

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES MARCH 16, 2011

Call to Order:

Chairman Nan Latimer called the meeting to order at 7:05 p.m. Present were Supervisors Hughes, Skalish and Brindle. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, Planning Commission and HARB Chairman Ralph Olivier, and Twp. Engineer Stan Corbett. Supervisor Overton arrived at 7:10p.m during the Zoning Officer report. There were 14 members of the public in attendance.

Announcements: Ms. Latimer announced that there was an Executive Session on Friday, March 11, 2011 at Lamb McErlane with Counsel and all five Board members present, to discuss the Township's interest in purchasing real estate. In addition there will be an Executive Session after tonight's meeting with Counsel regarding legal issues and the Township's interest in purchasing real estate.

Public Comment: Township Secretary Sharon Norris stated that Harold Walls, the Township's Emergency Management Coordinator, is currently updating our emergency management manual and his first draft will be ready for review at the April BOS meeting.

Approval of Minutes:

- a. February 16, 2011: Ms. Latimer moved, seconded by Mr. Hughes, that the Board approve the February 16, 2011 Minutes, version 1, as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2011-18: Ms. Latimer moved, seconded by Mr. Hughes, that the Board approve Resolution 2011-18, regarding the Disposition of Records for the Board of Supervisors Meeting of February 16, 2011 and the Planning Commission's meeting of February 3, 2011. Motion passed unanimously.

Reports:

- a. Treasurer's Report – February 2011: Ms. Latimer moved, seconded by Mr. Skalish, to approve the February 2011 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$139,029.15; the Park & Recreation Fund with disbursements of \$2,186.82; the Open Space Fund with disbursements of \$11,522.42; the Emergency Services Fund with disbursements of \$3,819.99; the Fire Hydrant Fund with disbursements of \$399.30, leaving a balance in all funds of \$2,866,680.76. 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 two permits totaling \$346.15. There were 26 various building inspections conducted.

Extensions:

Ms. Latimer moved, seconded by Mr. Hughes, that the Board of Supervisors approve the extension for the Abel property to September 11, 2011. Motion passed unanimously.

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Planning & Zoning:

- a. Planning Commission Report: Mr. Olivier, Chairman of the Planning Commission, summarized the Planning Commission meeting of March 3, 2011.
- b. HARB/Historical Commission Report: The HARB and Historical Commission, having no business before it, did not meet in March.
- c. Vannoy Property: Mr. Ken Crossan, representing the applicant, provided an overview of the Vannoy Plan which involves a 9.042 acre property in London Britain Township and a 49.1542 acre property in Franklin Township, both owned by Mrs. Vannoy. The plan proposes to revise the lot line on a portion of the Franklin Township property so that the London Britain property will contain a minimum of 10 acres which allows participation in Act 319. At their March 3rd meeting, the Planning Commission (PC) recommended that the Board approve the plan with a number of waivers. The waivers were approved based on the fact that the plan does not involve any development. Subsequent to the PC meeting, Mr. Crossan has had several discussions with Township consultants and London Britain consultants and is requesting that the Board consider approving the Plan with several additional revisions.

In discussions regarding what constitutes a property that complies with Act 319 relative to the portion of the property that's within the road right-of-way vs. the portion that is not in the road right-of-way, Mr. Crossan is requesting approval to increase the add-on to the 9 acre parcel by approximately 28 ft. to insure continued Act 319 compliance in the event that any of the land in either township would be needed for physical dedication. Solicitor Thompson stated that Note 10 on the Plan takes care of this issue.

Regarding monumentation, Mr. Crossan asked for a waiver of the Township's requirement for monumentation of the rights-of-way along Strickersville and Appleton Roads due to the fact that the land remains part of the farm and is not subject to development. He will comply with the Township's Ordinance regarding the monumenting of the balance of the property.

Another revision is created by the fact that Franklin Township requires a total of 60 ft. (30 ft. both sides) ultimate right-of-way, and London Britain requires a total of a 50 ft. ultimate right-of-way. Therefore the plan that is submitted for signing and recording will be revised to show a decrease in London Britain's ultimate right-of-way.

Mr. Crossan said he is agreeable to having the Township Engineer review the Plan again prior to it being submitted for execution and recording.

Mr. Overton confirmed that the removal of the run-in shed will be a condition of final approval.

Ms. Latimer moved, seconded by Mr. Hughes, that the Board of Supervisors conditionally approve, based on the Township Engineer's approval, the Final Minor Subdivision Plan known as the Vannoy Minor Subdivision Plan, dated January 10, 2011, last revised February 14, 2011, with the following waivers from SLDO:

1. Section 22-202 with respect to the definition of a minor subdivision to allow this plan to be processed as a minor subdivision plan.

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2. Section 22-502.L and Section 22-717.1.B to the extent that it involves the monuments along the roads right-of-way.
3. Section 22-502.L.14 which requires the location of all existing wells and sewage drainage fields within 100 ft. of the property boundary.
4. Section 22-502.M.1, which requires existing contour lines at vertical intervals of 2 ft.
5. Section 22-502.M.5, which requires slopes from 15% to 25% and slopes in excess of 25% to be highlighted.
6. Section 22-502.M.8 which requires the delineation of all non-tidal wetlands by field survey.
7. Section 22-503.A which requires a plan scale no smaller than 1 inch = 50 ft.
8. Section 22-710 regarding sidewalks. Since there are no sidewalks in the area, LTL recommends this requirement be waived to preserve the rural nature of the area.
9. Section 22-711 regarding street lighting. This requirement should be waived to preserve the rural nature of the area.
10. Compliance with any and all outstanding conditions and comments as set forth in the Township Consulting Engineers' and Solicitor's review letters, including but not limited to the following: February 21, 2011 LTL Review Letter; and November 3, 2010 Lamb McErlane e-mail review.
11. The final plan approval should also be conditioned upon payment of outstanding and expected legal and consultant review expenses and funding of any and all appropriate escrow accounts in accordance with Township policies prior to the plans and agreements being released for recording.
12. The run-in shed shall be moved to be compliant with the current ordinances and the movement of the run-in shed shall occur prior to the recording of the plan.
13. Based on the Solicitor's advice, Note 10 of the plan will be revised to read as follows:

The areas of the property shown with the ultimate right-of-way lines depicted on the Plan for Appleton Road and Strickersville Road are hereby irrevocably offered for dedication by the owners to Franklin Township and/or the Commonwealth of Pennsylvania which said dedication shall not be completed until such time as Franklin Township and/or the Commonwealth of Pennsylvania shall formally accept said dedication. The owners intend that this Covenant shall run with the land and bind the owners for themselves, their respective heirs, executors, successors and assigns.

Motion carried unanimously.

New Business:

- a. Appointment of Tracey Schreiner to HARB: HARB Chairman Ralph Olivier introduced Ms. Tracey Schreiner who has volunteered to serve on the HARB. Ms. Schreiner is a resident of the Village which is in the Historic District. Ms. Latimer moved, seconded by Mr. Hughes, that the Board of Supervisors approve the appointment of Tracey Schreiner to the HARB for a five-year term ending December 31, 2015. Motion carried unanimously. The Board thanked Ms. Schreiner for volunteering.
- b. Act 537 Final Package Narrative: Township Engineer Stan Corbett provided a summary of the Township's efforts to comply with DEP's requirement for an Act 537 Plan. He spoke briefly about the submission of the Township's Base Act 537 Plan in 2002 and

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DEP's issue with the proposal that the Village would be served by a new public sewage system built by the developers of adjacent subdivisions. This concept was not acceptable to DEP, nor did they approve of any of the plans proposed by the developers. In 2007, after submitting additional information to DEP, the Township received approval of the 537 Plan, excluding the Village. In 2008, at the request of DEP, the Township submitted a Special Study of the issues related to a sewage system for the Village. After review, DEP requested that the Township submit more information involving two general issues: 1) The status of, and compliance with, the on-lot sewage management program in the Village; and, 2) Alternative plans to address the needs of the Village that do not involve developers. In late 2010, DEP again requested that information. To address these concerns, a report entitled "Official Sewage Facilities Plan Special Study Kemblesville Study Area Needs Analysis Supplemental Information" has been prepared by URS for submission to DEP. Mr. Corbett explained the parcel-by-parcel investigative process used to gather the necessary information for the report and advised that there are only two possibilities to address DEP's concerns: 1) The Township constructs a new waste water treatment plant; or 2) The Township formalizes the statement that the concerns of the Village will be addressed by the on-lot sewage management program. No. 1 is not financially feasible and is dismissed. No. 2 is the conclusion of the Supplemental Information which will be submitted to DEP by URS in the name of the Township. Mr. Brindle and Mr. Overton had questions regarding whether the report is public information and how long the 3 year pumping requirement has been in existence. Solicitor Thompson advised that the report should not be considered public information until the Township hears from DEP. Mr. Corbett advised that the pumping requirement was part of the 2002 Act 537 Plan and has also been required by Township Ordinance since 2002.

DEP is required to respond to the Township within 120 days but may be permitted longer if they so request. Ms. Latimer moved, seconded by Mr. Hughes, that the Board of Supervisors authorizes the submission to DEP of the report prepared by URS entitled "Official Sewage Facilities Plan Special Study Kemblesville Study Area Needs Analysis Supplemental Information". Motion passed unanimously.

c. Bid Awards:

1. Weed & Feed: Ms. Latimer explained that a bid was received from DeAngelo Brothers which made a substitution of product which was unacceptable to Nancy Bosold who is our consultant for maintenance at Crossan Park. Ms. Latimer moved, seconded by Mr. Overton, that the Board of Supervisors deny the award of the 2011 Weed & Feed Program for the Elwood L. Crossan Park Contract to DeAngelo Brothers Incorporated, as the lowest bidder, due to the bid not being compliant with the bid specifications and award the 2011 Weed & Feed Program for the Elwood L. Crossan Park Contract to Windview Farms as being the next lowest and responsive bidder. Motion passed unanimously.
2. Park & Office Mowing: Ms. Latimer moved, seconded by Mr. Overton, that the Board of Supervisors award the 2011 Park and Office Mowing Bid to J. Dominic Dorazio, Inc. (aka Yardworks, Inc.), the lowest responsive bidder. Motion passed unanimously.
3. Roadside Mowing & Brush Cutting: Ms. Latimer moved, seconded by Mr. Hughes, that the Board of Supervisors award the 2011 Roadside Mowing & Brush Cutting bid to Mt. Rocky Trucking Inc., the lowest responsive bidder. Motion passed unanimously.

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d. Ordinances: Solicitor Thompson opened the public hearing to consider the adoption of three ordinances.

1. Ordinance 2011-03 – Driveway Incorporating: The Solicitor marked the following exhibits:

Exhibit T1 – The ordinance.

Exhibit T2 – The Solicitor's letter to CCPC.

Exhibit T3 – Proof of Publication, Daily Local News March 2 & 9, 2011.

This Ordinance incorporates the standards for driveways that are in the PA Code. The Solicitor asked for questions or comments from the Board and the public.

2. Ordinance 2011-04 – Rear Yard Setback/Mobile Homes: The Solicitor marked the following exhibits:

Exhibit T1 – The Ordinance.

Exhibit T2 – The Solicitor's letter to CCPC.

Exhibit T3 – Proof of Publication.

The Solicitor called for questions or comments from the Board and the public. A member of the public asked what the setback is for accessory structures and existing structures. The Solicitor stated that this ordinance applies only to the Village and the setback is 20 ft. for accessory structures. Existing structures are grandfathered in.

3. Ordinance 2011-05 – Tree Measurements: The Solicitor marked the following exhibits:

T-1 – The Ordinance.

T-2 – The Solicitor's letter to CCPC.

T-3 – Proof of Publication.

The Solicitor called for questions or comments from the Board and the public. A member of the public asked what the minimum size of a tree is for planting. Mr Overton provided an informative answer including the fact that this ordinance amendment deals only with the terms for measuring, i.e., DBH (Diameter at Breast Height) and Caliper.

The Solicitor closed the public hearing and returned the meeting to the Board for consideration of the amended ordinances.

Ms. Latimer moved, seconded by Mr. Skalish, that the Board adopt Ordinance 2011-03, an Ordinance Of Franklin Township Chester County, Commonwealth of Pennsylvania, Pursuant To The Authority Of The Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq., Amending The Franklin Township Subdivision and Land Development Ordinance, To Revise Chapter 22, Section 714 to Incorporate Chapter 441 of the Pennsylvania Code Regulating Driveways. Motion passed unanimously.

Ms. Latimer moved, seconded by Mr. Skalish, that the Board adopt Ordinance 2011-04 an Ordinance of Franklin Township Chester County, Commonwealth of Pennsylvania, Pursuant to the Authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq., amending the Franklin Township Zoning Ordinance to revise Chapter 27, Part 19, §27-1904 regulating installation of Mobile Homes; and Part 8, §27-804 establishing a Twenty Foot Rear Yard Setback. Motion passed unanimously.

Ms. Latimer moved, seconded by Mr. Hughes, that the Board adopt Ordinance 2011-05, an Ordinance of Franklin Township, Chester County, Commonwealth of Pennsylvania, Pursuant to the Authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq.,

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amending the Franklin Township Subdivision and Land Development Ordinance, to revise Chapter 22, §202 and 610, Chapter 27 §202 of the Zoning Ordinance to revise Tree Planting Measurements and Size Requirements. Motion carried unanimously.

e. Acceptance of ASA Application: Ms. Latimer moved, seconded by Mr. Brindle, that an application be accepted from property owner Daniel McGarity seeking consideration that a parcel he owns, Tax Parcel 72-7-2, be included in Franklin Township's ASA Program.

f. Grant Application – E. Kneale Dockstader Foundation: Mr. Bob Brechter, Chairman of the Open Space Committee (OSC) addressed the Board on behalf of the Open Space Committee, regarding a grant application, prepared by Phil Geoghegan of the OSC, for \$35,500 to the E. Kneale Dockstader Foundation which is associated with the SECCRA organization. Any funds awarded from the grant would be used for a bundled project which includes maintenance at the Goodwin Preserve, a site drawing of Franklin Preserve as requested by DCNR, and the design of a trail system in Franklin Preserve. The application requires the Chairman of the Board's signature.

Ms. Latimer moved, seconded by Mr. Overton, that the Board authorize the Chairman of the Board to sign the Dockstader Foundation Grant Application prepared by Phil Geoghegan of the Open Space Committee for the possibility of securing funds to continue efforts to assure the survival of the 2,451 trees on the Goodwin Preserve, preparation of a Franklin Preserve site drawing and design a trail system. Motion passed unanimously.

Old Business:

a. Stormwater Ordinance for advertising: Ms. Latimer advised that the Ordinance was reviewed by the Planning Commission and a recommendation was made to the Board for approval with certain revisions. After review by the Township Solicitor, certain other revisions were proposed. Ms. Latimer clarified those changes with Solicitor Thompson.

Ms. Latimer moved, seconded by Mr. Hughes, that the Board of Supervisors approve for advertising, an Ordinance (Stormwater Amendment Ordinance) amending Chapter 19, "Stormwater Management", of the Franklin Township Code of Ordinances by adding a new section I, 19-603 to require a Maintenance Agreement for Stormwater Facilities and Best Management Practices and repealing and replacing Appendix 19-B with a Stormwater Management Facilities Maintenance Agreement, and repealing Section 19-505, effective five days from the date of such enactment, as reviewed by the Planning Commission at their March 3, 2011 meeting with the following recommended changes:

- To revise the heading for the first section of the proposed Ordinance from "Section 2" to "Section 1".
- In Section 2, with respect to the language in §19-603 in Section A, where it reads "on behalf of the landowner", it be amended to read "on behalf and at the cost of the landowner".
- In Section 2, §19-603 A.2, after the first word "if", add the words "as determined by the Township Engineer as designated by the Township for such property,"
- In Section 2, §19-603 A.3, in the first line, after the words "Township Engineer" add the words "designated by the Township for such property".
- In §19-603 B, revise the words "on behalf of the landowner" to "on behalf and at the cost of the landowner".

Motion carried unanimously.

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b. FDMA Season Report & Committee Formation: Mr. Al Alpini, active member of the FDMA, presented the report for the DMA's 2010 Season. He advised that the DMA harvested a total of 5 deer, one from the Franklin Preserve and 4 from Banffshire Preserve. They are beginning to organize the volunteer activities which were previously discussed, e.g., the deer tick control program; inspecting the various preserves; hunter education, and the formation of the committee that was discussed last year as an important part of moving forward. Four members of the DMA have volunteered to serve on the committee. Mr. Alpini asked the Board if they were willing to approve the continuation of the Club for another year. Since the Board had not been advised in advance of the purpose of tonight's discussion, the Board was not prepared to discuss whether or not they would approve continuing the Club for another year. Mr. Brindle is the Club's contact with the Board. It was concluded that the formation of the Committee is of primary importance at this point. The DMA will work with Sharon Norris to get a notice on the website in an attempt to get interested residents, who are not members of the hunting club, to volunteer to serve on the committee. The Board would like the proposed members of the committee to come to a future meeting and discuss their qualifications and reasons for volunteering to serve on the committee. Information regarding websites that have information regarding available hunter education programs will be provided to the office staff by the DMA. The Board will not be available to have further discussions with the DMA until May.

Public Comment: Mr. Olivier asked the DMA how many of the five deer harvested were killed by shot gun? All five were by shot gun. Mr. Overton asked what percent of the available spots that were available for hunting, were used? The answer was less than half. The DMA has all of this year's data and will compile it for the Committee (which is being formed) and the Board. Mr. Schenk asked a question regarding the potential for a spike in septic system contractor work in the Township and could the Township get some kind of a group rate for the residents.

Adjourn: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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