

**FRANKLIN TOWNSHIP BOARD OF SUPERVISORS
MINUTES**

**October 5, 2009
7:00 P.M.**

FRANKLIN TOWNSHIP FIRE HALL

Chairman Ted Dymond called the regular meeting of the Franklin Township Board of Supervisors to order on Monday, October 5, 2009 at 7:00 p.m., in the Franklin Township Fire Hall.

Chairman Dymond led the Pledge of Allegiance

Supervisors:	Present:	Ted Dymond, Chairman Michael Prokopchak, Vice-Chairman
	Absent:	Lance Baseski, Supervisor Art Owen, Roadmaster
	Others:	Richard A. Melvin, Secretary/Treasurer Vito DeLuca, Solicitor Engineer, Ryan Doughton Eight visitors

Motion was made by Mr. Prokopchak, seconded by Mr. Dymond to waive the reading of the minutes of the September 1, 2009 regular meeting and to accept the minutes as posted. The motion carried unanimously.

Mr. Melvin gave the August Treasurers report reciting the combined balances for all funds as of September 30, 2009 totaled \$213,350.59, September 2009 payrolls totaled \$7,611.41 and September 2009 expenses including payroll taxes totaled \$17,099.88. Mr. Prokopchak made a motion, seconded by Mr. Dymond to approve the September 2009 Treasurers report. The motion passed unanimously.

MEETING OPEN TO THE GENERAL PUBLIC ON AGENDA ITEMS ONLY.

Bernie Banks from American Asphalt presented a timeline of events for the approval, execution of contracts and performance of paving work in the Township. Specifically, Mr. Banks spoke of the events related to the delay in receiving a performance bond from a bonding company resulting in a delay in the paving work for which the Township will seek liquidated damages from the contractor. Mr. Banks asked for relief of liquidated damages in the amount of \$5,000.00. Solicitor DeLuca advised that it was in the Supervisors discretion to seek liquidated damages in the amount of \$5,000.00 for delays in completing contracted work. A motion was made by Mr. Prokopchak, seconded by Mr. Dymond to approve a change order for a credit of \$5,000.00 (liquidated damages in the amount of \$1,000.00 per day for five days) and to approve a change order in the amount of \$1,716.00 for materials credit. The motion passed unanimously. Mr. Banks asked that the date of acceptance be determined to be August 25, 2009 for purposes of getting the bond liability removed by the bonding company.

Mr. Doughton did not have an issue with this date. A motion was made by Mr. Prokopchak, seconded by Mr. Dymond to set the date of acceptance of the project as August 25, 2009. The motion passed unanimously.

CORRESPONDENCE AND COMMUNICATIONS

Mr. Melvin gave the September 2009 report for the Franklin Township Volunteer Fire Company and the Franklin/Northmoreland Township Ambulance report for the month of September 2009. The Fire Company spent five hours on duty at the Luzerne County Fair and reminded residents the week beginning October 10, 2009 is Fire Prevention Week asking residents to clean their chimneys, replace batteries in smoke alarms and carbon monoxide detectors and for families to practice emergency exit drills with their families. A limited number of smoke detectors are available, free of charge, to any resident. A letter was received from Representative Boback about the local sharing of gaming revenues not being available to all municipalities. A certified letter was received from AT&T notifying the township the cell tower lease was assigned to American Towers Inc. A letter was received asking for support for the Back Mountain Community Libraries and audit results for the District Magistrate office.

NEW BUSINESS

1. Mr. Melvin gave the Roadmaster's monthly report in the absence of Mr. Owen. Anti-skid will be ordered in the amount of 300 tons, salt will be ordered and delivered this month and plows and spreaders will be inspected for the upcoming winter season. Quotes were received to line paint the newly paved portion of Brace Road for \$500.00 and to paint all of Brace road would be \$1,935.00. Mr. Owen thought it important to least get the newly paved portion paved. Motion was made by Mr. Prokopchak, seconded by Mr. Dymond to line paint the newly paved portion of Brace Road. The motion passed unanimously. The Roadmaster is working with our Engineer and Penn DOT to remedy the dip in at the county line on Brace Road. Mr. Owen asked that the ditch line on Farmview Drive be laid out as soon as possible and wanted to know who was going to do this.
2. A motion was made by Mr. Dymond, seconded by Mr. Prokopchak to approve the applications for minimum use driveways on road T726 (Race Road) and T768 (Jake Moore). Mr. Owen has reviewed the applications, inspected the sites and recommends approval. The motion passed unanimously.
3. A motion was made by Mr. Dymond, seconded by Mr. Prokopchak to ratify the approval of a Grant of Right-of-Way to UGI Utilities for facilities related to the construction and operation of a cell tower on municipal property. The motion passed unanimously.
4. A motion was made by Mr. Prokopchak, seconded by Mr. Dymond, to accept and approve Resolution #10-2009 Code of Ethics. The motion passed unanimously.
5. Consideration for obtaining an RFP for a drilling lease on township property for gas well drilling. The Secretary will contact the County Engineer for a sample RFP.
6. A grant is being worked on under the Dirt and Gravel Road Program.

7. A motion was made by Mr. Dymond, seconded by Mr. Prokopchak to approve purchase of a mobile radio for the loader/backhoe at a cost of approximately \$600.00. The motion passed unanimously.

OLD BUSINESS

1. The cell tower has been constructed and antennas have yet to be placed on the tower. The tower is not yet in operation.
2. Mr. Melvin reported received a large number of RFP proposal's for the Recreation Master Plan and Comprehensive/Zoning Plan. The supervisors and others will review the RFP's and select several to interview further.

OPEN THE MEETING TO PUBLIC GENERAL COMMENTS

Maureen Oremus, Assistant Fire Chief asked to be informed of any situations concerning the cell tower that may be of a hazardous nature. They were not informed of the tower strobe light being out of service. Bernie Banks of American Asphalt asked the Supervisors to reconsider the amount of liquidated damages accessed earlier in the meeting. After consideration, Mr. Dymond made a motion, seconded by Mr. Prokopchak to reduce liquidated damages to \$3,000.00. The motion passed unanimously. The Supervisors and the Solicitor met in an Executive Session prior to the Regular Meeting from 6:30 P.M. to 6:50 P.M. to discuss potential litigation.

THE MEETING WAS ADJOURNED AT 8:17 P.M.

Richard A. Melvin, Secretary/Treasurer