comment, the Solicitor closed the Public Hearing and advised the Board that it would be appropriate for them to consider the Resolutions.

Ms. Latimer moved, seconded by Mr. Brindle, to approve Resolution 2010-12, authorizing the expenditure of Open Space Funds in the amount of \$320,100.00 plus necessary and appropriate incidental transaction fees and expenses as the Township's share of a Chester County Agricultural Conservation Challenge Grant for property located west of School House Rd. and somewhat north of Route 841. Motion carried unanimously.

Ms. Latimer moved, seconded by Mr. Brindle, to approve Resolution 2010-13, authorizing the expenditure of Open Space Funds in the amount of \$94,575.00 plus necessary and appropriate incidental transaction fees and expenses as the Township's share of a Chester County Agricultural Conservation Challenge Grant for property located north of Hess Mill Rd. and east of Conard Mill Rd. Motion carried unanimously.

Ms. Latimer moved, seconded by Mr. Brindle, to approve Resolution 2010-14, authorizing the expenditure of Open Space Funds in the amount of \$174,600.00, plus necessary and appropriate incidental transaction fees and expenses, as the Township's share of a Chester County Agricultural Conservation Challenge Grant

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for property located north of Hess Mill Rd. and east of Conard Mill Rd. Motion carried unanimously.

- b. Updated Emergency Management Resolution 2015: Mr. Eastburn advised that the purpose of the Resolution is to outline the fire companies and their boundaries and to update the County Fire Marshall as well as the Township's Emergency Mgmt. Coordinator.

Ms. Latimer moved, seconded by Mr. Brindle, to approve Resolution 2010-15, updating the methods and agencies chosen to fulfill the efficient administration of the Emergency Communication Systems of the Chester County Dept. of Emergency Services. Motion carried unanimously.

- c. Hazard Mitigation Resolution 2010-16: The Solicitor advised that a similar resolution will be considered by all Townships in Chester County to improve their Multi-jurisdictional Hazard Mitigation Plan. It allows the County and the municipalities that participate in the program to be eligible for disaster relief funds if necessary.

Ms. Latimer moved, seconded by Mr. Brindle, to approve the adoption of the Chester County Multi-jurisdictional Hazard Mitigation Plan as the official Hazard Mitigation Plan of Franklin Township. Motion carried unanimously.

- d. Letter to Emergency Responders: Ms. Latimer advised that each year the budget has to include the exact amount of the Township's contribution to the emergency responders. The responders advise the Township of the amount but the request is always too late for the budgeting process. This letter asks that they provide that information in time to be included in the budget.

Ms. Latimer moved, seconded by Mr. Brindle, that a communication be sent to Emergency Responders partially funded by Franklin Township that all requests for 2011 funding be submitted to the Township in time for consideration during the annual municipal budgeting process. Motion carried unanimously.

- e. Endorsement of NLT purchase of property adjacent to Peacedale Preserve: Ms. Latimer explained that this is a communication that will be sent to DCNR with a grant application for reimbursement of a portion of the money to purchase the property by Natural Lands Trust. Ms. Latimer moved, seconded by Mr. Brindle, that a communication be sent to Natural Lands Trust supporting NLT's efforts to secure DCNR grant funding that would enable NLT to acquire properties adjacent to NLT's existing Peacedale Preserve. Motion passed unanimously.

- f. Colonial Pipeline Donation: Mr. Eastburn advised that Colonial Pipeline has donated \$12,470 to the Franklin Preserve for the installation of gates and the eventual installation of a split rail fence across the front of the property.

Ms. Latimer moved, seconded by Mr. Brindle, to recognize the donation of \$12,470 by Colonial Pipeline for the immediate installation of gates and the

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eventual installation of fencing at the Franklin Preserve, and to endorse sending Colonial a contribution recognition letter as provided for in IRS regulations. Motion passed unanimously.

- g. Snow Emergency Resolution 2010-17: Mr. Eastburn advised that this resolution is to assist the efforts of the Township in seeking state and federal financial assistance as a result of the historic storms of 2010. The Resolution is part of the required paperwork which is being prepared by Joan McVaugh.

Ms. Latimer moved, seconded by Mr. Brindle, to approve Resolution 2010-17, a Designation of Agent Resolution, in furtherance of Franklin Township's efforts to seek state and federal financial assistance for the snow removal efforts associated with the historic storms of 2010. Motion carried unanimously.

**Public Comment:** Ralph Olivier related that he recently had a conversation with a supervisor of a neighboring township who spoke admiringly of Franklin Township's success in acquiring open space.

Mr. Eastburn advised that he spoke with Barry Stingel and Ken Crossan who both said they will have nothing for the May Planning Commission meeting.

**Adjourn:** The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

BOS 4.21.10.v.1.er