

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES NOVEMBER 17, 2010

Call to Order:

Chairman Nan Latimer called the meeting to order at 7:04 p.m. Present were Supervisors Overton, Brindle, Skalish and Hughes. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris and Township Treasurer Joan McVaugh. There were 12 members of the public in attendance.

Public Comment: No Public Comment.

Approval of Minutes:

- a. October 20, 2010: Ms. Latimer moved, seconded by Mr. Overton, that the Board approve the October 20, 2010 Minutes as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2010-36: Ms. Latimer moved, seconded by Mr. Overton, that the Board approve Resolution 2010-32, regarding the Disposition of Records. Motion passed unanimously.

Reports:

- a. Treasurer's Report: Ms. Latimer moved, seconded by Mr. Overton, to approve the October 2010 Treasurer's Report as presented by the Township Treasurer, including disbursements and transfers from the General Fund totaling \$87,325.32; the Park & Rec Fund totaling \$9,822.33; the Open Space Fund totaling \$8,217.77; the Capital Reserve Fund totaling \$28,520.59; the Emergency Services Fund totaling \$29.99; and the Fire Hydrant Fund totaling \$399.30. Total balances in all funds as of 10.31.10 equal \$2,676,183.26. 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 15 permits totaling \$2,435.80, one of which was for a new home. There were 13 various building inspections.

Planning & Zoning:

- a. Planning Commission Report: Mr. Olivier, Chairman of the Planning Commission summarized the Planning Commission meeting of November 4, 2010.
- b. HARB/Historical Commission Report: Mr. Olivier reported that the HARB met on November 3, 2010 to review three applications for Certificates of Appropriateness (COA) as follows:

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1. 100 Walker Rd. – Mathew & Tracey Schreiner: The original house is a contributing resource. There is an addition which is not part of the contributing resource. The application proposes to change the wooden board and batten siding on the addition to fiber cement board and batten siding. The application is in conformance with the Secretary of Interior's Standards A, B, C, E, I & J and Standards D, F, G & H are not applicable. The HARB recommends to the Board of Supervisors that they grant a COA to the applicants.
2. 1733 New London Rd. – Larry Eller: This house has had previous additions which are not part of the contributing resource and the application is to replace three windows in one of the additions. The application is in conformance with Secretary of State Standards A, B, C & I and D, E, F, G, H & J are deemed to be not applicable. The HARB recommends that the Board grant the applicants a COA.
3. 1 Tilden Dr. – Peter Foos: The proposal is to put new asphalt roof shingles on the house. Although the house was not listed as a contributing resource in our original survey, it is a part of a group of structures that reflect the later growth of Kemblesville Village and could be regarded as significant. The application is in conformance with Secretary of State Standards A, B, C & E and Standards D, F, G, H, I & J are deemed to be not applicable. The HARB recommends that the Board grant the applicants a COA.
4. 1731 New London Rd. – David Neil: The proposal, which was to apply a corrugated asphalt roofing product, was denied by the HARB at their 9/7/10 meeting and Mr. Olivier wrote to the applicant on October 13, 2010 suggesting materials that would be acceptable. No further information is available at this time.

Ms. Latimer moved, seconded by Mr. Hughes, to issue Certificates of Appropriateness for the following properties: 100 Walker Road, 1733 New London Rd. and 1 Tilden Rd. Motion carried unanimously.

Extensions: Ms. Latimer moved, seconded by Mr. Overton, to accept the following requests for extensions to March 30, 2011:

- 101 Stonegate
- Ashby Hills (formerly Christens)
- Sarana (formerly Davis)

Motion passed unanimously.

New Business:

- a. Agricultural Security Area (ASA) Public Hearing - Resolution 2010-37: Solicitor Thompson opened the public hearing and explained the provisions of the Agricultural Security Area Law that allow for the addition of properties into the existing ASA. He identified the properties as follows:
 - 3.1 acres, 440 Chesterville Rd., Parcel 72-2-6, owned by Carol & Dave Hoffman;
 - 61.35 acres, 1000 & 1001 Wickerton Rd., Parcels 72-2-6 and 72-2-5.2, owned by Downs Land Mgmt., LLC;
 - 14.7 acres, 3141 Appleton Rd., Parcel 72-7-14.9, owned by Mrs. Anne Swan;

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- 12.3 acres, 25 Franklin Road, Parcel 72-4-39, owned by Mr. & Mrs. Schulz.

The Planning Commission and the ASA Committee have reviewed these proposals and have provided their recommendations to the Board via Resolutions which are marked as Township Exhibits 1 and 2. The public notice that was placed in the Daily Local News was marked as Exhibit T3. The Solicitor called for public comment. Hearing none, he closed the public hearing.

Ms. Latimer moved, seconded by Mr. Overton, to adopt Resolution 2010-37, a resolution of the Franklin Township Board of Supervisors, approving the proposed additions to the Franklin Township Chester County, Pennsylvania Agricultural Area. The properties being added are owned by:

Carol & David Hoffman; Downs Land Mgmt., LLC; Mrs. Anne Swan; and, Mr. & Mrs. Robert Schulz. Motion carried unanimously.

- b. 2011 Budget: Copies of the proposed 2011 Budget were provided to the members of the Board. Township Treasurer Joan McVaugh reviewed the proposed budget line by line and asked for questions and/or comments. Mr. Brindle had a question regarding the amount budgeted for salaries which was explained to his satisfaction by Ms. Latimer. Possible encroachment at White Clay Crescent Preserve (WCCP) was on the agenda for discussion after the budget discussion. Since it has the potential to be a budget item, Ms. Latimer asked Mr. Brindle to discuss it at this point in the meeting. Mr. Brindle advised that a neighbor to the WCCP has encroached onto the Township property by approximately 12 ft. The encroachment includes a power line that comes from the residence and a flood light illuminating the White Clay Creek. After discussion, it was the sense of the Board that money should be budgeted for a survey, including monuments of the subject area. Other considerations were discussed including surveying the Banffshire Preserve and, in light of the fact that previous discussions have occurred regarding the possibility of installing a trail on the Banffshire Preserve, Mr. Brindle suggested that the right-of-way into Banffshire should be improved in order to provide easier car access for residents. In answer to a question from Mr. Overton, Mrs. McVaugh confirmed that several inactive fire hydrants had been removed from the budget figures.

Ms. Latimer moved, seconded by Mr. Overton, that pursuant to the 2nd Class Township Code, the staff is authorized to place a public notice in the Daily Local that the 2011 Proposed Budget is available for review at the Township Office between the hours of 8 a.m. to 4 p.m., Monday through Friday for 20 days, with final adoption to occur on December 8, 2010 at the public meeting of the Board of Supervisors. Motion carried unanimously.

- c. Resolution 2010-38 – Signer's Resolution: Ms. Latimer, moved seconded by Mr. Hughes, to amend Resolution 2008-26, the Check Signing Resolution, by removing Mr. Whipple's name and adding the name of Mr. William Skalish, the newest member of the Board of Supervisors, who is authorized to sign checks on behalf of the Township. Motion carried unanimously.
- d. Sign Ordinance: Several months ago Paradox Vineyard requested approval to install a sign marking the entrance of their Vineyard. The sense of the Board was to

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allow the sign but in discussing the size of the sign it became clear that they needed more information regarding what currently exists and what changes they may want to make to the Ordinance to create consistency throughout the Township going forward. The outcome was that Ms. Latimer researched what currently exists in the Township and in neighboring townships and engaged the help of Tom Comitta's firm (TCA), specifically Jennifer Leister, to answer questions and provide guidance for possible revision of Section 27-2001 "Signs" of the Zoning Ordinance. In discussing Ms. Latimer's proposal and Ms. Leister's comments, it became clear that additional information is necessary. Some of the issues discussed were the proper method of measuring a sign and the supporting structure; the preferred material to use in constructing a sign; the size of the lettering; and how these and other provisions might change based on the location and purpose of the sign. Mr. Hughes and Ms. Latimer will meet with the Zoning Officer to clarify some of these issues and will then get the Township Solicitor and Tom Comitta's office involved regarding possible revisions to the Zoning Ordinance. Ms. Latimer will update the Board at next month's meeting.

- f. Resolution 2010-39 – ARLE Grant Application: Ms. Latimer referred to a meeting last month when a resident spoke about her concerns regarding the intersection of 896 and 841. This is just the most recent of many concerns from residents regarding this intersection. The Board said they would look into it. About a year ago the Township applied for the PCT12 Grant in the amount of \$425,000 as part of the traffic calming campaign in Kemblesville. The grant money would be used to realign Appleton Road and improve the intersection at Appleton and 896. The ARLE Grant is a backup to the PCT12 Grant. If we don't get the PCT12, we could be considered for the ARLE Grant. It would be for \$220,000. The Township's local match in both cases would be \$40,000. The application is due November 30 and must be accompanied by a resolution stating that the Township is aware of, and capable of funding the \$40,000 match. Ms. Latimer moved, seconded by Mr. Overton, to adopt Resolution 2010-39, a Resolution of Franklin Township, Chester County, Commonwealth of Pennsylvania Board of Supervisors to permit, construct, operate and maintain traffic signals at the intersection of SR 896 and SR 841, and provide funding as may be necessary.

Discussion: Ms. Latimer advised that the approximate cost of maintenance/year is \$25,000 and McCormick Taylor is preparing the Grant application free of charge. Motion passed unanimously.

Public Comment:

Mr. Skalish asked if the Board is in support of Mr. Lonsdorf's proposal to plant 1,000 trees in the spring. Ms. Latimer said they are not opposed to it but would prefer to have a better handle on the maintenance issue before deciding.

Mrs. Penny Schenk asked for further information regarding the 841/896 intersection improvements. The Board shared their knowledge based on past experience.

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Mr. Earl Hatton asked if the Board had given further consideration to Steve Lauriello's offer regarding the Ford Farm. The Board stated that they are always interested in adding open space but need more information from Mr. Lauriello.

Mr. Jeff Schenk, on behalf of the Franklin Township Deer Management Group, said the DMG had accomplished everything except the Bow Hunter Education Course. He asked if the Board was willing to waive that requirement for the current hunting season due to the fact that there is no one available from the PA Game Commission to give it. Ms. Latimer and other members of the Board stated that they are requiring that the course be completed and would like to communicate directly with the PA Game Commission to see if something can be arranged for the hunters to complete the course this year. Ms. Latimer asked the Solicitor to craft a motion that the Board could vote on at tonight's meeting to temporarily suspend the requirement to take the course so that if it is determined to the Board members satisfaction that the course cannot be scheduled this year, that the DMG would not have to wait until next month's BOS meeting for approval to hunt.

The Solicitor stated that the motion is to temporarily suspend the requirement for participating members of the FDMA to have taken the PA Game Commission Bow Hunters Education Course before hunting on Township property pursuant to Resolution 2010-31, subject to a two-week investigation period in which the Township shall determine the availability of the course to the Township's satisfaction. Ms. Latimer so moved, **and Mr. Overton seconded the motion.** The motion carried unanimously. It was agreed that each member of the Board would let Sharon Norris know the result of their individual investigation by the end of a two-week period from today's date which would be December 1, 2010. Mr. Overton requested that Mr. Schenk provide him with the names of the 30 people who are qualified to administer the course. Solicitor Thompson suggested that the Board ratify whatever the outcome is at the next public meeting.

Mr. Olivier asked if anything was done about having deputy game wardens available.

Adjourn: The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

BOS 11.17.10.v.2.er