

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
CONDITIONAL USE HEARING &  
REGULAR MEETING  
October 18, 2007**

**CALL TO ORDER**

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

**CONDITONAL USE HEARING – APPALACHIAN TENNIS FACILITY**

Vice Chairman Lerew opened the hearing noting that this is a Conditional Use request for the Appalachian Tennis Facility located on Range End Road. Vice Chairman Lerew turned the meeting over to Solicitor MacNeal. Solicitor MacNeal stated that this is the first hearing for the Board of Supervisors and briefly ran through the procedures for the hearing. The Board of Supervisors will hear the testimony in a quasi judicial capacity. First the Supervisors will hear from the applicant and anyone giving testimony which will be sworn in. After the applicant's case is completed anyone in the audience may ask questions or give sworn testimony and then the Board of Supervisors. It was noted that the Supervisors have a court stenographer, of which Ms. Roxy Cressler was present. Answers must be given verbally and it was requested that only one person speak at a time and that there be no talking over one another and to speak clearly, give your name, address, and spell your last name. Exhibits may be given and should clearly define what is being addressed. For the record, the Planning Commission has reviewed this application at their October meeting and recommended approval. Mr. Fahey, Zoning Officer, indicated that he had posted the property and the hearing was advertised in the newspaper. Mr. Brian Linsenbach, attorney for the applicants was present and noted that he would have 2 or 3 witnesses. At this time Ms. Cressler swore in the witnesses, Mr. Pete Hessert, Mrs. Ruth Hessert, and Mr. James Strupe.

Mr. Linsenbach noted that application was filed and the property is on Range End Road north of Joseph's Machine Shop and does meet the criteria from the ordinance. Mr. James Strupe was the first witness to give testimony and then Mrs. Ruth Hessert.

Mr. Strupe noted that he is a Landscape Architect for Alpha Consulting Engineers and has been hired by the Hessert's to prepare the plan for the Township approval process. Mr. Strupe described the adjoining properties stated that this is in the Mixed Use Zoning District with Mike Sunday to the north. In the ordinance there are 6 criteria items. This use has no negative impact and is consistent with the neighboring businesses and also no negative impact on property values. There are adequate service facilities. The water source will be a well instead of public water. The access to the property is not a problem as there is sufficient site distance and there are adequate emergency services. Mr. Strupe indicated that he has reviewed the Comprehensive Plan and the proposed use does comply. The use is allowed and a land development will be needed. A sketch plan has been prepared.

Solicitor MacNeal asked if anyone from the audience had any questions and also from the Supervisors.

Supervisor Decker noted that Mr. Sunday's property is to the south and the plan presented tonight showing the facility shows the parking in the rear of the building but the first sketch plan showed parking in the front. Mr. Strupe noted that the change in the sketch is so they comply with the ordinance. There was concern with the building being that close to the street. It was noted that this would be the first building being that close to the road. A variance would be needed for parking in the front or a text amendment.

Mr. Linsench marked the sketch plan as Exhibit "A".

Supervisor Shambaugh asked how close is the public water system and Mr. Strupe indicated that it is his understanding that it is approximately 1 mile away. What is the percentage of the lot coverage and it was noted that this has not been computed yet. Mr. Hessert noted in the ordinance the building can be a maximum height of 45' but he expects the building to be less than that. Supervisor Shambaugh asked if DAA has been contacted for sewer capacity and it was noted that Mr. Sheldon Williams was contacted and there is capacity. Vice Chairman Lerew asked if all of the courts are inside and what would the material of the outside of the building be. Mr. Hessert indicated that he is looking for the building to be 43' or less with the eaves being 23' to 26' on the side and the exterior he is looking at either hiring Lobar or Conewago which use Star pre-engineered buildings, architectural steel and the roof being blue or green, similar to Joseph's Machine Shop. The courts will be inside with 5 courts on each side with the middle of the building being the receptionist desk, limited locker rooms with 2 showers each and 4 toilets each. There will also be a meeting room for training/meetings, storage and mechanical rooms. On the top there will be a mezzanine Vice Chairman Lerew asked if this will be open to be public or do you have to be a member. Mr. Hessert answered yes and yes. If someone is not a member they would just pay a guest fee. Anyone not a member but would only be a spectator would not have to pay. For members it would be a yearly fee.

Solicitor MacNeal asked if anyone from the audience had any questions for this witness. There were none.

Mrs. Hessert gave testimony on the tennis facility. Mr. Linsench asked that she give information on the facility She indicated that she will be the President of the club and hours of operation are 7:00 a.m. until 10:00 p.m. and they will cater to all ages and all abilities. One of their goals is a program based on their client's abilities to improve their skills. Mr. Linsench questioned Mrs. Hessert on the water issue and how it will be used and Mrs. Hessert indicated that players usually take their gear onto the courts and very few shower at the facility. The facility will be open all year round.

Solicitor MacNeal asked if anyone in the audience had any questions or had any testimony to present. It was noted that there was none. Solicitor MacNeal then informed the Board of Supervisors that the meeting can be closed and they can start deliberating. Mr. Linsench stated that he appreciated the time here tonight and feels that this is a good fit for the community and that a land development plan would address all the issues.

Supervisor Decker asked the applicants what layout they would desire. Supervisor Decker noted that she likes the first layout with the parking lot in the front. Supervisor Brown asked if there is any difficulty in moving the building back 30 or 40 feet. Mr. Hessert stated that would depend on the wetlands on the property. Supervisor Decker asked the applicants if the parking would be to the rear of

the building then the front of the building would also be to the rear and it was so noted. Supervisor Brown noted that with the set-up of the zoning ordinance it was the thoughts that it would produce a nice front along the street. With this issue of moving the building back Solicitor MacNeal indicated that the Supervisors would have to consider a text amendment. Solicitor MacNeal stating that with the testimony closed the next phase is for the Supervisors to deliberate and make a decision. It was noted that the Supervisors can apply reasonable conditions to their decision. It was noted that in Article 6, Administration & Enforcement, Subsection 603 notes the criteria for conditional uses as follows:

1. The proposed use shall be consistent with the purpose and intent of the zoning ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not substantially change the character of the subject property's neighborhood.
4. Adequate public facilities are available to serve the proposed use (i.e., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
5. The proposed use shall comply with those criteria specifically listed in this ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this ordinance.
6. The proposed use will not substantially impair the integrity of the Northern York Regional Comprehensive Plan.

Vice Chairman Lerew stated that he will ask each Supervisor if they are in favor or oppose and to state the reason or to add anything.

Supervisor Shambaugh asked Engineer Knoebel the requirement in the SALDO for the water system and Engineer Knoebel noted if it is located within 1000' they can connect and a feasibility review is required and also by DAA if using public water. It was asked to Solicitor MacNeal with "Exhibit A" placing the building further back if that could be a condition and Solicitor MacNeal indicated that a variance would be needed.

Supervisor Decker noted that the location and layout has already been stated.

Supervisor Brown and Vice Chairman Lerew noted that they are content with this use.

**Motion:** Supervisor Brown made a motion to grant the Conditional Use Application for the Appalachian Tennis Club. **Seconded** by Vice Chairman Lerew. Supervisor Shambaugh noted that he is not opposed to the Conditional Use but would like to be allowed to attach conditions. The submission and approval of a land development plan is needed. A concern with a building this large, the parking lot and that the site lighting does not leave the site. Engineer Knoebel stated that these issues will be dealt with at the land development plan stage. Engineer Knoebel noted that the lighting in SALDO is restrictive. Supervisor Shambaugh stated that he would like to see that as a condition. It was noted that Supervisor Shambaugh supports this but recommends consider applying for a variance to move the building as there is no sense having the entrance facing Route 15 and the wetlands. Engineer Knoebel suggested that with the land development the applicant could request a variance or request a text amendment.

**Motion:** Supervisor Brown amended the motion to include the site lighting. It was noted that the lighting will be designed in accordance with the ordinance but with the building layout and the request for a variance the applicant cannot show a hardship. **Seconded** by Vice Chairman Lerew. Supervisor Decker questioned how will they address the building and it was noted that it is up to the applicant. The motion carried unanimously.

The Conditional Use hearing was closed at 6:45 p.m.

Solicitor MacNeal noted that written notification to the applicant must be done within 45-days. It was noted that the Township Secretary will write the letter with Solicitor MacNeal to review it before it is mailed.

The hearing was adjourned at 6:46 p.m.

## **BOARD OF SUPERVISORS REGULAR MEETING**

The Regular Meeting of the Board of Supervisors opened at 7:02 p.m.

### **PLEDGE OF ALLEGIANCE AND PRAYER**

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

### **APPROVAL OF MINUTES**

#### **1. Board of Supervisors Workshop Meeting, September 10, 2007**

Supervisor Decker asked that the September 10, 2007 Board of Supervisors Workshop Meeting be tabled in order for her to have more time to review and to also have Solicitor MacNeal review the minutes.

#### **2. Board of Supervisors Regular Meeting, September 20, 2007**

**Motion:** Supervisor Shambaugh made a motion to approve the September 20, 2007 Regular Meeting minutes as submitted. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

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

Township Treasurer Phyllis Emlet was present to answer any questions pertaining to the bills. Supervisor Decker asked about the bill from Associated Products and it was noted that it is for the barrels being rented for the Capitol Hill Road bridge. Also questioned was the amount of \$29,000.00 to Citizen's Hose Co. #1. Mrs. Emlet stated that is the contribution from the Township which was in the budget. Vice Chairman Lerew questioned whether or not the barrels being rented if the Township could file a claim to get the cost from the insurance company. Solicitor MacNeal indicated that she would need to get what the Township has paid to date.

**Motion:** Supervisor Shambaugh made a motion to pay the bills as submitted. **Seconded** by Supervisor Brown. The motion carried unanimously.

### **TREASURER'S REPORT**

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

**1. Acknowledgement of Minimum Municipal Obligation for Employees Pension Plan for 2008.**

Correspondence was received from PSATS noting the estimated cost for 2008 plan year on the employee's pension plan. Vice Chairman Lerew suggested that this be tabled until the budget meeting. Mrs. Emlet noted that she had contacted PSATS and although no payment is needed at this time the Supervisors need to take action and that it is noted in the minutes.

**Motion:** Supervisor Decker made a motion to acknowledge the Minimum Municipal Obligation for Employees Pension Plan for 2008. **Seconded** by Supervisor Brown. The motion carried unanimously.

**2. Schedule Second Budget Meeting**

A second budget meeting needs to be scheduled and after discussion it was noted that November 10, 2007 beginning at 8:00 a.m. will be the date for the second meeting.

**ORGANIZATION REPORTS**

**1. Police**

Vice Chairman Lerew gave the Police Report. Franklin Township uses 7.5 units or 75 hours per week. Next year the cost will go up approximately \$12,000.00. The following incidents were reported for the month of September: 8 thefts, 1 simple assault, 1 fraud, 5 vandalisms, 2 other offenses, 89 citations were issued and 22 warning cards. There was a question regarding the fine money and it was noted that the Township receives checks from the District Justice

**2. Fire**

No report was given.

**3. EMS**

No report was given.

**4. DAA**

No report was given.

**5. Emergency Management**

Mr. Laurin Fleming presented the Emergency Management report. It was noted that there were 2 calls so far in October with one on October 5<sup>th</sup> involving 6 horses running through the Township and the other on October 13<sup>th</sup> was a fire with possible entrapment. It was noted that all of the Supervisors had received a copy of the Emergency Operations Plan (EOP). This plan needs to be submitted to PEMA and York County by the end of December. Mr. Fleming asked that the Supervisors review this plan and give him any comments, concerns or changes. Mr. Fleming also indicated that he has been trying to get locations for dry hydrants but has not heard back from the property owners he contacted. Solicitor MacNeal noted that she had reviewed the standard agreement and it was sufficient but there were concerns regarding the locations. The standard form agreement for the owners of the property was reviewed and Mr. Fleming noted that he will proceed with this. Mr. Fleming informed the Supervisors that with the emergency service tax that is being considered and some of the ramifications he has heard from other Townships that citizens are no longer making contributions. Supervisor Brown asked Mr. Fleming about the required training in regard to NIMS and if he is keeping records

of the certifications. Vice Chairman Lerew also noted that the water table in this area has gone down and that the residents should conserve.

## **6. Route 15 Study**

No report was given.

## **7. Ad-Hoc Committee**

Supervisor Brown stated the committee is still proceeding and making changes slowly and that there may be a need for meetings more than once a month. The October 29<sup>th</sup> meeting regarding the NYRCP meeting will not occur but may be held in the beginning of December.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Time Extensions**

#### **a. Apple Blossom Estates Final Subdivision Plan**

The Township did receive a time extension from Apple Blossom Estates until December 30, 2007. Engineer Knoebel noted that he had received a call from Eric Johnston asking about an approval of any type but noted that since it was so short of notice that there was not enough time to review the revised plan. A meeting will be set up in regards to the comment letter. The applicant feels that they have addressed several of the comments. The plan for the water tank is under review by the DAA engineer. Supervisor Decker stated that this plan has preliminary plan approval and feels that the Township cannot deny. Engineer Knoebel noted that some of the comments are for third party approvals. He said the prudent thing would be to extend the time.

**Motion:** Supervisor Decker made a motion to accept the time extension for Apple Blossom Estates until December 30, 2007. Supervisor Shambaugh asked if the motion could be changed to until November. It was agreed to accept the extension until December but the plan would be reviewed in November. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

#### **b. Baker & Deeds Land Development Plan**

A time extension was submitted for Baker & Deeds until December 30, 2007. Engineer Knoebel noted that the last review of this plan was March of 2006. The major issue is water but the other comments could be addressed in the mean time. Solicitor MacNeal stated that to keep the plan moving the Township needs to receive revised plans. There was discussion on conditional approval to get the 5-year clock ticking. Solicitor MacNeal also discussed the third party approvals. A letter from the authority was received indicating that they do not have sufficient water available. There are 11 comments on the plan and a handful are from the township ordinance. It was suggested that they be put on notice and expect action on the correctable defects from KPI's memorandum of March 3, 2006. It was questioned if they could get water from DAA and it was noted that DAA would not be interested in doing this. Supervisor Decker stated that she had gone to the authority and they evaluate the availability of the pump station to serve other properties. There would be no additional development as this is in the Open Space zone. Since this plan is so small the motion should be similar in that the Township would like to see movement on the plan. It was noted that this plan was submitted in December of 2005. Supervisor Decker stated that if the Supervisors denied this plan and a year later there is water they could come back but it would be different in the Open Space zone. Engineer Knoebel suggested making a recommendation on the plan that the developer show movement on the plan by November.

**Motion:** Supervisor Brown made a motion to accept the time extension for Baker & Deeds until December 30, 2007 but this plan will be before the Supervisors at their November meeting and would like to see a progress report prior to our next meeting showing substantial progress on any Township ordinance related comments. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**c. Richard & Nancy Eichelberger Subdivision Plan**

No time extension letter was received on this plan. Engineer Knoebel noted that this is a small subdivision and has been resubmitted to the Township and will be going to the Planning Commission in November. Engineer Knoebel suggested the Board authorize a time extension if it is received by a certain date otherwise the plan will be denied.

**Motion:** Supervisor Decker made a motion to grant a time extension for Richard & Nancy Eichelberger if it is received before October 30, 2007 and if it is not received the plan be denied based on the engineer's comments of August 1, 2007 and the time extension be allowed up to December 30, 2007. **Seconded** by Supervisor Shambaugh. The motion carried unanimously. Solicitor MacNeal recommended a letter be sent by the Secretary to the developer notifying them of the motion.

**REPORTS**

**Engineer**

**1. Escrow Accounts**

Engineer Knoebel stated that he does not have a report on these accounts but will provide one for next month's meeting.

**2. 302 Robin Hood Road, Driveway Waiver Request**

Engineer Knoebel stated that this issue was discussed at last month's meeting and he was authorized to do an inspection as there were concerns of run-off. Engineer Knoebel stated that he has submitted a report. Vice Chairman Lerew asked if this is 2 driveways and Engineer Knoebel stated that it is a parking space/driveway in order to park an RV. It was recommended that the area be paved as this has been there for 5 years. There should be consideration for the pre-existing parking area and that paving this area would be a good thing, but if they recommend paving there are conditions stated in the engineer's report. Also discussed was the retaining wall within the right-of-way. Solicitor MacNeal noted that there are no restrictions with the ordinance but there are concerns with the retaining wall within the right-of-way and the possibility of an Indemnification Agreement from the owner for them to sign off on a release. With this release the Township would not be responsible for any loss or damage of property. Supervisor Decker stated that this will help both the Shannon's and the Township.

**Motion:** Supervisor Decker made a motion to allow the homeowner's to pave according to directions from KPI, that an Indemnification Agreement be signed regarding the retaining wall. **Seconded** by Supervisor Brown. Solicitor MacNeal will draft an agreement for the Shannon's signing. Supervisor Shambaugh is against this issue and suggests if the Township wants to do driveway waivers it should come before the Board and not given to him and the Roadmaster. The motion carried with Supervisor Shambaugh opposing. No construction is to be completed until the agreement is signed.

### **3. Temporary Driveway Request on Chain Saw Road, Scott Emerson**

Engineer Knoebel stated that Mr. Scott Emerson is in the process of getting a driveway permit to install a sand mound system on his property. It was noted that Mr. Emerson's engineer did submit plans. The driveway is 1,000' long and with winter weather approaching Mr. Emerson would like to install the sand mound. A revised storm water plan was submitted but there are comments that need addressed. There is a concern with a temporary permit being issued as it cannot be built as noted on the drawing there is a need for a different stone surface. It was noted that there would be no building permit until the storm water plan is approved. Mr. Emerson stated that his engineer is working on this. This lot was purchased from the Marlin Pletcher plan. There was discussion that given the steep slope a temporary driveway could result in wash out onto the road.

**Motion:** Supervisor Brown made a motion to deny the temporary driveway permit. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

### **Solicitor**

#### **1. Comcast Franchise Agreement**

Solicitor MacNeal stated that the ordinance and franchise agreement for Comcast Television is before the Board of Supervisors tonight for their action. It was noted that the Township received correspondence from Mr. Curtis Umpleby of Lost Hollow Road who is trying to get cable to his residence. Mr. Umpleby noted that there are 4 residents interested more for the internet than the cable television and that these residences are less than a ½ mile but the cable engineer will not consider running the line. Comcast knows that there are 4 residents that are interested and Mr. Umpleby stated that Verizon is too expensive. Supervisor Decker asked if the Township can call or send a letter to Comcast. Solicitor MacNeal noted that the Township is not obligated but she could contact the Township's contact who deals in local government relations.

**Motion:** Supervisor Shambaugh made a motion to table the ordinance and franchise agreement until Comcast is contacted and they give some explanation on not extending the cable line. **Seconded** by Vice Chairman Lerew. Supervisor Brown stated that the correspondence relating to the franchise might dry up and they would be losing customers. With the legislation being considered it was thought that this was a high alert with PSATS. It was noted that this ordinance needs to be advertised and action must be taken within 60 days. The motion carried unanimously. This will be placed on the November agenda for consideration.

#### **2. LST Ordinance**

Solicitor MacNeal noted that this ordinance was advertised 3 times. This ordinance is amending and restating the occupational privilege tax as a local service tax and increasing the annual assessment to \$52.00.

**Motion:** Supervisor Shambaugh made a motion to adopt the LST ordinance. **Seconded** by Supervisor Brown. Supervisor Decker noted that last month Chairman Lambert had come up with figures indicating that the Township is losing money but there is no shortfall. Supervisor Decker stated that any kind of increase should go across the board. Someone from the audience stated that this same Board had offered money to Carroll Township and the help from the work crews. This is an out cry of the recreation plan and it needs to be re-examined. Supervisor Decker noted that the money issue is unfounded. Supervisor Brown read from the PA Township News magazine about small

businesses and they would have to deduct this tax every week from their employees. The current amount being paid in the Township is \$10.00. It was noted that the Supervisors need to get a better picture fiscally and find out where the Township is at. Solicitor MacNeal noted that this would be effective at the beginning of the calendar year. The vote was as follows: Supervisors Shambaugh and Brown voted yes and Vice Chairman Lerew and Supervisor Decker opposed. Since it is a tie vote the motion dies.

Solicitor MacNeal noted another issue she wanted to discuss was a memorandum regarding the request of non-profit organizations. Vice Chairman Lerew asked if there was anything we are doing wrong? Solicitor MacNeal noted that the Township is doing nothing wrong. Solicitor MacNeal said she represents other municipalities and she sees this type of contributions on a regular basis and they are not unusual. She said her legal opinion is that it is a policy decision. It is something that they can choose to do if they so desire. They do not have any obligation. This information was mailed to Mr. Ron Stevens who had requested this information. Supervisor Decker stated that she doesn't think this should be going to the construction of a community center. That should be done by businesses and that eventually this may fall on all of the residents in taxation where they use it or not. Supervisor Brown noted that money is going to the community center or other activities to help establish programs.

### **Building Permit & Zoning Officer**

#### **1. Building Additional, Bethel Church Road**

Mr. Fahey presented his report and noted that a Franklin Township resident is considering a building addition for an in-law with a bedroom, bathroom, living area and small kitchenette. The homeowner needs guidance. Solicitor MacNeal noted that the definition of a dwelling unit is for occupancy by one family or a single person. The kitchen area is what is putting them over the top but if they eliminated the kitchen there would be no need to go after a zoning request. There was discussion on the use of a "granny flat" by special exception but it was noted that the "granny flat" may be considered a secondary dwelling unit for a family member and is considered temporary. In Section 427 of the Zoning Ordinance gives the criteria for a "granny flat" with such issues as lot coverage, off-street parking and setbacks. They would have to go through a special exception.

#### **2. Overhanging Brush**

Mr. Fahey noted that the Township had received complaints from school bus drivers regarding overhanging brush that was causing damage to vehicles. The Township did get the addresses and this problem has been taken care of.

#### **3. Structure Fires in Township**

Mr. Fahey noted that there have been 2 structure fires in the Township. The one was on Laurel Run Road which has an apartment above a garage that was destroyed. This presents a problem because the Township does not allow a second residence on the property and the need for a building permit. Mr. Fahey suggested that he will do a site inspection. Supervisor Shambaugh noted that Mr. Fahey should not bother until the homeowner comes in for a building permit.

#### **4. Certification Reimbursement**

Mr. Fahey indicated that he has signed up for classes to receive credits for his certification for BCO which is needed and asked that the Township reimburse him for the costs.

**Motion:** Supervisor Shambaugh made a motion to pay for the Zoning Officer's training. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

The last item Mr. Fahey brought before the Board was that there was a building permit that was issued in error and he may have to pull the permit and revoke it. Supervisor Shambaugh stated that the Township has 30-days.

### **Roadmaster**

Supervisor Shambaugh noted that the Roadmaster had submitted his road report and there was nothing more to report.

### **Park & Recreation**

Supervisor Decker gave the following recreation report: the meeting was held on October 16<sup>th</sup> and the owners of Derby Farms were present to discuss the park and recreation fee. Mr. James Strupe was in attendance and it was suggested that they would put the fee into the community center which would be located on Kings Kids Camp property. Solicitor MacNeal indicated that in the MPC states that the Township can put in the SALDO to provide for suitable recreation land and could be dedicated to the Township or the developer could pay the fee. The language indicates this should be on suitable land. There are restrictions on how and when the fee is used. Supervisor Decker noted that a developer could provide part for the recreation obligation and the rest of the money could be put into the development of the land. With the high density of this development there should be recreation in this area. The recreation land is 15+ acres and is in the preliminary stage. Supervisor Decker noted that on October 24<sup>th</sup> DCNR will be inspecting Ponderosa Park and also noted is that the play equipment can now be used. The handicap sign needs to be installed in the parking area and Rettew will also be out to inspect the site. Work will begin on the senior citizen walking path shortly.

### **OLD BUSINESS**

#### **1. Appoint Edward Campbell as Township Supervisor**

There was discussion as this was done at last month's meeting and it was noted that it was acted on too soon and it would not hurt to re-appoint Mr. Campbell to this position.

**Motion:** Vice Chairman Lerew made a motion to appoint Edward Campbell to the position of Supervisor to serve Larry Lambert's unexpired term. **Seconded** by Supervisor Shambaugh and he asked for discussion. Do we really have to do this? Solicitor MacNeal noted that she disagrees with PSATS opinion but there is no harm in doing this again. She said the statute does not state it one way or another. The motion carried unanimously.

#### **2. Approve Township Employees to Attend County Convention**

It was noted that at last month's meeting there was a motion to allow the Supervisors but it should also include any of the Township Employees.

**Motion:** Vice Chairman Lerew made a motion to allow any employee who wishes to attend the convention. **Seconded** by Supervisor Decker. The motion carried unanimously.

## **NEW BUSINESS**

### **1. TruGreen ChemLawn 2008 Service Agreements**

The service agreements had been received and there is no increase in cost since 1999 but instead lowered it and by doing so reduced the overall cost by approximately \$670.00 per year. Mrs. Miller, a taxpayer, asked what does this entail and it was noted that it is for a field and 2 parks. It was asked if it is open for bid. It was noted that since it is under \$4,000.00 this does not need to be bid or even to receive other quotes. It was questioned if other companies can submit a proposal and it was so noted. Supervisor Shambaugh suggested that we table this until next month. Supervisor Decker asked if this type of service is required to be bonded. Solicitor MacNeal indicated that she doesn't think it does but will double check this. It was also questioned from the audience if the chemicals that are used are environmentally safe.

### **2. Animal Protective Service Agreements**

The Township received 3 quotes from the following agencies the Humane Society, York County SPCA and Kohler Animal Control Services. The Humane Society has doubled their price from last year. It was suggested that the Township contact the Adams County SPCA and see if they can give the Township a quote. This is tabled until next month.

### **3. Census**

Supervisor Brown brought up the issue of the census and LUCA training that was in the PA Township News. Mr. Bob Yerger stated that he had been approached by Mr. Lambert to see if this would be feasible. It would take 315 man hours to complete and then the actual survey may or may not be replied to by the township residents. There could be redistricting. Solicitor MacNeal indicated that it could have an impact with grants and state funding.

## **CORRESPONDENCE**

### **1. Volunteer Fire Relief Association**

Vice Chairman Lerew noted that the Township received the check for the Volunteer Fire Relief Association which was deposited and will be paid to the fire companies providing service to our residents.

### **2. Planning Workshop for Municipal Officers**

Supervisor Decker stated that the York County Planning Commission is having a workshop on October 30, 2007 at Pleasant Acres Complex from 6:30 – 9:30 p.m. and noted that she is interested in attending and the form needs to be sent as the deadline is approaching. Supervisor Brown also stated that he is interested in attending this workshop.

## **PUBLIC COMMENT**

### **1. Bob Yerger, Spring Drive**

Mr. Yerger noted that at the last Ad-Hoc Committee meeting Ed Campbell had some concerns with the third party approvals on plans and with the Planning Commission what is their legal standing. It was noted that Mr. Campbell is looking for guidance. It was suggested that Mr. Campbell should call Solicitor MacNeal.

### **2. Ken Swomley**

Mr. Swomley noted that he has 2 items to discuss. First the engineer's report on the bridge was not discussed and the speeding on Route 15. It was noted that the Township needs police on Route 15. Engineer Knoebel reported on the bridge several months ago with a draft report and this is the final report in which nothing has changed. Since this is the final report it can be forwarded to the insurance company. Solicitor MacNeal indicated that she has forward this on to the insurance company

### **3. Bob Eichelberger**

Mr. Eichelberger noted that a temporary driveway permit should not be permitted. Engineer Knoebel explained the situation to Mr. Eichelberger noting that this is part of the Marlin Pletcher subdivision and Solicitor MacNeal noted with the plan it is grandfathered for 5 years. It was noted that Mr. Emerson meets the requirements of the plan. It is noted that storm water and grading plans are now required in order to get a driveway permit.

Vice Chairman Lerew noted that with the escrow accounts a Mr. Pletcher has passed away and asked where the escrow money would be sent to. It would go to his estate.

Supervisor Shambaugh noted with the report on the bridge why can't the Township get the bridge fixed as the Township has 2 options and he suggested that the road crew could go and clean off the abutment the area and get quotes to have the guide rail installed.

**Motion:** Supervisor Shambaugh made a motion to have the Roadmaster under the supervision/guidance of the Township Engineer remove the abutment, prepare the bridge for the installation of the guide rail and get quotes for the guide rail to be installed. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

### **ADJOURNMENT**

**Motion:** Supervisor Brown made a motion to adjourn the meeting at 9:20 p.m. **Seconded** by Supervisor Decker. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary