

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES JULY 21, 2010

Call to Order:

Chairman Richard Whipple called the meeting to order at 7:07 p.m. Present were Supervisors Brindle and Hughes. Supervisors Latimer and Overton were not in attendance. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, and Planning Commission Chairman Ralph Olivier. There were 4 members of the public in attendance.

Executive Session: Mr. Whipple announced an Executive Session following the meeting to discuss ongoing litigation.

Public Comment: No Public Comment.

Approval of Minutes:

- a. June 16, 2010: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve the June 16, 2010 Minutes as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2010-23: Mr. Whipple moved, seconded by Mr. Brindle, that the Board approve Resolution 2010-23, regarding the Disposition of Records. Motion passed unanimously.

Reports:

- a. Treasurer's Report: Mr. Whipple moved, seconded by Mr. Brindle, to approve the June 2010 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$73,913.56; the Park & Rec Fund totaling \$17,890.12; the Open Space Fund totaling \$8,360.27; the Emergency Services Fund totaling \$36,656.99; and the Fire Hydrant Fund totaling \$399.30. Total balances in all funds as of 6.30.10 equal \$3,314,214.56. 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 9 permits in the amount of \$1,601.80, including one new home permit. Forty-one (41) various building inspections were conducted.

Planning & Zoning:

- a. Planning Commission Report: Chairman Olivier confirmed that the Planning Commission did not meet in the month of July due to having no business to discuss.

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- b. HARB/Historical Commission Report: Mr. Olivier advised that, although a meeting was a scheduled in July, the Commission did not have a quorum and therefore did not officially meet. However discussions were held regarding the letter that will be sent to residents of the HARB.
- c. Subdivision Plan Withdrawal – Logan Property: Mr. Whipple moved, seconded by Mr. Brindle, to honor the request from Earl Hatton dated July 14, 2010, acting on behalf of Westport LLC, to withdraw from consideration and review by the Township, the proposed subdivision plan for parcels #72-7-2.1 and #72-7-2.2, located on the west side of Appleton Road south of Chisel Creek Drive. Motion passed unanimously.

Escrow Release:

- a. Paradocx Final Escrow Release #2: Mr. Whipple moved, seconded by Mr. Brindle, to follow the guidance of a July 21, 2010 letter from Kohli & Associates concerning Escrow Release #2 relating to the Paradocx Vineyard land development plan and release the \$9,654.45 that remains in the account. Motion carried unanimously.

New Business:

- a. AGCS Escrowed Taxes: Mr. Whipple moved, seconded by Mr. Brindle, to approve the Stipulation and Order in the case of the Avon Grove Foundation v. Chester County Board of Assessment Appeals No. 2009-00178-AB and to refund the Avon Grove Charter School (AGCS) 10% of real estate taxes paid to Franklin Township by AGCS for the years 2008, 2009 and 2010, contingent on the Avon Grove School District (AGSD) Board of Directors also approving the Stipulation and Order. The Franklin Township Solicitor is hereby authorized to execute the Stipulation and Order if the contingency is satisfied. In response to a question from Mr. Hughes, Solicitor Thompson confirmed that the Township's agreement to AGCS's tax exempt status is contingent upon the agreement of the school district. Motion passed unanimously.
- b. Resolution 2010-24 Supporting "Growing Greener Program": Mr. Whipple moved, seconded by Mr. Brindle, to approve Resolution 2010-24 supporting the renewal of the Growing Greener Program with dedicated sustainable and long-term funding sources by the Pennsylvania General Assembly and the Governor of Pennsylvania. Motion carried unanimously.
- c. Resolution 2010-25 Opposing forced local government mergers: Mr. Whipple moved, seconded by Mr. Brindle to approve Resolution 2010-25 in opposition to forced mergers and consolidations of local governments in Pennsylvania. Motion carried unanimously.
- d. Dan Malloy Paving Invoice: Mr. Whipple moved, seconded by Mr. Brindle, to follow the guidance in a 7/16/10 memo from McCormick Taylor and authorize the first payment for the 2010 Road Program to Dan Malloy Paving, Inc. in the amount of \$329,896.09. Motion passed unanimously.
- e. Political Sign Discussion: Mr. Whipple stated that a formal complaint has been filed concerning the large banner and/or banners on a structure located on the northeast corner of Rt. 896 and Rt. 841. Previously there were informal complaints about this advertising but now a formal complaint has been filed. Upon investigation it's learned that the banner or banners is/are not in compliance with

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Township ordinances. The Township recognizes that the nature of the banner or banners is/are political in nature, not commercial. The Township recognizes that with political "speech" there can be First Amendment considerations. The existing Township ordinances do make special provisions for political type signage with certain size limits. The banner and/or banners are well in excess of the size limit that the ordinances provide for political type advertising. Given that the Township has received a formal complaint concerning these banners, the Township is obligated to respond. If a majority of the Board is in favor, a suggestion is for the Township Zoning officer and Township Solicitor to craft and send a letter to the property owners advising them of the applicable ordinances and asking for voluntary compliance. This seems preferable, as a first step, to sending a Violation Notice which could potentially initiate some form of First Amendment free speech situation that could possibly result in a major expense for Township taxpayers. Of note, the owners of the property with the banner and/or banners hold elected positions in the Township. Presumably, those holding elected positions in the Township are even more inclined than perhaps others might be, to follow Township ordinances. It was the sense of the Board that the Township Zoning Officer and Solicitor should proceed as suggested above.

- f. Acceptance of Agricultural Security Area (ASA): Mr. Whipple moved, seconded by Mr. Brindle, that an application from John R. and Ann P. Griffith that the following parcels, 72-6-8.45, consisting of 1.1 acres; 72-6-8.46, consisting of 1.5 acres; and, 72-6-8.44, consisting of 8.2 acres, be accepted for consideration for inclusion in the Franklin Township ASA. Motion passed unanimously.
- g. Resolution 2010-26 Conservation Plan: Mr. Whipple moved, seconded by Mr. Brindle, that Resolution 2010-26 be approved authorizing the preparation of a Conservation Plan for approximately 10.8 acres south of Walker Rd. and west of Johnson Lane. Motion passed unanimously.
- h. Franklin Chase Lot #2 Indemnification: Mr. Whipple moved, seconded by Mr. Brindle, authorizing the Chairman of the Franklin Township Board of Supervisors on behalf of Franklin Township to execute an Indemnity Agreement between 229 Valley Road LP and Franklin Township, indemnifying Franklin Township from any NPDES related claims associated with the construction by 229 Valley Road LP of a residential dwelling on Lot #2 in the Franklin Chase subdivision. Motion passed unanimously.

Public Comment: Boy Scout Dan Reich from Troop 10 commented that he attended the meeting as part of a Community Service badge. He is the brother of Mookie Reich, the Eagle Scout who created the garden at the Township.

Adjourn: The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary