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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MINUTES SEPTEMBER 21, 2011

### **Call to Order:**

Chairman Latimer called the meeting to order at 7:07 p.m. Present were Supervisors Hughes, Overton, Skalish and Brindle. Also present were Solicitor Mark Thompson, Assistant Township Mgr. Jeff Eastburn, Municipal Secretary Sharon Norris, Planning Commission and HARB Chairman Ralph Olivier. There were approximately 14 members of the public in attendance.

**Announcements:** Ms. Latimer announced that there was an Executive Session held on September 15, 2011 at Lamb McErlane's office in West Chester and there will be an Executive Session after tonight's meeting as well.

**Public Comment:** Matt Schreiner, a resident of Franklin Township, requested that the Board consider making a contribution in support of the Avon Grove Lacrosse Athletic Program. The Lacrosse Program, as well as other Avon Grove athletic programs, is in jeopardy due to budget cuts. To date these cuts have resulted in the loss of three lacrosse coaches. The Avon Grove Boosters is organizing a golf event to be held October 14, 2011, as a fund raiser specifically in support of the Lacrosse Program, and they are soliciting local businesses to sponsor the event, as well as encouraging local residents to participate in the event. Their goal is to raise \$8,000. After briefly conferring with the Board, Ms. Latimer advised that they are in favor of supporting the Avon Grove athletic teams, and the Township will make a contribution. The Township will also make this a 2012 budget item. She also advised that the Township's contribution would be in support of all the Avon Grove athletic teams, not just the lacrosse team. Mr. Schreiner thanked the Board for their consideration.

### **Approval of Minutes:**

- a. August 17, 2011: Ms. Latimer moved, seconded by Mr. Skalish, that the Board approve the August 17, 2011 Minutes, version 2, as submitted by the Municipal Secretary.

Discussion: Mr. Brindle questioned a reference to Ordinance 2009-07, top of pg. 5. It was discussed and found to be correct. He also pointed out a typo on pg. 1, under announcements, the date of August 9, 201 – will be corrected to 2011.

The motion to approve the minutes as corrected passed unanimously.

- b. Resolution 2011-28: Ms. Latimer moved, seconded by Mr. Hughes, that the Board approve Resolution 2011-28, regarding the Disposition of Records for the Board of Supervisors Meeting of August 17, 2011 and the Planning Commission Meeting of July 7, 2011. Motion passed unanimously.

### **Reports:**

- a. Treasurer's Report August 2011: Ms. Latimer moved, seconded by Mr. Brindle, that the Board approve the August 2011 Treasurer's Report which includes the following disbursements: The general fund with disbursements and transfers of \$97,937.00; the Park & Recreation Fund with disbursements of \$31,478.00; the Open Space Fund with

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disbursements of \$15,318.58; Emergency Services Fund with disbursements of \$29.99; Fire Hydrant Fund with disbursements of \$399.30 leaving a balance in all funds totaling \$3,242,997.77.

Ms. Latimer explained that the disbursements from the Park & Rec Fund were higher than normal due to a necessary camera repair at the Park and the purchase of the feeders and silo for the program to control Lyme Disease.

The motion passed unanimously.

- b. Solicitor's Report: No report.
- c. Zoning Officer Bldg. Inspector Report: Mr. Eastburn summarized the Zoning Officer's Report for the period of July 26 to August 29, 2011, which included the issuance of 14 permits, totaling \$4,909.20. There were 32 various building inspections conducted.

## **Planning & Zoning:**

- a. Planning Commission Report: Mr. Olivier, Chairman of the Planning Commission, stated that the Planning Commission met on September 1, 2011. He provided a summary of the actions taken by the Commission. His summary of the discussion regarding the Sarana property, included the possibility of the need to amend the Township's Stormwater Ordinance so that it specifically references the newer 2006 version of the DEP manual which permits the stormwater management system being proposed by the applicants. This prompted Ms. Latimer to pose a question to the Solicitor regarding the fact that since the Township's Stormwater Ordinance is facing a complete revision early in 2012 to comply with the new Act 167, is there a way to allow Sarana to move forward without having to revise the ordinance twice. Solicitor Thompson expressed his opinion that since the Ordinance references the old DEP Manual which is no longer in existence, essentially it is an anomaly, and not reasonable to expect anyone to comply with it. Solicitor Thompson will write a letter to the Planning Commission explaining his position so that they can advise the applicants that they can move forward with installing the above-ground infiltration berm which is approved as a BMP in the most recent DEP Manual.
- b. HARB/Historical Commission Report: Mr. Olivier reported that the HARB met on September 6, 2011 which was the first meeting held in 2011. The purpose was to introduce a new member, Tracy Schreiner, to the rest of the committee and to have an organizational meeting at which Mr. Olivier was again selected as Chairman.
- c. Compton Final Plan: Ms. Latimer moved, seconded by Mr. Overton, to accept the Planning Commission's recommendation from their September 1, 2011 meeting to approve the Final Minor Subdivision Plan, known as the David and Jeanette Compton Final Minor Subdivision Plan dated April 19, 2011, last revised July 6, 2011 with the following changes and waivers:

The change to the Plan in the zoning table to revise the lot coverage at the bottom of the zoning table from 25% maximum to 15% maximum, and with the following waivers from the Franklin Township Subdivision & Land Development Ordinance, as requested by the applicant:

**Waiver of the requirements of:**

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- §22-202 with respect to the definition of a major subdivision to allow this Plan to be processed, not as a major subdivision, but as a minor subdivision plan, since there is no planned development of this property at this time.
- §22-502.L.14 which requires the Plan to identify the location of all existing wells and sewage drainage fields within 100 ft. of the property boundary since there is not any development planned or proposed for this property.
- §22-502-M.1 which requires the Plan to depict existing contour lines at vertical intervals of 2 ft. or less since the Plan does in fact depict vertical intervals of 2 ft. in the Franklin Township portion of the property, and since there is no proposed development of this property, therefore this section is not implicated.
- §22-502-M.5 which requires slopes from 15% to 25% and slopes in excess of 25% to be highlighted, since no development is proposed for this property and therefore the impacts of the slopes of the property are not affected.
- §22-502-M.8 which requires the delineation of non-tidal wetlands by field survey since the only wetlands on the property are located in London Britain Twp. and applicant's land planner has provided written documentation from the Township Engineer for London Britain Township that they have no issues with not delineating wetlands on this Plan.
- §22-710 regarding sidewalks since there is no development proposed for this property and therefore there are no sidewalks in the area and due to the rural nature of the area, this section is not implicated and it would not be in the Township's interest to require sidewalks.
- §22-711 regarding street lighting since there is no development proposed for this property and given the rural nature of the area and the property and the fact that it is not in the Township's interest to require street lighting on this property.

In addition, the recommendation for approval of this Plan by the Board of Supervisors is subject to the applicant's compliance with any and all outstanding conditions and comments as set forth in the Township's consulting engineers and solicitor's review letters included but not limited to the following: LTL Associates review letter dated July 25, 2011; URS Corporation's review letter dated July 26, 2011; and, Chester County's review letter dated June 22, 2011. As well as payment by the applicant of all outstanding and expected legal and consultant review expenses and funding of any and all escrow accounts in accordance with Township's policies and requirements prior to the plan's agreements being released for recording.

Motion passed unanimously.

- d. Walls Preliminary Plan: Ms. Latimer moved, seconded by Mr. Overton, to accept the Planning Commission's recommendation from their September 1, 2011 meeting to approve the Preliminary Subdivision Plan known as the Harold Walls Plan dated April 11, 2011, last revised July 15, 2011, with the following additions and waivers from the SLDO.

**Waiver of the requirements of:**

- §22-502.U requiring a landscape plan in accordance with SLDO §22-16 regarding screening and landscaping, due to the rural nature of the area and the recommendation that a waiver be approved from our consultant LTL Associates.
- §22-710 regarding sidewalks – given the rural nature of the area; the lack of sidewalks generally in the area; and, that it would not be in the interest of the Township to require sidewalks at this point.
- §22-711 regarding street lighting – given the rural nature of the area and the fact that it wouldn't be in the Township's interest at this time to require street lighting.

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Subject to the condition that the applicant ultimately comply with any and all outstanding conditions and comments as set forth in the Township's consulting engineers and solicitor's review letters including but not limited to the following: 1) LTL Associate's review letter dated July 25, 2011; 2) URS Corporation's review letter dated July 26, 2011; 3) Tetrahedron Consultant Inc.'s review letter dated July 5, 2011; and 4) the Chester County Planning Commission's review letter dated June 22, 2011; and, subject to the applicant providing a Stormwater Management Agreement to the satisfaction of the Township Solicitor and the Township Engineer, if so recommended by the Township Solicitor and Engineer, and required by the Township for their review and approval prior to the Township approving the final plan for this subdivision and subject to the applicant agreeing to the payment of a Traffic Impact Fee in the amount \$3,510.60 at the time the building permit is issued and payment of outstanding and expected legal and consulting review expenses and funding of any and all appropriate escrow in accordance with Township's policies prior to the plans and agreements being released for recording.

Motion passed unanimously.

Mr. Skalish noted a possible error on the support document entitled "Transportation Impact Fee Ordinance" which was prepared by McCormick Taylor. Ms. Norris will address it with the Township Engineer.

- e. Walls Planning Module, Section K – Authorization to sign by Chairman: Ms. Latimer made a motion, seconded by Mr. Skalish, to authorize the Chairman of the Board of Supervisors to complete and sign Section K of the Component 1 form of the Sewage Facilities Planning Module for the Harold Walls Subdivision Plan last revised July 15, 2011.

Ms. Latimer noted that Chester County Health, Planning Commission Chair and Twp. Bldg. Inspector have signed off on Section K. Motion passed unanimously.

Sign Ordinance – authorization to advertise: Mr. Olivier recommended that the Board not take action based on the recommendation of the Planning Commission because the draft of the minutes of the September 1, 2011 PC meeting do not accurately reflect the PC's position. The draft of the PC Minutes was not reviewed by the Secretary of the Planning Commission prior to this meeting. The Solicitor advised the Board to authorize the forwarding of the Ordinance to the Chester County Planning Commission for review but hold off authorizing the advertising of the Ordinance until the October meeting.

Ms. Latimer moved, seconded by Mr. Overton, that the Board authorize the forwarding of the Franklin Township Zoning Ordinance, Chapter 27, Parts 2 and 20, as well as the Township Subdivision and Land Development Ordinance, Chapters 22 and 7, to Chester County Planning Commission, subject to review by Franklin Township's Planning Commission. Motion carried unanimously.

## **New Business**

- a. Master Casting Agreement – Resolution 2011-29: Ms. Latimer explained that a Master Casting Agreement authorizes PennDOT to perform any work that they and the Township deem necessary on a utility that may be located in a right-of-way. Ms. Latimer moved, seconded by Mr. Brindle, that the Board approve Resolution 2011-29, authorizing

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Franklin Township to enter into an agreement with PennDOT, entitled "Master Agreement for Adjustment of Incorporated Utility Facilities 2011-2014". The motion passed unanimously.

- b. Public Hearing – Open Space: Solicitor Thompson opened the Public Hearing which is required by the Pennsylvania Open Space Lands Act, for the Board to consider the acquisition of open space interests, in this case, conservation easements. Two properties were advertised. The public notice reads that the properties listed include the property owned by Frapple, located south of Walker Road, west of Appleton Road for an easement acquisition, and is further described as Tax Parcel #72-7-2. The second property is known as the Schultz Property, located north of Walker Road, east of Franklin Road for an easement acquisition, further described as Tax Parcel #72-4-39. The Solicitor asked for comments from the Board and then the audience. Ms. Latimer expressed her pleasure at the acquisition of the development rights of the Ford Farm which will stay as is with one house instead of 100 houses. Regarding the Schultz property, the Township, along with Chester County and DCNR, is facilitating the purchase of the property by Natural Lands Trust (NLT). It will be an addition to the Peacedale Preserve, which is also owned by NLT. The Solicitor noted that action items include a Resolution to be considered by the Board at the conclusion of the hearing which will authorize the Board to enter into an agreement of sale. On the Schultz property the Board has already authorized the expenditure of funds by previous Resolution but will consider entering into an Indemnification Agreement because the Schultz property is adjacent to property owned by the Township which was previously used as the "township dump", and NLT has requested an Indemnification Agreement from the Township. Ms. Latimer advised that the "township dump" was closed correctly in 1968 when SECCRA opened their landfill.

Ms. Teddy Price, a resident of Franklin Township, thanked the Board and all those who worked toward these acquisitions and congratulated the people of Franklin Township who will have this open space in perpetuity to add to the Township's legacy of open space that has been accumulated through the years by a lot of hard work by a lot of people, including all of the current supervisors. Ms. Price added that the Schultz property is a wonderful addition because of all its natural resources.

Mr. Matt Schreiner, Franklin Township resident for 18 years, lives across from the Ford Farm and expressed his thanks to the Board and others who have worked so hard to make the preservation of the Ford Farm a reality. When he heard that the property would likely be developed, he was very disappointed and would probably have moved if the development had occurred. He expressed his pride at being a member of this community which has such a commitment to preserving the peaceful, rural nature of the area.

Mr. Eric Brindle thanked the various government organizations and NGOs, e.g., Brandywine Conservancy and Natural Lands Trust. He stated that when he first worked on the first referendum he never thought the Township would realize so much from the money that was raised. He feels a lot of thanks is due to the County as well as the other organizations that contributed to the Township's success.

Ms. Latimer acknowledged Jack Stefferud from NLT in the audience and thanked him and Brandywine Conservancy for all their support of the open space efforts of the Township. Erin Lee from NLT was also present. Erin worked on the Schultz project. Ms. Latimer mentioned that both properties have trails already on them.

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The Solicitor closed the Public Comment portion of the hearing.

Ms. Latimer moved, seconded by Mr. Brindle, that the Board adopt Resolution 2011-30 authorizing the purchase of a conservation easement by Natural Lands Trust on the parcel known as the Ford Farm, Tax Parcel 72-7-2, located west of Appleton Road, south of Walker Road. Motion passed unanimously.

Mr. Latimer moved, seconded by Mr. Overton, that the Board approve the Indemnification Agreement between Franklin Township and Natural Lands Trust, draft dated September 8, 2011 and to authorize the signing by the Chairman and delivery of the Indemnification Agreement to Natural Lands Trust at or before the closing on the property by NLT. Motion passed unanimously.

- c. Jack Nystrom – Recycling Coordinator: Ms. Latimer introduced Jack Nystrom and noted that the Township has recycled for approximately 13 years. Jack has volunteered to be the coordinator, replacing Jim Trouba who was a long-term recycling coordinator for the Township. Jim recently moved out of the area. Mr. Nystrom stated that he is an avid supporter of recycling and saw this as a good fit with his background and interests and an opportunity to help the Township.
- d. Adoption of the Policy and Procedures Manual: Ms. Latimer advised that this is the first Employee Policy and Procedures Manual. It was written by Eileen Rembecki, a part-time employee of the Township, with significant input from the Township staff, Jeff Eastburn, Sharon Norris and Joan McVaugh. In her previous career, Eileen was an HR professional with experience writing policy. The Manual has been reviewed by the supervisors and by Lamb McErlane, the Township's legal consultants. The attorney at LM who reviewed it commented that it was very complete and well done. Ms. Latimer expressed her thanks on behalf of the Board. Ms. Latimer moved, seconded by Mr. Skalish, that the Board adopt the Franklin Township Policies and Procedures Manual dated August 12, 2011.

Mr. Hughes suggested the rephrasing of a sentence on page 2 of the Vacation Policy.

Motion carried unanimously.

**Public Comment:** Mr. Alfred Alpini asked for clarification of Resolution 2011-30, Easement Acquisition on the Ford Farm.

**Adjourn:** The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Sharon Norris,  
Township Secretary

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