

APPROVED

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES APRIL 20, 2011

Call to Order:

Chairman Nan Latimer called the meeting to order at 7:00 p.m. Present were Supervisors Overton, Hughes and Skalish. Supervisor Brindle arrived at 7:02, just after "Announcements". Also present were Solicitor Mark Thompson, Twp. Engineer Scott Allen, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, and Planning Commission and HARB Chairman Ralph Olivier. There were 5 members of the public in attendance.

Announcements: Ms. Latimer announced that there was an Executive Session on Thursday April 14, 2011 at Lamb McErlane to discuss open space real estate transactions. Supervisors Latimer, Hughes, Skalish and Brindle were in attendance. Supervisor Overton participated by phone from his Wilmington office. Ms. Latimer advised that the agenda for tonight's meeting was revised to remove item VII.a, Stormwater Ordinance.

Public Comment: No Public comment.

Approval of Minutes:

- a. March 16, 2011: Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve the March 16, 2011 Minutes, version 3, as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2011-19: Ms. Latimer moved, seconded by Mr. Hughes, that the Board approve Resolution 2011-19, regarding the Disposition of Records for the Board of Supervisors Meeting of March 16, 2011. Motion passed unanimously.

Reports:

- a. Treasurer's Report – March 2011: Ms. Latimer moved, seconded by Mr. Overton, that the Board approve the March 31, 2011 Treasurer's Report which includes the following disbursements: The General Fund with disbursements of \$121,482.81; the Park & Recreation Fund with disbursements of \$54,521.31; the Open Space Fund with disbursements of \$15,162.42; the Emergency Services Fund with disbursements of \$20,147.49; the Fire Hydrant Fund with disbursements of \$399.30, leaving a balance in all funds of \$3,395,000.56. 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 ten permits, two of which were for new homes, totaling \$5,456.45. There were 20 various building inspections conducted.

Planning & Zoning:

- a. Planning Commission Report: Mr. Olivier, Chairman of the Planning Commission, advised that the Planning Commission did not meet in April due to having no business to conduct.

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- b. HARB/Historical Commission Report: The HARB and Historical Commission, having no business to conduct, did not meet in April.

Subdivisions:

- a. Lang Letter of Credit: Ms. Latimer stated that a new Letter of Credit (LOC) was requested by Mr. Lang in order to change the provider from PNC Bank to Mellon Bank. This LOC covers the sidewalk improvement included in Mr. Lang's subdivision plan. The change in providers is allowed by the MPC and the Township is allowed to invoke its right to increase the LOC using the 10% escalator clause, raising the amount of the LOC to \$45,624.28. This action has been approved by the Solicitor and the Township Engineer.

Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve a Letter of Credit for James Christopher Lang to expire on April 17, 2012. Motion carried unanimously.

- b. Franklin Chase Construction Escrow Release: Mr. Latimer noted that the release has been approved by Twp. Engineer Grant Hitchens and there is Maintenance Bond in place. Ms. Latimer moved, seconded by Mr. Overton, that the Board approve the final release of \$240,309.38 of the Construction Improvement Security to Franklin Chase Holdings LLC. Motion carried unanimously.

Old Business:

- a. Winery as Accessory to Agriculture Ordinance 2011-07 – Public Hearing: Solicitor Mark Thompson opened the Public Hearing to consider an amendment to the Zoning Ordinance regarding several minor amendments to Winery as Accessory to Ag. Mr. Thompson marked the following Exhibits: Exh. T-1, The Ordinance; Exh. T-2, the letter providing the Ordinance to Chester County Planning Commission; Exh. T-3, the Public Notice; Exh. T-4, the letter providing the Ordinance to the Chester County Law Library. The Solicitor explained the three minor amendments and opened the hearing for questions from the Board and then from the audience. There being none, the Solicitor closed the public hearing and turned the meeting over to the Chairman for action on the proposed ordinance. Ms. Latimer moved, seconded by Mr. Hughes, that the Board adopt Ordinance 2011-07, an ordinance amending the regulations governing a "Winery Accessory to Agriculture". Motion carried unanimously.

New Business:

- a. Harold Walls – Emergency Management Overview: Ms. Latimer introduced Mr. Harold Walls, Emergency Services Mgr. for the Township. Mr. Walls referenced a recent discussion with Chairman Latimer which was prompted by the recent earthquake in Japan and specifically the dangers to the public associated with a nuclear disaster. The highlights of the discussion included the following:
- Iodine pills are provided to individuals who live within a 10 mile radius of a nuclear plant but would be made generally available in the event of a nuclear emergency at one of the plants in PA or the Salem, NJ Plant.
 - The governing body in Chester County in emergencies is the Board of Health.
 - The distribution centers in Franklin Township in an emergency would be the schools in the Avon Grove District.

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- Volunteers are needed, especially those capable of administering shots or other meds.
 - A Township volunteer list and an email list for notifying residents in an emergency should be created. Karen Flad, the head nurse at Avon Grove School is a good contact in this regard.
 - Having a list of residents who have access to heavy equipment such as dump trucks, backhoes, etc., is a good idea.
 - Residents should be made aware of the "Special Needs Registry" maintained by the County along with instructions on how to get registered.
 - The Township Emergency Mgmt. Plan is being revised and will be available sometime this summer. A copy will be provided to the County.
 - Supervisors are responsible for declaring a state of emergency and have many other responsibilities.
 - The Board should designate different supervisors for specific responsibilities, e.g., Information officer, Procurement office, etc.
 - Supervisors should take advantage of all educational opportunities. Specifically a "Table Top Exercise". Mr. Walls will advise if one becomes available.
 - Mr. Walls plans to provide quarterly updates to the Board going forward.
- b. 2011 Road Program: As stated in Engineer Scott Allen's memo of April 15, 2011, McCormick Taylor recommends that due to budget constraints, the Township limit the 2011 Road Maintenance Program to the Base Bid plus Add-Alternate A only. They further recommend that the contract be awarded to Innovative Construction Services (aka Inncon) as the lowest responsive bidder, in the amount of \$506,240. In response to the Board's concern regarding the absence of first-hand experience with Inncon, Mr. Allen advised that Inncon has worked consistently in Delaware County, has been in business for at least 10-15 years, and provided several examples of road programs that they've performed in the recent past. They have consistently bid on Franklin's Road program but have not been the lowest responsive bidder. Last year Dan Malloy Paving was awarded the contract, however they were approximately \$47,000 higher than the lower bids received this year. Mr. Allen plans to have a very detailed pre-construction meeting with Inncon during which he will review how he expects the project to run and he will have an inspector on site as required. Mr. Hughes urged him to closely monitor the contractor's work and progress since the Township has no previous experience with them. No road closings are planned and school bus traffic is not expected to be interrupted. Mr. Allen expects work to commence by the end of April, and to be completed in 30-45 days, weather permitting, but not longer than 60 days. The probability of an escalation clause was discussed due to rising fuel costs. Mr. Eastburn mentioned the need to remove several trees and clear brush on Gypsy Hill Road prior to commencing the road work. There is a separate budget to cover the cost of this work. Ms. Latimer moved, seconded by Mr. Brindle, that based on current Township budget constraints, contractor's bids received, and various pending infrastructure improvement projects within the Township, the Board of Supervisors follow the recommendation of Township Traffic Engineer McCormick Taylor, set forth in the April 15, 2011 memorandum to Jeff Eastburn, Assistant Township Mgr., from Scott D. Allen, P.E., to award the 2011 Road Maintenance Program to the lowest responsive bidder, Innovative Construction Services (Inconn) in the amount of \$506,240.00 for the quantities specified for the purpose of evaluating bids for the base bid and Add-Alternate A, contingent on compliance with all subsequent requirements, that the contractor provide and execute the necessary documents specified in the bid package. Motion carried unanimously.

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- c. **Intersection of 896 & 841 Update:** Engineer Scott Allen provided an update of the actions taken by the Township, McCormick Taylor & PennDOT to upgrade the intersection of SR896 and SR841 from 2006 to the present. A detailed summary can be found in Mr. Allen's memorandum to Jeff Eastburn dated April 21, 2011. The most significant actions taken or proposed are outlined below:
- Nov. 2006 – DVRPC Road Safety Audit completed with recommendations for physical improvements, including removal of vertical crest on 896 approaching 841. Have heard nothing further from PennDOT for 6-8 months. Four townships (896 Task Force) identified the intersection as one of the highest priority concerns.
 - Summer/Fall 2007 – PennDOT recommended additional warning signage, rumble strips and flashing warning signals. McCormick Taylor (Mc/T) presented to State Transportation Commission that intersection improvements be included in 2009 Twelve Year Plan. Roadway Sufficiency Analysis completed by Mc/T. \$20,000 awarded to 896 Task Force used towards installation of flashing warning beacons. Four-way stop to be considered.
 - 2008 – PennDOT installed rumble strips and warning signs and Mc/T prepared signal permit plans.
 - 2009 – Flashing warning signals installed.
 - 2010 – Mc/T applied for \$465,000 grant from PCTI – not awarded. ARLE Grant applied for – awards to be announced by end of April 2011.
 - 2011 – Four way stop not warranted. PennDOT recommends vigorous speed enforcement along with a list of eight enhancements to improvements including enlarging crossroad signs from 30"x30" to 36"x36".

Now and in the future:

- Wait to see what PennDOT does (removal of vertical crest major plus for Township).
- Wait for the awards of the ARLE grant.
- Plan/budget for future improvements – widening needed eventually.
- First step – warrant analysis. Ballpark \$2,500 to \$3,500 for Mc/T to do.

The Board approved having McCormick Taylor obtain the permits to install larger (36" x 36") signs. Township bears cost of signs – estimated at \$200/sign.

Public Comment: No public comment.

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Adjourn: The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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