

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
December 21, 2006**

**CALL TO ORDER**

Chairman Lambert called the meeting to order at 7:00 p.m. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, Pennsylvania.

**ROLL CALL**

Present were Supervisors Larry Lambert, Donald Lerew, Naomi Decker, John Shambaugh and Gary Brown. Also present were Solicitor Edward Schorpp, Engineer Timothy Knoebel, and Secretary Nancy Zentmeyer. Visitors and guests are on the attached sign-in sheet.

**PLEDGE OF ALLEGIANCE AND PRAYER**

Chairman Lambert led the Pledge of Allegiance and Vice Chairman Lerew gave the opening prayer.

**APPROVAL OF MINUTES**

**1. Board of Supervisors Zoning Workshop, November 9, 2006**

**Motion:** Supervisor Shambaugh made a motion to approve the minutes of the Supervisors Zoning Workshop of November 9, 2006. **Seconded** by Chairman Lambert. The motion carried unanimously.

**2. Board of Supervisors Regular Meeting, November 16, 2006**

**Motion:** Supervisor Shambaugh made a motion to approve the minutes of the Supervisors Regular Meeting of November 16, 2006. **Seconded** by Chairman Lambert. The motion carried unanimously.

**AGENDA AMENDMENTS**

Chairman Lambert asked if any of the Supervisors had any amendments to the agenda. Supervisor Decker stated under Old Business she would like to add Route 15 Study and an Executive Session for personnel matter, Vice Chairman Lerew stated under New Business he would like to discuss the Mummert property, and Supervisor Brown stated he would like to discuss the Follow-up Effort on Zoning, the Official Map training, and information on computers.

**ORGANIZATION REPORTS**

**1. Police** – Chairman Lambert noted that there were 108 calls. There has been an increase of calls to 15.4%. The report is on file at the Township office.

**2. Fire** – Chief Richard Blouch of Franklinton Fire Company stated in November there was a total of 51 calls with 22 being in Franklin Township. Chief Blouch reviewed the fire company's upcoming events.

Todd Cook presented Citizens Hose #1 report with 3 calls being in Franklin Township. The fire company is busy with getting the new rescue truck in order and also discussed the dry hydrant situation in the Township. Mr. Cook suggested dry hydrant areas located at Stone Head, Western Road and along County Line Road. It was noted that Laurin Fleming is involved with this project and it is to be placed on the January 2007 agenda.

**3. EMS** – No report was submitted.

4. **DAA** – No report was submitted.

5. **Emergency Management** – No report was submitted.

6. **Zoning Committee** – There was nothing to report and it was suggested that this committee be discontinued.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Michael Sunday, Revised Land Development Plan, Waiver Request**

It was noted that this plan will be discussed later in the meeting since the engineer is not present.

### **2. Thomas Rudy, Final Minor Subdivision Plan, Waiver Requests**

This plan is to subdivide a .45-acre lot from an existing 35.53-acre tract located along Rocky Ridge Road and South Mountain Road. This plan has been before the Planning Commission and received recommended approvals for waiver requests from Section 406.A.11 – wetland delineation on plan and Section 514 – minimum lot size, but there may be some addition requests. After discussion it was noted that the Thomas Rudy plan be tabled.

### **3. Quality Greenhouses, Final Land Development Plan**

This is a commercial development on 65.1-acres located on Union Church Road. The one condition that was needed is approval from DEP for their Planning Module. Approval was given on December 18, 2006. It was noted that the Letter of Credit will be delivered to the Township on December 22, 2006. All the waivers have been dealt with and Solicitor Schorpp did review all of the documents. The improvement agreement has been submitted.

**Motion:** Supervisor Shambaugh made a motion to approve the Quality Greenhouses, Final Land Development Plan conditioned upon the Solicitor's approval of the Letter of Credit. The plan should not be recorded until the Letter of Credit is in place. **Seconded** by Chairman Lambert. The motion carried unanimously.

### **4. Apple Blossom Estates, Sewage Module and Time Extension**

The applicant is requesting that Component 4A become part of the Sewage Module which has a fully executed DAA Supplemental Agreement. It was noted that there is certain verbiage that should be in the planning module as suggested by Solicitor Schorpp that no final plan approval shall be granted for this development until sewer permits for individual lots have been unconditionally issued by DAA and that the developer agrees to phasing the plan depicting only those lots for which permits have been issued by DAA. The applicant should after making corrections bind the modules for submittal.

**Motion:** Supervisor Shambaugh made a motion to approve the Module conditioned upon the note being placed on the Module concerning unconditionally DAA sewage permit approval. **Seconded** by Chairman Lambert. Supervisor Decker stated that the note should be attached to the minutes.

**Motion:** Supervisor Shambaugh amended the motion to include the entire note in the minutes. **Seconded** by Chairman Lambert. The motion carried unanimously.

**Motion:** Chairman Lambert made a motion to grant the time extension on Apple Blossom Estates until February 28, 2007. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

The note as recommended by Solicitor Schorpp is as follows: “The module for Apple Blossom Estates is approved by the Board of Supervisors of Franklin Township subject to the condition that no final plan approval shall be granted for this development until sewer permits for individual lots have been unconditionally issued by Dillsburg Area Authority (DAA). In the event permits are available for issuance for some, but not all, lots shown on the preliminary plan, the developer agrees to submit final plan in phases depicting only those lots for which permits have been unconditionally issued by DAA. No final plan approval or final phase approval shall be granted except upon the unconditional issuance by DAA of sewer permits for the individual lots depicted on the respective plan(s). Nothing in this approval shall be construed to waive the provisions of Section 508 of the Pennsylvania Municipalities Planning Code. By accepting this condition of module approval, the developer agrees that it shall also constitute a condition of approval of the preliminary plan as if contained in the original set of conditions at the time such approval was granted.”

### **1. Michael Sunday, Revised Land Development Plan, Waiver Request**

Engineer Knoebel noted that this waiver request of Section 517.f.2 – construction of slope to exceed 3:1 was reviewed at the last Planning Commission meeting as noted in the Engineer’s memorandum of December 21, 2006 as follows: As constructed fill slopes exceed the maximum slope of 3:1 as required. The developers’ agent has requested a waiver of this requirement to allow slopes to be in the range of 1.5:1 to 2:1 as currently exists on the site. The Planning Commission recommended the waiver subject to the completion of the Slope Stability Analysis. KPI has reviewed this analysis dated October 13, 2006 and received additional information on December 4, 2006. As a result of the review and due to approval by the YCCD KPI concurs that the slopes as designed and constructed are in stable condition. By copy of this letter the owner is advised of his responsibility to adequately maintain the embankment to ensure that it remains in a stabilized condition.

There was also discussion on the bonding. KPI recommends that the developer do an “as-built plan” of the site and provide the Township with a maintenance surety in the amount of 15% of the estimated cost for installation of the related improvements. Such surety is recommended to be between \$5,000.00 and \$10,000.00 and should be guaranteed for a period of 18-months from the date of such acceptance. It was noted that \$7,500.00 would be posted for the maintenance bond. It was noted that Mr. Sunday currently has a performance bond posted with the Township, but since this is a separate matter the \$7,500.00 will need to be posted with the Township for maintenance security. Mr. Sunday can then ask for the release of the performance bond. It was also noted that Mr. Peffer did not do a site inspection of this property but the report was discussed with him. Supervisor Decker asked for discussion regarding the letters that Solicitor Schorpp wrote to DEP about the Township’s Ordinance #9-1985 and nothing has ever been done. Supervisor Decker asked if we are just going to ignore our Ordinances in relation to this, because it really does apply. Engineer Knoebel indicated that no direction has been given to KPI regarding this ordinance and they were making sure the land development issues are covered in accordance to the Subdivision/Land Development Ordinance. Supervisor Decker noted that the ordinance has to do with the health, safety and welfare of the people. She still has a concern for the residents in the area that live down stream.

**Motion:** Supervisor Decker made a motion for the installation of test wells in order to monitor the site to protect the residents from water contamination. Engineer Knoebel stated that he has no issue with this suggestion but it has been suggested to the applicant numerous times and DEP will not require it. Supervisor Decker feels that the Township should follow-up on the impact to the surrounding properties. At least there would be something in place to monitor what is happening at that site. There was no second and the motion died.

Engineer Knoebel indicated that the Township can pursue the issue of Ordinance #9-1985 since it is a self standing ordinance and the Township has the right to follow-up on it if they choose to do so. It was noted that YCCD has no problem with this plan.

**Motion:** Chairman Lambert made a motion to grant the waiver request of Section 517.f.a.-construction of slope to exceed 3:1. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing.

**Motion:** Chairman Lambert made a motion to approve the Michael Sunday, Revised Land Development Plan upon approval from DEP, YCCD and with the submittal of as-built plan. Solicitor Schorpp noted it should also be subject to the bonding and condition #1 of KPI's memorandum of December 21, 2006. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing.

**5. through 10. Time Extensions for Lexington Fields, Preliminary Subdivision Plan; Sturbridge Place, Preliminary Subdivision Plan; Williams' Townhouse Estates, Preliminary Subdivision Plan; Pearlman Subdivision Plan; Marlin & Nancy Fleming, Final Subdivision Plan; and Sherwood Heights, Preliminary Subdivision Plan**

**Motion:** Chairman Lambert made a motion to grant the following time extensions: Lexington Fields until June 29, 2007; Sturbridge Place until June 29, 2007; Williams' Townhouse Estates until June 29, 2007; Pearlman Plan until March 30, 2007; Marlin & Nancy Fleming Plan until February 27, 2007; and Sherwood Heights until January 26, 2007. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker's exception to Sherwood Heights.

**11. Lynn & Barbara Paxton, Final Subdivision Plan**

This plan is to subdivide an existing 30.35+ acre parcel into two separate lots (lot 2 10.03-acres and lot 1 20.32-acres) located at County Line Road and Spring Drive. Lot 1 is a proposed building lot with a single family dwelling and lot 2 will remain undeveloped. Mr. John Williams was present to represent this plan. It was noted that a waiver was recommended by the Planning Commission from Section 514.a.8 for the width to depth ratio.

**Motion:** Supervisor Shambaugh made a motion to grant the waiver from Section 514.a.8 on width to depth ratio. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**Motion:** Supervisor Shambaugh made a motion to approve the Lynn & Barbara Paxton Final Subdivision Plan subject to paying the recreation fee. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**12. Derby Farms, Subdivision Plan, Waiver Requests**

Mr. James Strupe from Alpha Consulting Engineers was present to represent the plan. As part of this plan there were several waiver requests. Of those requests most were recommended by the Planning Commission and granted by the Board of Supervisors. There are two waiver requests that were not granted and tabled at the request of the Planning Commission until the developer's representative was able to provide specific supporting documentation. The two requests were related to street/block layout and distances between intersections it was requested by the Planning Commission that the developer submit a report from a traffic engineer which provided detailed information related to those waiver requests. It was recommended that the speed limits on the development streets be established at 25 mph. It was also noted that there are no density issues with this development. The waivers being requested are as follows: Section 505.j – minimum radius of centerline street curve. The SALDO requires 200' and the plan proposes 150' of the internal minor

streets. KPI does not have any objection to the use of 150' from the supporting documentation and it will comply with PennDOT's requirements. The speed limit of 25 mph is also supported. There are no density issues.

**Motion:** Supervisor Shambaugh made a motion to grant the waiver request from Section 505.j – minimum radius of centerline street curve with the condition the developer install the 25 mph speed limit signs. **Seconded** by Chairman Lambert. The motion carried unanimously.

Section 506.e – minimum distance between intersections. The SALDO requires a minimum distance of 500' and the plan proposes the separation distance of 200'. The developer's traffic engineer provided specific reference to the Institute of Transportation Engineers publication which states a minimum access separation for a speed limit of 30 mph should be 180' but that the preferred minimum distance is 213'. After review of the documentation KPI does not have any objection to the use of 200' but the Township may wish to recommend use of the "preferred minimum access spacing of 213' which was recommended by the Planning Commission and the applicant agrees to.

**Motion:** Chairman Lambert made a motion to grant the waiver request from Section 506.e – minimum distance between intersections to 213'. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

## **REPORTS**

### **Engineer**

#### **1. Ken-Lin Estates, Release of Escrow Money**

A letter had been received from Mr. Kenneth Garner requesting the release of escrow money of \$1,568.00 for Ken-Lin Estates since the road has been dedicated to the Township and all work is completed.

**Motion:** Chairman Lambert made a motion to release the remaining escrow funds of \$1,568.00 for Ken-Lin Estates. **Seconded** by Vice Chairman Lerew. The motion carried with Supervisor Decker abstaining due to professional involvement.

### **Building Permit Officer**

Mr. Fahey presented his report as follows: Old Business the property at 121 Whiskey Spring Road will be in compliance when the stormwater management plan is designed and approved by KPI. There was an issue with someone impersonating a DEP official. Mr. Fahey is also working with Mr. Rowbottom of Chestnut Hill Road about the junk yard violation and he did immediately clear 5 junk vehicles from his property. There was discussion regarding existing businesses being registered with the Township, the zoning permit application is to be reviewed along with the use certificate. Rough draft handouts were given of these forms. Supervisor Shambaugh indicated that Mr. Fahey did a great job on the application but you may want to trim it down.

### **Solicitor**

Solicitor Schorpp stated that he had no report.

### **Roadmaster**

Supervisor Shambaugh noted that the Roadmaster had submitted his report and there is nothing else to add.

## **Parks & Recreation**

Supervisor Decker noted that the Parks & Recreation Board and Board of Supervisors had a joint meeting on December 11<sup>th</sup> and an official action was taken to place the playground equipment at the approved site as noted in the grant. A letter had been sent to DCNR requesting an advance of monies that is owed to the Township. A light at Century Lane Park will be installed. It was suggested that Twin Hills development could use some play equipment. Supervisor Shambaugh questioned why there is a “Park Closed” sign at Century Lane and it was noted that this has been the policy in years past. Supervisor Decker indicated that she will check into this. Supervisor Shambaugh stated that the sign should come down and possibly peg the parking lot to outline the parking area.

## **OLD BUSINESS**

### **1. Authorization for GIS Training (PSATS)**

**Motion:** Chairman Lambert made a motion for Supervisor Shambaugh, and any other Supervisors and Building Permit Officer Fahey to attend the GIS Training. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

### **2. Discussion on Term Efforts for Zoning Ordinance**

#### **a. Zoning Hearing Board appointments, Resolution #8-2006**

**Motion:** Chairman Lambert made a motion to adopt Resolution #8-2006 appointing members to the Zoning Hearing Board. The members are Kenneth DeShong – 1-year term; Art Bert – 2-year term and John Flanagan – 3-year term. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker stating that she does not have a problem with the members but is opposed to the process of which the zoning was done and therefore cannot vote in favor of this Resolution.

#### **b. Zoning Officer Appointment**

**Motion:** Supervisor Shambaugh made a motion to appoint Brian Fahey as the Temporary Zoning Officer with wages to be set in January. **Seconded** by Chairman Lambert. The motion carried with Supervisor Decker opposing stating that she does not have a problem with Mr. Fahey but is opposed to the process of which the zoning was done and therefore cannot vote in favor of this appointment.

Supervisor Brown indicated that the SALDO needs to be amended along with the Comprehensive Plan and also the Official Map. Supervisor Brown suggested a committee be formed with himself, Bob Eichelberger, Wayne Kober and anyone else that would be interested. Chairman Lambert indicated that he would like to appoint Supervisor Brown as Chairman of that committee. Supervisor Decker asked why the Township should have this type of committee and that with Mr. Kober and Mr. Eichelberger there were too many things going on behind the scenes by people who are not elected officials. Solicitor Schorpp stated that he had suggested Roberts Rules be adopted and followed and that a motion is needed to appoint the committee and the rules of order. Supervisor Brown indicated he would like to establish a Committee to develop the ordinances. Supervisor Shambaugh stated the motion should include the Chairman.

**Motion:** Chairman Lambert made a motion to establish a Committee. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing because appointed people should not be carrying out the responsibilities of elected officials.

**Motion:** Chairman Lambert made a motion to appoint Supervisor Brown as the Chairman of the Committee. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing.

Supervisor Brown stated that if anyone is interested in getting involved to contact him and the committee members to get together next month.

Mr. Kober stated that he and Mr. Eichelberger had always operated in the open during the zoning ordinance process and that nothing was done behind the scenes and stated that legal action will be taken if others continue to make accusations.

## **NEW BUSINESS**

### **1. Resolution #9-2006 Amending Residential Recreation Fee**

**Motion:** Chairman Lambert made a motion to adopt Resolution #9-2006 amending the Residential Recreation Fee from \$650.00 per dwelling unit to \$1,000.00 per dwelling unit. **Seconded** by Supervisor Brown. The motion carried unanimously. It was noted that this will take effect immediately.

### **2. Ordinance Amending Zoning Ordinance**

A draft ordinance of the amendments to the Zoning Ordinance has been prepared. It was noted that this ordinance should be forward to the Township Planning Commission and YCPC. A public hearing should be set within the 45-day period.

**Motion:** Chairman Lambert made a motion to send the amendment to the Zoning Ordinance to YCPC and the Township Planning Commission for review and comment. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing because of the way the zoning process was done.

**Motion:** Chairman Lambert made a motion to establish an open meeting beginning at 6:30 p.m. prior to the February 15, 2007 Board of Supervisors meeting. **Seconded** by Vice Chairman Lerew. The motion carried with Supervisor Decker opposing because of the way the zoning process was done.

### **3. Appointment of Township Solicitor**

It was noted that this will be tabled at this time.

### **4. Signs on Central View Road**

It was noted that there are speeding issues on Central View Road and the concern of children playing in that area. There was discussion on erecting signs indicating that there are children playing in that area. It was also noted that the past practice is for the Township to install the signs but the residents requesting the signs also pay for the signs. Engineer Knoebel indicated that YCPC will conduct a study at no cost.

**Motion:** Supervisor Shambaugh made a motion to install two signs "Slow, Children at Play" at the western end of Central View Road and that the Township will pay for the signs. **Seconded** by Chairman Lambert. The motion carried unanimously.

### **5. PSATS 2007 Convention**

It was noted that this will be discussed at the Board of Supervisors Re-organization meeting.

### **6. 2007 Township Budget**

**Motion:** Chairman Lambert made a motion to approve the 2007 Township Budget. **Seconded** by Vice Chairman Lerew. The motion carried with Supervisor Decker noting with the exception of NYCSF. It was noted that there is no tax increase for 2007.

## **7. George Mummert Property**

Vice Chairman Lerew noted that Mrs. Mummert has 7-acres or less and is questioning if she could subdivide to create a new lot. It was noted that she would have to apply for a Variance and go before the Zoning Hearing Board. It was noted that the Zoning Officer should check into this and then Mrs. Mummert could proceed by going to the Planning Commission.

## **8. Official Map Training**

Supervisor Brown stated that there is an Official Map training course being offered on January 15, 2007 at the Carroll Township Building and being conducted by PSATS. It was felt that this is a good tool for future planning.

## **9. Computers**

Supervisor Brown noted that he had received a quote from Dell for two new computers for the office. The cost for both is \$2,262.00. There was discussion on purchasing either a desktop or laptop with GIS for Brian Fahey.

**Motion:** Chairman Lambert made a motion to purchase two new computers with a cost not to exceed \$2,500.00 and to be purchased in January. **Seconded** by Supervisor Shambaugh. It was noted that no additional quotes are necessary. Supervisor Decker suggested that Mr. Ron Stevens look this over. The motion carried unanimously. There was some discussion on the disposal of the old computers and it was noted that the hard drive be eliminated if the computers are donated.

## **10. Route 15**

Supervisor Decker indicated that last month Mr. Kober addressed the Route 15 traffic study which involves the official map, land use, rezoning of existing land use, and the regional comprehensive plan. Supervisor Decker stated that had if she known what the traffic study involved she would not have voted for the letter of support. She noted that what was not gained by the Regional Park & Recreation Plan can be gained with the official map which includes greenways and paths and a lot more than Route 15. Supervisor Shambaugh said the motion was simply for a letter of support for the study. There was no vote for the study. Mr. Kober indicated that the study is needed to understand the traffic, land use, and to address improvements. It is just a study to see what the Township can do. Supervisor Decker stated that she feels there is more involved than just the intersections and that the paths and walkways could be recreated with the official map.

## **CORRESPONDENCE**

### **1. Boy Scouts of America, Adoption of Tuckahoe Road Extension**

The local scouting organization is requesting that Franklin Township consider adopting the extension of Tuckahoe Road that is the entrance road to Boy Scout Camp Tuckahoe. This is a dirt road and it is believed that the past practice for township maintenance was to end about 1300' before the camp gateway. Chairman Lambert suggested that this be tabled until the January Board of Supervisors meeting and to have KPI and the Roadmaster look into this. It is also noted the 1300' of roadway extends from a turn around on township maintained Tuckahoe Road across four properties, not owned by Council, to the boundary and gateway of Camp Tuckahoe. It was noted that the property owners would need to dedicate a right-of-way. Supervisor Shambaugh stated that there are grants available for gravel roads. There are approximately 10,000 visitors to the camp each year.

## **PUBLIC COMMENT**

Mr. G. Thomas Miller questioned the appointment of the Ad-Hoc Committee and suggested that it be assigned to the Planning Commission. By law meetings need to be advertised, which is under the Sunshine Law. Solicitor Schorpp said they have to advertise the meetings of the Ad-Hoc committee. With the

amendment to the Zoning Ordinance there needs to be a public meeting before the Planning Commission and that the Planning Commission has the right to make changes. It was also noted that there needs to be more amendments added. He believed the announcement of a public meeting may be premature.

Mrs. Anne Miller asked who serves on the Planning Commission. Mrs. Miller provided comments on the Official Map and the ordinance with regards to parcels of private property. Mrs. Miller also commented on an article that was in the Dillsburg Banner regarding Supervisors from Washington Township mailing a questionnaire on the comprehensive plan.

### **TREASURER'S REPORT**

**Motion:** Chairman Lambert made a motion to accept the Treasurer's Report as submitted. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

### **APPROVAL AND PAYMENT OF BILLS**

Supervisor Decker noted under the Recreation Fund that an upfront payment to TruGreen ChemLawn was approved at last month's meeting and is not on the bill list. The Township will receive a 5% discount with the pre-payment. It was noted that with the bill from KPI there was a month missed.

**Motion:** Chairman Lambert made a motion to approve the payment of bills with the TruGreen ChemLawn pre-payment. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing the payment of the KPI bill in the amount of \$8,540.77 and the zoning portion of KPI's bill.

### **EXECUTIVE SESSION**

The Board of Supervisors went into Executive Session at this time with action to be taken.

**Motion:** Chairman Lambert made a motion to pay the Township Secretary \$300.00 for the 2006 Planning Commission meetings attended. **Seconded** by Supervisor Brown. The motion carried unanimously.

### **ADJOURNMENT**

**Motion:** Supervisor Brown made a motion to adjourn the meeting at 9:30 p.m. **Seconded** by Chairman Lambert. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary