

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MAY 18, 2011**

Call to Order:

Chairman Nan Latimer called the meeting to order at 7:01 p.m. Present were Supervisors Overton, Skalish and Brindle. Supervisor Hughes was absent. Also present were Solicitor Mark Thompson, Twp. Engineer Scott Allen and Christie Pace from McCormick Taylor, Assistant Township Mgr. Jeff Eastburn, Township Secretary Sharon Norris, and Planning Commission and HARB Chairman Ralph Olivier. Mary Anne McCarthy from LTL Consultants and Jane Fava from the Brandywine Valley Association were present on behalf of the Township. There were 9 members of the public in attendance.

Announcements: Ms. Latimer announced that there was an Executive Session on April 28, 2011 at Lamb McErlane to discuss open space real estate transactions. Supervisors Latimer, Hughes, and Brindle were in attendance and Supervisors Overton and Skalish participated by phone. Ms. Latimer announced that there will also be an Executive Session following tonight's meeting to discuss the same topic. Ms. Latimer asked Township Engineer Scott Allen to comment on the ARLE Grant. Mr. Allen stated that the Township was not selected as a recipient of the ARLE Grant due to the large number of applicants and a relatively small amount of money to be awarded. The Township's application was for improvements to the 896/841 intersection. Mr. Allen also advised that PennDOT has advertised a bid package for a design engineer to begin work on the 896 corridor improvements which are scheduled to begin in 2015.

Public Comment: No Public comment.

Approval of Minutes:

- a. April 20, 2011: Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve the April 20, 2011 Minutes, version 2, as presented by the Township Secretary. Motion carried unanimously.
- b. Resolution 2011-20: Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve Resolution 2011-20, regarding the Disposition of Records for the Board of Supervisors Meeting of April 20, 2011 and the Planning Commission Meeting of March 3, 2011. Motion passed unanimously.

Reports:

- a. Treasurer's Report – March 2011: Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve the April 30, 2011 Treasurer's Report which includes the following disbursements: The General Fund with disbursements of \$97,420.27; the Park & Recreation Fund with disbursements of \$2,331.48; the Open Space Fund with disbursements of \$11,326.17; the Emergency Services Fund with disbursements of \$29.99; the Fire Hydrant Fund with disbursements of \$399.30, leaving a balance in all funds of \$3,631,766.15. 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 eleven permits, one of which was for a new home, totaling \$2,033.50. There were 34 various building inspections conducted.

Planning & Zoning:

- a. Planning Commission Report: Mr. Olivier, Chairman of the Planning Commission, advised that the Planning Commission met on May 5th to discuss one agenda item, the proposed Sign Ordinance. The discussion was tabled pending clarification from Mr. Comitta of Section F. Ms. Latimer will ask Mr. Comitta to attend the June meeting of the Planning Commission.
- b. HARB/Historical Commission Report: The HARB and Historical Commission, having no business to conduct, did not meet in May.

Extensions:

- a. Ashby Hills (aka Christens) & Sarana (aka Davis Property): Ms. Latimer moved, seconded by Mr. Overton, that the Board accept the extension requests for the Ashby Hills Subdivision & the Sarana subdivision, to September 30, 2011. Motion passed unanimously.

New Business:

- a. MS4 Program and the TMDL Implementation Plan: Ms. Latimer introduced Mary Anne McCarthy of LTL Consultants and Jane Fava of Brandywine Valley Associates (BVA) to lead the stormwater management discussion, specifically the Township's responsibility under the MS4, Phase II program. Ms. McCarthy explained that Phase II applies to urbanized areas and based on the 2000 census, Franklin Township has one urbanized area which is the Stonegate development in the northeast corner of the Township. The new MS4 Phase II permit will be effective in June 2012, with a Notice of Intent (NOI) due in December 2011. This program is part of the broad based Clean Water Act which was enacted in the seventies and was an attempt to clean up the water of the entire nation. Phase I applied to big cities and large industrial dischargers and was not as effective as they had hoped. Phase II applies to mid-sized municipalities and deals with the swales, roadside ditches, and pipes and inlets that carry discharge into the streams and waterways and is DEP's attempt to push the implementation and monitoring down to the township level. There are six minimal control measures (MCMs) as follows: 1) education; 2) public participation and involvement; 3) detection of illicit discharge; 4) erosion and sediment control during construction; 5) post construction stormwater management; 6) operation and maintenance of the stormwater facilities (swales, ditches, pipes & inlets); and vehicle maintenance. These six MCMs are covered by the current permit under which the Township has been working. The new MS4 Permit has new requirements, one of which is the Total Maximum Daily Load (TMDL). Ms. Fava of BVA explained that the TMDL requires that each township that drains into impaired waters has to do something to improve the water quality using BMPs, e.g., riparian restorations, basin repairs, and/or routing the stormwater through a vegetated swale to remove pollutants before it reaches the stream. Ms. Fava believes that compliance needs to be on a watershed basis and is working with a consortium of townships to implement a TMDL Implementation Plan for the Christina Watershed. A conceptual TMDL Implementation Plan must accompany the NOI that is due in December 2011. The other townships that have joined the consortium to date are London Grove, Avondale, New Garden, New London, Londonderry, and Kennett Square. BVA has submitted a proposal to Franklin Township to join the consortium.

APPROVED

Ms. Latimer moved, seconded by Mr. Skalish that the Board agrees to participate and meet all municipal requirements listed in the Brandywine Valley Association's proposal for the development of the Pennsylvania Christina Basin Restoration and TMDL Implementation Plan at a cost of \$2,000. This agreement is for the development of the Plan and is separate from the BVA MS4 Education and Outreach Program. Motion passed unanimously.

- b. Bridge Guiderail Discussion: Township Eng. Scott Allen reported on a study he conducted on three Township bridges regarding the installation of guiderails. It involved the Hess Mill Rd., Walker Rd. and Church Hill Rd. bridges. Mr. Allen described the structure of each bridge, the challenge of installing guiderails on each based on their size and structure, and the safety factor for each based on the amount and type of traffic, the location and the overall condition of the bridge. He described McCormick Taylor's recommendations for each based on PennDOT criteria. **Mr. Allen recommends installation of guiderail at all three bridges, however both Church Hill Road and Walker Road bridges are under 20' span, therefore, they are not required to be inspected under the Federal Bridge Inspection Guidelines.** Of the three bridges, the Hess Mill Bridge is the only one that meets the Federal Bridge Inspection criteria which requires that it be inspected by PennDOT every two years. **The most recent inspection of the bridge has identified that guiderail is not installed in accordance with the requirements. In addition, the installation of guiderail on the Church Hill Road Bridge would require a reduction in lane width that would create a one-lane bridge. Supervisor Overton pointed out that by making a 2-lane bridge into a 1-lane bridge, the Township would be creating more of a hazard than that which the guiderail is protecting against. Supervisor Overton also pointed out that no cars have ever gone off of the Church Hill Road Bridge.** Mr. Allen's recommendation, based on budget considerations and keeping in mind the potential for the greatest liability to the Township, is that the Township go out for bid on the Hess Mill Bridge at this time with a possible add alternate for the Church Hill Bridge. The potential for replacement of the Hess Mill Bridge was discussed. Mr. Allen advised that he has been working with Natasha Goguts at the County level to get it on the bridge bill and the Transportation Improvement Program (TIP). It could take up to 10 years and a cost of \$1,000,000 to get it replaced. Based on that cost and time frame, he recommends the approximate \$20,000 investment for the guiderail at this time. The sense of the board was to authorize Mr. Allen to prepare a bid package for the Hess Mill Bridge with an add alternate for Church Hill.

Public Comment: Mr. John Auerbach asked what the force of law is behind the MS4 program. Ms. McCarthy answered his question repeating much of what she said in her earlier presentation. Mr. Auerbach asked for clarification of the earlier discussion regarding grass in a developed area vs. grass in a meadow and whether mowing a meadow is detrimental to its ability to act as a filtration system. Ms. McCarthy advised that mowing is fine, it's the actual development process that strips the land and lessens its ability to act as a filtration system.

Adjourn: The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Sharon Norris
Township Secretary

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