

# APPROVED

---

## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES JUNE 16, 2010

### **Call to Order:**

Chairman Richard Whipple called the meeting to order at 7:05 p.m. Present were Supervisors Eric Brindle, Norman Hughes, Nan Latimer and Paul Overton. Also present were Solicitor Mark Thompson, Zoning Officer/Bldg. Inspector Duane Brady, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, Township Engineer John Theisen, and Planning Commission Chairman Ralph Olivier. There were 3 members of the public in attendance.

**Executive Session:** Mr. Whipple announced an Executive Session following the meeting to discuss potential property acquisitions and ongoing litigation.

**Public Comment:** No Public Comment.

### **Approval of Minutes:**

- a. May 19, 2010: Mr. Whipple moved, seconded by Mr. Hughes, that the Board approve the May 19, 2010 Minutes as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2010-19: Mr. Whipple moved, seconded by Mr. Hughes, that the Board approve Resolution 2010-19, regarding the Disposition of Records. Motion passed unanimously.

### **Reports:**

- a. Treasurer's Report: Mr. Whipple moved, seconded by Mr. Brindle, to approve the May 2010 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$102,533.43; the Park & Rec Fund totaling \$14,084.08; the Open Space Fund totaling \$8,568.27; the Emergency Services Fund totaling \$29.99; and the Fire Hydrant Fund totaling \$399.33. Total balances in all funds as of 5.31.10 equal \$3,362,379.27. 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 11 permits (one for a new house), in the amount of \$1,802.70, and 24 various building inspections were completed.

### **Planning & Zoning:**

## APPROVED

---

- a. Planning Commission Report: Chairman Olivier confirmed that the Planning Commission did not meet in the month of June due to having no business to discuss.
- b. HARB/Historical Commission Report: Mr. Olivier confirmed that the HARB did not meet in June.
- c. Landscaping Ordinance Discussion: Mr. Whipple advised that Supervisors Overton and Hughes have been leading the effort to revise the Landscaping Ordinance regarding the use of the terms "DBH" and "Caliper" as tree measurement techniques. A draft of the proposed revisions had previously been submitted to the Board for their review and Mrs. Norris advised that an additional last-minute revision, changing 4 ft. DBH to 4.5 ft. DBH, was added to the proposed revisions. Mr. Whipple moved, seconded by Mr. Hughes, to have the Solicitor draft an ordinance containing the proposed revisions as discussed and agreed to by the Board. Motion passed unanimously.

### **Escrow Releases:**

- a. Charlton Escrow Release #7: Mr. Whipple moved, seconded by Ms. Latimer, to approve Escrow Release #7 for the Charlton Land Development Plan, as recommended by Township Engineers LTL Consultants, in the amount of \$29,090.70, conditioned on receipt by the Township of any consultant and Solicitor expenses related to the project. The motion carried unanimously.
- b. Paradocx Final Escrow Release #2: Mr. Whipple advised that the Board has not yet received a recommendation from Township Engineer Hitchens for this escrow release and therefore it will be discussed at the July BOS meeting.

### **Old Business:**

- a. Energy Endeavors – Parking Lot: Mr. Ron Reagan and Mr. John Charette were present on behalf of the applicant. The applicant is seeking approval of a modification to the previously approved land development plan. The modification consists of the relocation of the front parking lot by approximately 10 ft. in the easterly direction to comply with the ADA maximum slope requirements. It is the opinion of Township Engineer Theisen and Solicitor Mark Thompson that the modification is significant enough to require a plan modification sheet, but not significant enough to require Planning Commission review. Mr. Whipple moved, seconded by Mr. Brindle, to approve, at the recommendation of Township Engineers LTL Consultants, the final land development plan modification dated 6.3.10 of Energy Endeavors, LLC, parcel 72-5-83.2, said modification being a shifting of the parking lot 10 +/- ft. to the East. In answer to Mr. Overton's question, Mr. Reagan explained that the grey shaded area on the plan indicates the impervious surface (as moved) which has been added to that which previously existed. The total parking lot/impervious surface includes the shaded and the white areas. Motion carried unanimously.

## APPROVED

---

- b. Construction of sidewalks – Lang Subdivision: Mr. Whipple advised that the Lang Subdivision, located on the east side of Forrest Gump Rd., has a 330 ft. piece of land that fronts a portion of Forrest Gump Rd. that is not yet built. He stated that apparently when Thompson Estates was approved many years ago, the developer was successful in persuading the Board to only extend Forrest Gump far enough south so that both ends of Thompson Circle would front onto Forrest Gump. After thoroughly reviewing the plans, nothing was found to indicate who would be responsible for completing the road, and no escrow was set up to cover the future cost. Mr. Lang is requesting that he be allowed to set up an escrow account to cover the cost of installing a sidewalk along that 330 ft. piece after the road is complete rather than installing it now in an area where there is no road. If completed, the road would connect to the McMaster property where the TND is proposed to be built.

Mr. Whipple moved, seconded by Mr. Brindle, to permit the owner/developer of the Lang subdivision to post an escrow for 330 +/- feet of sidewalk that will eventually be adjacent to a not-yet-built section of Forrest Gump Rd., conditioned upon the escrowed amount being approved by the Township's Engineer, and the owner/developer paying the associated Township engineer review fees. There was discussion regarding what will be necessary in order to have driveways installed off of that unfinished portion of a Township dedicated road.

The motion carried unanimously.

### **New Business:**

- a. Possible Closing of Creek Rd.: Mr. Whipple explained that tonight's discussion is preparatory to having this item on the agenda for the July 21<sup>st</sup> BOS meeting when the Board is scheduled to discuss and potentially make a decision concerning the possibility of closing a portion of Creek Rd. between Church Hill and Chesterville roads, to vehicular traffic. Mr. Overton led the discussion explaining that heirs of Mrs. Keen, who own the majority of the land on both sides of Creek Rd., asked the Township to look into the possibility of closing the road to prevent the ongoing trash dumping and destruction of his property by individuals in 4-wheelers and ATVs. Mr. Overton has spoken to most of the neighbors who have frontage on Creek Road and initially they stated that they wouldn't have a problem if the Township closed the road, however some of them are now having second thoughts. Mr. Overton has asked that heirs of Mrs. Keen put this request in writing. Solicitor Thompson explained the pros and cons of the formal "road vacation process" which is available under the MPC, and the fact that if the Township didn't want to go through the formal vacation process they could simply close the road to vehicular traffic. It would remain a Township Rd. but would be identified as a trail or a limited access road and since it would not be eligible for liquid fuels funds, the Township could decide how it would be restricted. The decrease in Liquid Fuels money was estimated to be approximately \$1,000. There was brief discussion of the gates and how to position them to allow access for horseback riders while excluding ATV-type vehicles. The staff was instructed to send letters to all property owners adjacent

## APPROVED

---

to the road advising them of the meeting and to otherwise publicize the fact that this subject will be discussed at the July 21<sup>st</sup> meeting. Jeff Eastburn will check with 911 and other emergency entities regarding any concerns they may have.

- b. Avon Grove Charter School (AGCS) Escrowed Taxes: Mr. Whipple stated that it is believed that an effort is underway to finalize a potential settlement of a lawsuit between the AGCS and the Avon Grove School District (AGSD) concerning real estate taxes for the years 2008, 2009 & 2010. The agreement involves returning to the AGCS 10% of the real estate taxes that were paid over that three year period. It is the sense of the Board that the Township Solicitor is to work with the associated parties such that the Township will be in a position (at a future meeting) to follow the same pattern (percentage wise) as the AGSD, if a final settlement is reached between the AGSD and the AGCS.
- c. Addendum to AGCS Security Agreement: Mr. Whipple explained that the Township became the Permittee on this project in order to try to help the AGCS regarding the price of moving the utility poles and therefore the Township needs to execute this addendum. Mr. Whipple moved, seconded by Mr. Brindle, to authorize the Chairman, upon clearance from the Township Solicitor, to execute an addendum to the Financial Security Agreement between the AGCS and the Township to accommodate a PennDOT form M-945 requirement for 2 years of maintenance security for the 896 improvements. Motion carried unanimously.
- d. Resolution 2010-20 – Conservation Plan (E of 841/S of Flint Hill): Mr. Whipple moved, seconded by Ms. Latimer, to approve Resolution 2010-20 authorizing the preparation of a conservation plan for property east of Rt. 841 and south of Flint Hill Rd. Motion passed unanimously.
- e. Resolution 2010-21 – Conservation Plan (Strickersville & Appleton): Mr. Whipple moved, seconded by Ms. Latimer, to approve Resolution 2010-21, authorizing the preparation of a conservation plan for a property in the vicinity of Strickersville Rd. and Appleton Rd. Motion passed unanimously.

**Public Comment:** Mr. Hatton complimented the Township on the addition of the new furniture but lamented the loss of his reserved seat for the meetings. Regarding the possible closing of Creek Rd., Mr. Hatton has a concern about the ongoing maintenance of the area so that it doesn't become overgrown and inaccessible. He congratulated Mr. Hughes for his accomplishments in growing lilies, and Solicitor Mark Thompson on his receipt of the "Rising Star" award.

**Adjourn:** The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

# APPROVED

---

BOS 6.16.10.v.2.er