

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
January 18, 2007**

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 Stacey MacNeal, 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 Supervisor Brown gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, December 21, 2006

Motion: Supervisor Shambaugh made a motion to approve the minutes of the December 21, 2006 Board of Supervisors meeting. **Seconded** by Vice Chairman Lerew. Supervisor Decker noted on page 2 under the motion for Quality Greenhouses the last line “was” be omitted and replaced with “carried”. The motion carried unanimously.

2. Board of Supervisors Re-organization Meeting, January 2, 2007

Motion: Supervisor Shambaugh made a motion to approve the minutes of the January 2, 2007 Board of Supervisors Re-organization meeting. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

AGENDA AMENDMENTS

Chairman Lambert asked if anyone had any amendments to the agenda. Supervisor Decker noted under Engineer add 181 Lost Hollow Road, Gerald Osman, under New Business add the Auditor letter, under Park & Recreation there are a few items to discuss, under Correspondence add PSATS information on Liquid Fuels and she is also asking for an Executive Session for personnel reasons. Supervisor Brown noted under Old Business add Official Map Training and Zoning Ad-Hoc Committee. Supervisor Shambaugh noted under the Roadmaster an issue with a driveway permit.

ORGANIZATION REPORTS

1. Police – Chairman Lambert noted that the number of calls for 2006 was 1,200 with an increase of 13.1% and a total number of 83 calls for the month of December 2006. The report is on file at the Township office.

2. Fire – Chief Richard Blouch of Franklinton Fire Company noted that there were 39 calls in December with 10 of the calls being in Franklin Township. In 2006 there were a total of 527 calls with 202 being in Franklin Township. Chief Blouch stated that he wanted to address the issue of withholding funds for the fire company because of the audit. Franklin Township’s donation is 5% of the gross revenue and the fire company can show the officials where the money is being spent. Approximately one-half million dollars was spent within the past 2 years and the end result is to protect the residents.

3. EMS – Traci Cook presented the EMS Report. In December there were 98 calls with 11 in Franklin Township with a total of 248 for the year. The year end report has not been submitted yet, but it was noted that it is up 75 calls from last year. It was noted that the year end report and financial information should be submitted by next month. It was asked if they could supply the Township with the number of accidents on Route 15 at all the intersections within the Township. Chief Blouch stated that he could also supply the Township with that information. Chairman Lambert asked for the accident reports at Franklin Church Road and Glenwood Road or any intersections along Route 15 in Franklin Township.

4. DAA – Mr. Lewis Albert presented the DAA Report. Mr. Albert noted that Resolution 2007-1 is requesting upfront monies for EDU's from developers. It was asked if this would not be too much of a financial burden and the developers asked if there was a possibility it could be done in phases. DAA is working on modification to resolution 2007-1. In 2006 there were 123 water connections and 194 sewer connections. There was an election of officials and Mr. Lynn Potts was appointed Treasurer. Mr. Albert thanked Supervisor Decker for attending the meetings and giving input. It was noted that the fee is \$2,750.00 per EDU.

5. Emergency Management – No report was submitted.

6. Route 15 Study – Mr. Wayne Kober gave an update on the progress of the Route 15 Study and the application for funding. A letter of support will be coming from Adams County Planning Commission and will be attached with the other letters received. Carroll Township has made a financial contribution of \$4,000.00 and maybe more will be proposed. Mr. Kober suggested that Franklin Township propose \$10,000.00 but that still leaves an amount of \$6,000.00 short. The monies spent could be half in 2007 and half in 2008. It is the intent that the application be submitted to DCED to get the required funding needed for this study. Mr. Kober indicated that YCPC cannot do the study this year, but there are 2 things to consider - #1 funding and #2 getting this on the long range transportation plan. It was noted that in April the study was put on as a candidate project.

Motion: Chairman Lambert made a motion to support the study with a commitment of \$10,000.00 for the study. **Seconded** by Supervisor Brown. Supervisor Decker stated that Route 15 is a state road and this should be up to PennDOT to do the study and why is the Township doing the study. Mr. Kober noted that is mostly a land use effort and we need to know the type of development concept that will be needed at these intersections. Since it is a land use issue that is why PennDOT will not do the study and it was noted that PennDOT does not have the staff to do this. It was noted that the official map will let PennDOT know that the Township is serious. There should be pressure on YCPC and PennDOT to move this forward once this is placed on the long range plan. Supervisor Decker stated that according to the PSATS Newsletter PennDOT has no money for new projects and we are placing \$10,000.00 out there when PennDOT has no money for new projects. Chairman Lambert noted that the bottom line is the Township has a problem with these intersections and this is a step forward. Supervisor Decker stated she has concerns with the land use and official map. She said she wasn't sure if Route 15 was driving this or the land use. It was noted that 20% of the \$97,000.00 is what is being contributed for the study. Vice Chairman Lerew asked if there are any other add-ons to the map besides the Route 15 corridor. Mr. Kober stated that there will be no land use ordinances coming out of this study, but there are many things that can come out of the official map such as parks, stream bank protection etc. Two public meetings were held and they were advertised and held in a public forum. The motion carried with Vice Chairman Lerew and Supervisor Decker opposing until they received additional information.

SUBDIVISION AND LAND DEVELOPMENT

1. Marlin & Nancy Fleming, Final Minor Subdivision Plan

This plan is to subdivide an existing 87.8-acre tract into two lots (10.2-acres and 77.6-acres). Both lots are to be used for single family residences and are located along South Mountain Road. The Planning Commission recommended approval of this plan. The applicant has received DEP sewage facilities planning approval. The only condition that has not been met is the payment of the recreation fee of \$650.00.

Motion: Chairman Lambert made a motion to approve the Marlin & Nancy Fleming Final Minor Subdivision Plan with the payment of the recreation fee. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

2. Sherwood Heights, Traffic Impact Study & Time Extension

The Planning Commission is requesting that the Board of Supervisors forward the traffic study for Sherwood Heights to PennDOT for their review and/or comment. It was suggested that PennDOT also take into consideration Apple Blossom Estates, the site distance, potential accident hazards, and school congestion.

Motion: Chairman Lambert made a motion to forward the traffic study for Sherwood Heights to PennDOT for their review along with considering Apple Blossom Estates, the site distance, potential accident hazards, and school congestion. **Seconded** by Vice Chairman Lerew. Engineer Knoebel indicated that an HOP is not needed. The motion carried unanimously.

Motion: Chairman Lambert made a motion to accept the time extension for Sherwood Heights until February 23, 2007. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing.

3 & 4. Edward & Helen Balsavage and William Eichelberger, Time Extensions

Motion: Chairman Lambert made a motion to accept the time extension for Edward & Helen Balsavage until March 30, 2007 and to accept the time extension for William Eichelberger until May 31, 2007. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

5. 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. The applicant is requesting a waiver from comment #4 that a sewage planning or non-building waiver is required. Engineer Knoebel stated that in Ordinance #1-1995 there is a requirement for a replacement testing area for add-on lots. There will be no new dwellings. It is also based on a condition that if the on-lot septic fails the owner will hook onto the public sewer.

Motion: Supervisor Shambaugh made a motion to grant the waiver of Ordinance #1-1995 for the testing of the replacement area for the remainder tract. **Seconded** by Chairman Lambert. The motion carried unanimously.

The property also consists of 2 existing driveways and the applicant is requesting waivers from Section 511.e.4 for access drives requiring a 24' minimum width and from Section 511.e.8 for access drives is paved. It was noted that one lot contains a duplex that is rented and the drives are 16' wide and gravel.

Motion: Supervisor Shambaugh made a motion to grant the waivers of Section 511.e.4 and Section 511.e.8 for the width and paving because they are existing conditions. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

REPORTS

Engineer

1. David Young, Release of Letter of Credit #612-006

A letter was received from Mr. Young requesting release of his Letter of Credit for the property located at Capitol Hill Road and Franklin Church Road.

Motion: Chairman Lambert made a motion to authorize KPI to do an inspection of this property and report back to the Board for the purpose of releasing the letter of credit. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

2. William Barnes, Lot 8 Foxwood Estates

This lot was previously approved for denitrification and when the developer received re-approval of the lots in the subdivision for on-lot septic systems this lot was not included. An on-site sewerage system design was recently received from the property owners. The design is for a sand mound utilizing a denitrification unit. Engineer Knoebel indicated that SEO Gil Picarelli is looking for direction on how to handle this permit.

Motion: Chairman Lambert made a motion to authorize the SEO to issue the permit with an agreement for maintenance. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

3. Gerald Osman, 181 Lost Hollow Road

The SEO received an on-site sewerage system design from Mr. Osman because he has a malfunctioning on-site sewerage system and an A / B System is the system that has been proposed for this property. An A / B System require a maintenance agreement. An agreement has been submitted and if the Board finds this agreement suitable then it will be utilized for the Osmans and any other A / B systems which may be applied for in the Township. Solicitor MacNeal noted on page 3, number 8 the word "shall" be changed to "may". Supervisor Shambaugh explained that this is a type of trench system is a type of trench system in which the fill material varies and is similar to an "at-grade" bed and extends about 100' to 150' long and is approximately 3.5' to 5' wide and is filtered before going into the bed. Engineer Knoebel explained this system is for correcting a malfunction and not to be used for new systems.

Motion: Chairman Lambert made a motion to accept the maintenance agreement with the change as noted by the Solicitor for the A / B System for use by the SEO. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Solicitor

Solicitor MacNeal thanked the Supervisors for the appointment and the opportunity to serve the Township.

Building Permit & Zoning Officer

Mr. Fahey was present to give his report. The property at 121 Whiskey Spring Road has not submitted the stormwater management plan as of this date. Another ongoing issue is piers under mobile homes in accordance with UCC and in the 2006 codes books it states the manufacturer's specifications. It was suggested that the ordinance be amended and that it should be looked into.

Motion: Chairman Lambert made a motion to have the Solicitor look into this and see if the ordinance needs amending and if so amend it. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

Under zoning issues Mr. Fahey would like to see all of the Township ordinances posted on the web in pdf files. The issue of demolition permits was brought up and it was suggested that an application be brought in

for review. Mr. Fahey is getting a GIS program from the County for free. It was also noted that there should be a standard to record businesses in the Township.

Chairman Lambert noted that Mr. Fahey had purchased a laptop for approximately \$1,400.00 for Township use and proposed that the Township pay for it or lease it at a cost of \$40.00 per month. Mr. Fahey indicated that he would rather have the rental payment of \$40.00 a month.

Motion: Chairman Lambert made a motion to pay the rental fee of \$40.00 for 36 months to Mr. Fahey for the purchase of the laptop computer. **Seconded** by Vice Chairman Lerew. Supervisor Decker stated that her yes vote was use in issuing building permits and not for the investigating of properties. The motion carried with Supervisor Shambaugh opposing.

Roadmaster

Supervisor Shambaugh noted that there has been a request for a driveway permit on Water Street and after review the Township is requesting from the property owner that a stormwater management plan be done because there could be a serious problem if it floods. Vice Chairman Lerew requested that the Road Crew investigate an electrical cable at the intersection of Water Street and Union Church Road as it seems to be hanging low. The Roadmaster's report is on file at the Township office.

Parks & Recreation

Supervisor Decker noted that the Park & Recreation Board meeting was held on January 16th and in the re-organization of the Board the officers remained the same. The Park & Recreation Board will also continue to meet on the 3rd Tuesday of each month. John Flanagan has resigned from the Board and a letter was received from Kathy Zeigler Mulholland indicating interest in serving on the Board. Supervisor Decker stated that she would like to appoint Mrs. Mulholland to that position. On January 6th the Board did a site visit of Ponderosa Park to look at the paths as discussed at the joint meeting. The trail was laid out on the most gentle slope for senior citizens and that 2 modified stone would be used along with a finer stone/dust and then pressed. A quote was received from Terry Dougherty for some of the work to be performed. The proposed trail is not on the master plan but the trail will be through the woods. The sign at Century Lane Park has been removed indicating that the park is closed and a night light has been installed but it is only a 100 watt light and it was felt that the light should be more powerful. It has been checked with Mr. Lowell Hartzell and it was noted that the playground equipment will be installed in the Spring.

Motion: Vice Chairman Lerew made a motion to appoint Kathy Mulholland to the Park & Recreation Board to fill the unexpired term of John Flanagan. **Seconded** by Supervisor Decker. The motion carried unanimously.

The Dillsburg Area Soccer Club has submitted a request to use the Township Building for monthly executive board meetings.

Motion: Supervisor Decker made a motion to approve the use of the Township Building by the Dillsburg Area Soccer Club for their soccer club meetings. **Seconded** by Chairman Lambert. The motion carried unanimously.

Supervisor Decker also noted that at Ponderosa Park there were two young people on the ground piles leveling off the tops to make bicycle ramps. The individuals were warned that they could not make bike trails but that they could use the park. A memo was written and placed on record that they were warned.

OLD BUSINESS

1. Dry Hydrants

Vice Chairman Lerew noted that Laurin Fleming is checking into this.

2. Tuckahoe Road Extension, Consideration of Adoption

This item is to be tabled as there is no one from the Boy Scouts present. It was questioned whether or not the road in this area belongs to Franklin Township and the road would need to be brought up to PennDOT standards. The property owners would need to have it surveyed if interested.

3. Official Map – Ad-Hoc Committee

Supervisor Brown noted that the Official Map seminar was well attended with approximately 31 in attendance. He stated from what he had read, if you use the official map there would never be a chance of using eminent domain but the instructor told us differently. It was noted that the map is a good communication tool, it is a map with an ordinance and can be inexpensive. It was also noted that the map cannot be adopted as a joint map but it can be adopted jointly. The map can be used to map portions of the Township such as steep slopes, conservation easements, endangered species, transportation issues etc. and is a good tool when used right and also a vision to the future. The Township could purchase land for intersections instead of putting liens on property. It was also noted that the official map can be amended and is not permanent. Attorney Miller said it can have an adverse affect on private property because lands designated on the official map become liens on these properties and can affect the marketable and use of the property. Supervisor Decker stated at the seminar that over 2000 municipalities in the State only 30 have the official map in use. The land that is set aside on the map belongs to some property owner who bought and paid for it. This is where they want to put trails and conservation easements which can be locked up forever. Also discussed was the well head protection it was noted that a water resource plan has recently been done with addressing streams and waterways.

Supervisor Brown stated that the Ad-Hoc Committee needs to get going and that the first meeting will be held on the 2nd Monday of the month, February 12th, beginning at 7:00 p.m. and the meeting will be advertised. It was noted that the Township have Dominic Picarelli's support. It was also noted that a meeting will need to be set-up between the Supervisors and the Planning Commission to review the SALDO and make recommendations.

NEW BUSINESS

1. Clean Up Day

Motion: Chairman Lambert made a motion to set the date for Clean Up Day as May 5, 2007 and that the fees remain the same as last year. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

2. Extension of Agreement Regarding Waste Management Services (York County Solid Waste)

Chairman Lambert noted that no action is needed and with the consent of the Board he will sign the agreement. It was noted by Solicitor MacNeal that action should be taken.

Motion: Supervisor Shambaugh made a motion that the Township enter into the agreement with York County Solid Waste for Waste Management Services and that the Chairman sign the agreement. **Seconded** by Chairman Lambert. The motion carried unanimously.

3. Renewal of Cable Franchise

Motion: Chairman Lambert made a motion to have the Solicitor review the documents and to set a date with Comcast to negotiate the contract. **Seconded** by Supervisor Brown. The motion carried unanimously.

4. NYRPD – Ordinance for Imposing Fees for Excessive Call to 911

A sample Ordinance was received from the NYRPD regarding fees for random 911 calls, within a year period, with the first being a warning, the second call at a cost of \$25.00, third call at a cost \$50.00 and additional calls at a cost of \$100.00. It was noted that when doing open burning in the Township residents are required to call 911 before and after the burning. This ordinance was tabled until the Solicitor can properly advertise.

Motion: Supervisor Shambaugh made a motion to authorize the Solicitor advertise the ordinance and that action is taken at the next Board of Supervisors meeting. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

5. Auditor Letter

It was noted that a letter has been requested by the Auditors' from the Secretary/Treasurer indicating that the books and records are in order. After discussion it was decided that Chairman Lambert will sign the letter from the Township.

Motion: Chairman Lambert made a motion to have the Township submit the letter to the Auditors. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

CORRESPONDENCE

1. PSATS

Supervisor Decker noted that in the PSATS News Bulletin there are deadlines for the Liquid Fuel forms by January 31, 2007. It was suggested that Supervisor Decker notify the Treasurer of these deadlines.

2. Michael Sunday Bond

A letter had been received from Mr. Sunday regarding his existing bond for his land development plan.

Motion: Supervisor Shambaugh made a motion to have the Engineer review the request of Mr. Sunday's property in order to release the Letter of Credit. **Seconded** by Chairman Lambert. The motion carried unanimously.

PUBLIC COMMENT

It was noted that there was no public comment.

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

There was discussion on a couple of the bills. The bill for Bob Ruth for \$1,932.06. It was noted that was for work done on the F-550 Truck. The bill from International Code Council is for the new code books. Also questioned was the payment of \$490.00 for the return of the copier. This is to be checked into and payment

is to be withheld. Mills Communication was for work done on the radios for Laurin Fleming in the recycling building office. Supervisor Decker asked for copies of the SEO bills for individual invoices.

Motion: Chairman Lambert made a motion to pay the bills as noted with the exception of the \$490.00 to Remarketing Solutions International for the return of the copier. **Seconded** by Vice Chairman Lerew. The motion carried with Supervisor Decker opposing the payment of the zoning portion of KPI's bill.

EXECUTIVE SESSION

At this time the Board of Supervisors went into an Executive Session to discuss personnel issues.

Motion: Vice Chairman Lerew made a motion to give Gary Ocker and Ronald May a raise of 25¢ an hour increase effective January 1, 2007. **Seconded** by Supervisor Brown. The motion carried unanimously.

ADJOURNMENT

Motion: Supervisor Shambaugh made a motion to adjourn the meeting at 10:00 a.m. **Seconded** by Chairman Lambert. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary