

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
CONDITIONAL USE HEARING &  
REGULAR MEETING  
November 15, 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, Brian Fahey, Zoning Officer, Roxy Cressler, Court Stenographer, and Secretary Nancy Zentmeyer. Visitors are on the attached sign-in sheet.

**CONDTIONAL USE HEARING – APPALACHIAN TENNIS FACILITY**

Vice Chairman Lerew opened the hearing noting that this is a Conditional Use request from Robin Gardner.

Mr. Fahey gave a brief description regarding this property. The property is located at 103 Bethel Church Road and the applicants are seeking approval to construct a “granny flat” in the Open Space Zone. Mr. Fahey noted that Mr. Gil Picarelli, SEO, was contacted regarding the septic design which is for a 3 bedroom house and that it be a stipulation that the home remains a single family 3 bedroom house. Ms. Cressler swore in Robin Gardner and Mike Myers. This application pertains to Section 427 of the Zoning Ordinance (Granny Flats accessory housing). Ms. Gardner explained how she meets the criteria of Subsections 427.A. – 427.F as follows:

- A. The total building coverage for the principal dwelling, any other accessory structures, and the secondary dwelling together shall not exceed the maximum lot coverage requirement for the underlying zone, where applicable. **Ms. Gardner noted that her property is a 4-acre lot.**
- B. The secondary dwelling shall be occupied by a maximum of two (2) people. **It will be occupied by one (1) person.**
- C. The secondary dwelling’s utility systems may be physically connected to or totally separate from the sewage disposal and water supply and all other utilities of the principal dwelling. In either case, however, all systems must meet the requirements of the Township Sewage Enforcement Officers and regulations of the Township regarding sewage disposal and water supply systems, whether on-lot or public. **It was noted that all of the utilities will tied in together, and there will only be 3 bedrooms.**
- D. In addition to all parking requirements for the principal dwelling, a minimum of one (1) off-street parking space, with unrestricted ingress and egress, shall be provided for the secondary dwelling. **There are 3 parking spaces.**
- E. The secondary dwelling shall not be installed, located, or constructed in the front yard and shall adhere to all side yard setback requirements for principal uses. **The addition will be constructed to the left side of the house and will be 47’ 10” from the property line.**
- F. Only one (1) granny flat unit shall be allowed per lot. **Only one is being request.**

Drawings and photographs were submitted to show the dimensions and location of the granny flat.

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The applicant testified that this will never become a rental unit. Engineer Knoebel noted that the Planning Commission recommended approval of this Conditional Use conditioned on the down spouts of the addition being connected to drain pits.

**Motion:** Supervisor Shambaugh made a motion to approve the Conditional Use Application for Ms. Robin Gardner to construct a granny flat with the conditions that it will never become a rental unit and once the granny flat is no longer use it will become part of the single-family dwelling with the kitchen removed and the down spouts of the addition connected to the drain pits be installed. **Seconded** by Supervisor Brown. The motion carried unanimously.

The Conditional Use hearing was closed at 6:43 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.

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 Brown gave the opening prayer.

### **APPROVAL OF MINUTES**

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

**Motion:** Supervisor Shambaugh made a motion to approve the minutes of the Board of Supervisors Workshop Meeting of September 10, 2007 as submitted. **Seconded** by Supervisor Campbell. The motion carried unanimously.

#### **2. Board of Supervisors Regular Meeting, October 18, 2007**

**Motion:** Supervisor Shambaugh made a motion to approve the October 18, 2007 Regular Meeting minutes as submitted. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

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

Supervisor Decker questioned under the General Fund the Cleveland Bros. rental invoice. Mrs. Emlet, Treasurer stated that has to do with the Roadmaster. Supervisor Decker also questioned the relief funds and the total amount.

**Motion:** Supervisor Shambaugh made a motion to pay the bills as submitted. **Seconded** by Supervisor Brown. Supervisor Decker noted under the Recreation Fund to invoice to Associated Products that this is usually billed to soccer. This can be charged off with the Township paying the invoice and then billing the soccer club. The motion carried unanimously.

### **TREASURER'S REPORT**

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

#### **1. Advertise the Township Budget**

**Motion:** Supervisor Brown made a motion to advertise the Township Budget as submitted. **Seconded** by Supervisor Decker. The motion carried unanimously.

### **ORGANIZATION REPORTS**

**1. Police** – Vice Chairman Lerew noted that he had not received the report as of this date but once it is received it will be on file at the Township office.

**2. Fire** – There were no reports from either Citizens Hose or Franklinton Fire Companies.

**3. EMS** – Mr. Robert Watts from Citizens Hose gave the following report: during the month of October there were 6 medical calls, 2 fire calls, 2 auto accidents, and 3 missed calls. Vice Chairman Lerew asked when the sign up for membership is. It was noted that the membership season runs from April 1<sup>st</sup> until March 31<sup>st</sup>. The cost is \$90.00 for a family and \$70.00 for an individual and the West Shore ALS is included in the membership. It is also staffed 24/7. The secondary call would come from York Springs Ambulance or West Shore Ambulance #82 depending where in the Township a resident lives.

**4. DAA** - There was no report.

**5. Emergency Management** - Mr. Laurin Fleming noted that the document presented last month, Emergency Operations Plan, needs to be approved at the December Board of Supervisors meeting in order to meet the time frame. Mr. Fleming also gave a brief report on the dry hydrants and noted that Adams Electric is happy with the sites chosen. The paper work can be done during the winter months.

#### **6. Route 15 Study**

Mr. Wayne Kober presented the Route 15 report. A summary of the August 20<sup>th</sup> meeting with the proposed work to be done on the transportation part of the plan, and the scope of work. Change the update to the Comprehensive Plan instead of doing a special study. The end result is to take land use measures for the intersections on Route 15 which would run from Route 94 to the Yellow Breeches bridge. In the proposed addendum there are 5 objectives. It was suggested to look at everything in the last 10 years. The five objectives are:

1. Reevaluate the Route 15 and other recommendations in the transportation element of the NYCRCF, the PennDOT 12-year program, the York Area Metropolitan Planning Organization and York County Long Range Transportation Plan, and the Adams County Long Range Transportation Plan.

2. Make the transportation element of the NYCRCP consistent with the York and Adams County Long Range Transportation Plans.

3. Develop a traffic model for use by the municipalities in evaluating the transportation aspects of proposed land use changes.

In 1972 there was an estimated 5,000 vehicles on Route 15 and now there are 30,000 vehicles.

4. Identify transportation improvements at Route 15 intersections and their engineering right-of-way, and funding requirements.

5. Identify land use strategies to preserve right-of-way for future transportation improvements.

Mr. Kober stated that after tonight's meeting he will sit down with Mr. Mark Hilson of Carroll Township and Mr. Will Clark from YCPC. Carroll Township, Dillsburg Borough, and Franklinton Borough want to see a draft by December 4, 2007. Supervisor Decker stated back in June there was over \$90,000.00 needed for a study and wanted to know what we are looking at now with funding. Mr. Kober indicated that the intent would be for all state and federal funding. Transportation funding is a 80/20 match and DCED has land use monies that would be a 50/50 match. Supervisor Decker indicated that she was informed that the only monies coming from DCED is if there is a building involved. Mr. Kober stated that Mr. Will Clark from YCPC has not done an estimate on the cost but it could be a couple hundred thousand. Mr. Kober talked about monies available with LUTAP. Supervisor Decker also noted that at one of the Ad-Hoc meetings there was discussion and there would be regulations, strings attached and obligations if you use these monies. Mr. Kober stated that if you make the application and it is approved an agreement will have to be signed and there could be conditions. Mr. Phil Robbins at DCED is the person to contact and he can give the answers. Mr. Kober also noted that if the money is not used for the study we may have to give it back. It was noted that PennDOT thought it was better to go through the NYCRCP. Supervisor Campbell stated that the Township should look 20 years out and question if there are things we can use sooner to help us do better planning.

There was discussion on traffic studies and if developers could pay for this, but it was noted that they cannot pay for a study. Engineer Knoebel stated that the developers presently do conduct a traffic study. Solicitor MacNeal stated that with smaller developers the Township could ask for a fee to be paid in lieu of a traffic study.

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

Supervisor Brown gave the Ad-Hoc Committee update. The last meeting was November 13<sup>th</sup> and they are continuing to work on Article 4, Design Standards. They are working on lot size, easements, land grading, and landscaping. Street and highway standards still have to be dealt with along with the traffic impact. There was discussion on the section of recreation with an e-mailed received from Solicitor MacNeal to Supervisor Brown regarding a draft with dedication of land by a developer and the requirements.

In regards to the NYCRCP no date has been set yet but it was noted that there may be one in either December or January with the municipal officials to review the changes.

Mr. Kober noted that the YCPC has been helpful with the amendments and suggested that the Township send a letter thanking Mr. Beck and Ms. Hill. It was noted that this be done.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Time Extensions**

#### **Sherwood Heights**

A time extension letter had been received from RGS Associates granting a time extension for this plan until February 29, 2008. Supervisor Shambaugh stated that he would like to hear from our engineer what is needed to be done yet. Engineer Knoebel noted that they need Erosion and Sedimentation Control approval from YCCD along with standard approvals. DAA is still reviewing and they still need planning module approval. They are a part of the Apple Blossom Estates project as far as participation in the water tank approval. The storm water discharge from basin 1 is still being worked with YCCD. Engineer Knoebel stated that most is outside agency related and there is some minor work with sidewalks. The mining study and geotechnical work done has been discussed with the Planning Commission. It was noted that it has been 6 months or more since the Township has received any information on this plan except time extensions. As suggested with other plans, prior to next month's meeting the Board of Supervisors would like to see a substantial update on this plan. Supervisor Decker asked if the developer still had not acquired a right-of-way for the discharge from the basin. Engineer Knoebel said he was not aware of it. Supervisor Decker then asked what happens if no one allows the storm water to go across them. Supervisor Campbell said the storm water issue was a critical issue especially on the mountain. The Planning Commission has been waiting for that information. Engineer Knoebel said they were told they needed to address that. They talked about coordinating some type of meeting with YCCD and their office and it has not happened. The storm water issue could experience a need to substantially change the plan. Solicitor MacNeal stated to change it enough it could be a new plan. It was also suggested that the developer come to the December meeting to talk about the plan. Supervisor Campbell asked when do we say no, since it has been 2 years. Engineer Knoebel again discussed the storm water issue and if the developer does not obtain the right-of-way needed it could change the whole plan.

**Motion:** Supervisor Brown made a motion to deny the Sherwood Heights plan based on all outstanding engineering comments. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

### **2. Appalachian Tennis Club, Text Amendment**

Mr. James Strupe along with Mr. & Mrs. Pete Hessert were present. It was noted that the conditional use was granted to Mr. & Mrs. Hessert at the October 18<sup>th</sup> Supervisors meeting. There was discussion regarding the setbacks and moving the building back to have the parking in the front of the building. It was noted that the zoning ordinance would need to be changed. Solicitor MacNeal stated that the applicant is interested in moving this forward and that the applicant has agreed to pay the cost. It was noted that there are options but it would be simple to solve this problem now. It was questioned what are the goals of the Supervisors for this district and a more traditional commercial neighborhood. Solicitor MacNeal stated to retain the maximum building setback of 15' unless the building height exceeds 15' then there would be no building setback and the deletion of parking on the side and rear,

which the Board may want to re-visit at some point. Solicitor MacNeal also discussed other text amendments the Board may want to do. Also which needs to be discussed is that this is a different plan with the outdoor courts and at the conditional use hearing it was noted that there would be no outdoor courts. There was discussion if this is considered a different use but these are 2 separate issues.

**Motion:** Supervisor Shambaugh stated that Solicitor MacNeal move forward with the text amendment as proposed. Supervisor Campbell questioned the modification with the height 15' or exceeds 20'. Solicitor MacNeal stated that the Board can put any number in the text. There was discussion whether to just delete that line or change the wording.

**Motion:** Supervisor Shambaugh amended his motion to delete that line. **Seconded** by Supervisor Brown. The motion carried unanimously.

Solicitor MacNeal stated that this will need to go to the YCPC and the Planning Commission for the 30-day review period and to advertise for a public hearing at the December 20<sup>th</sup> Supervisors meeting. It was suggested to have the hearing begin at 7:00 p.m. Mrs. Hessert stated that the reasons they changed the design after the conditional use hearing to include the outdoor clay courts and that the size of the building has been decreased. There will be no lighting at this time and if they should decide to have lighting it would need to meet the ordinance. Mr. Hessert stated that the use still is primarily indoors. Supervisor Shambaugh stated the process and testimony of record the Township has already gone through is now not true and how will this effect future conditional uses. Solicitor MacNeal concurred with Supervisor Shambaugh. There was discussion if there would be anyone in the public who would object. There is a process of record keeping. Solicitor MacNeal noted with a zoning hearing you have to rely on the testimony and facts on the record. It was questioned whether it is a material representation. Solicitor MacNeal noted that with the hearing process the hearing has been closed. Solicitor MacNeal noted that this is a gray area. It was noted there could be another hearing and that it should be made clear in the minutes if it is not a material change in the determination of the conditional use. Engineer Knoebel stated it could be reviewed and discussed at the land development plan review and if its determined by the Board then at that point the applicant would have to go back for another conditional use prior to plan approval. It was so noted.

Supervisor Brown noted that a decision be made tonight. Supervisor Decker questioned what makes it material. Solicitor MacNeal said material is that it was a factor in the decision. Supervisor Shambaugh noted that this is a substantial change. Supervisor Campbell asked about the fees. Solicitor MacNeal stated that if the Township made an error then the fees could be waived. Solicitor MacNeal also questioned if this is a different use. It was noted that there is no clear definition of an indoor sports facility. The main use is the indoor use but would the outdoor courts be considered an accessory use. Solicitor MacNeal stated that this needs to be clarified.

**Motion:** Supervisor Decker made a motion to accept this plan as the outdoor courts were not material to our decision since we have no definition for courts. Supervisor Decker said she did not see the purpose in coming back. It was noted that we are not accepting the plan and Supervisor Campbell stated that the Board is accepting the fact that the outdoor clay courts were not material to the in-door conditional use. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Shambaugh opposing.

### **3. Appalachian Tennis Club, Final Subdivision/Land Development Plan, Incomplete**

This plan has been deemed incomplete for failure to provide a notarized owner's acknowledgement (305.a.3), sewage planning module (305.a.7), and where public water and/or sewer is to be provided, acknowledgement in writing from the appropriate agency that capacity exists to serve the proposed development (305.a.8). Supervisor Campbell noted that this has been an issue with the Planning Commission and also noted that this has been waived many times before. Supervisor Decker stated that at some point these plans need to be complete when submitted. Engineer Knoebel stated that the applicant could withdraw the plan if the waivers are not granted and then they would not have to pay the fees again.. Supervisor Decker questioned when do we start applying the ordinance to these plans. Supervisor Brown stated if the Board does not make a motion then they have to get information on the number of EDU's and the capacity letter. Engineer Knoebel indicated that the Authority letter states that they have capacity to serve the development but they still need to meet the requirements.

**Motion:** Supervisor Brown made a motion to grant waivers for Section 305.a.7 for the sewage planning module and Section 305.a.8 for the public water and/or sewer acknowledgement in writing from the appropriate agency for the Appalachian Tennis Club. **Seconded** by Vice Chairman Lerew. This was questioned and Supervisor Brown stated that these are not major issues and that both things are going to happen. Supervisor Brown also noted that this is a small plan and the Board can deal with this. The motion carried with Vice Chairman Lerew, Supervisors Brown and Campbell voting for the waivers and Supervisors Shambaugh and Decker opposing. Supervisor Decker stated for the reasons stated before.

### **4. Apple Blossom Estates, Final Subdivision Plan**

Engineer Knoebel stated he had a meeting with Mr. Eric Johnston on November 8<sup>th</sup> and progress has been made on the issues and Mr. Johnston will submit for the December meeting. At this time Mr. Bob Smith addressed the Board with a letter which is submitted as part of the minutes. Mr. Smith represents the Knisely Estate as one of the heirs and stated that there are major concerns regarding this plan. This plan has been before the Township for 7 to 8 years. It was noted that this plan has placed a heavy financial burden. Mr. Smith asked that the developer complete all requirements by the December meeting. Mr. Smith noted that he is asking that final plan approval be denied so that another buyer can be obtained. Mr. Smith stated that they want closure on this plan and that legal action may be taken. Solicitor MacNeal indicated that she has talked with the Supervisors about this plan and suggests that they consider getting special counsel to assist them to make a decision. Engineer Knoebel noted based on what has been seen with the agreements and approvals from PennDOT, DEP and YCCD but it comes back to DEP permit for the water tank. It was noted that it makes sense for legal counsel. Supervisor Decker suggested that this be discussed during Executive Session. It was noted that a design and application has been submitted to the Authority. Supervisor Decker stated that plans have been submitted to DAA but does not know if the fees have been paid at this time. Mr. Smith indicated that the Township gave the developer what is needed for the tank back in 2004. Mr. Smith indicated that it is costing approximately \$150.00 per day.

### **5. Baker & Deeds, Preliminary Land Development Plan**

Engineer Knoebel noted the same with this plan as it needs to show updates and progress. Mr. Chris Hoover and Mr. Lynn Baker were present to represent this plan. It was noted they had addressed the outstanding comments and the delay with DAA has been resolved. The main issue is the water

situation which cannot be resolved with Franklinton Authority. Also the pumping station, conservation plan and PennDOT were discussed. With the time frames it could be several months out with the water issue and Supervisor Decker noted that this is a real concern. Engineer Knoebel stated that there is no way that DAA would serve the 14 townhouses with water. If the plan is denied then they could never build this because of the zoning. Mr. Baker stated that he has been in contact with Mr. Blouch from Franklinton Authority and Mr. Blouch indicated that once they drill for a well and get water it could take 6 months to a year to get approval for their system. It was suggested they submit all the other issues that are requested and try to resolve the outside agencies and come back at the December meeting for action. Supervisor Campbell said are we dealing with a situation where the ground does not support the type of development we are requesting.

#### **6. William Eichelberger, Final Land Development Plan Re-approval**

Engineer Knoebel stated that this is a re-approval since the 90 days has expired and the only thing the Township is waiting on is the bonding.

**Motion:** Supervisor Decker made a motion to re-approve the William Eichelberger Final Land Development Plan. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

#### **7. Richard & Nancy Eichelberger, Final Subdivision Plan Approval**

Engineer Knoebel stated that there are no new building lots but that this plan is just moving the lot lines. The plan has been signed and notarized, the approved sewage non-building declaration has been submitted, and the existing contours and soils information which was provided has been included in the plan set. The deeds of consolidation have been provided, reviewed and found acceptable, however concurrence of the Township Solicitor is required.

**Motion:** Supervisor Shambaugh made a motion to accept the non-building waiver. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**Motion:** Supervisor Shambaugh made a motion to approve the Richard & Nancy Eichelberger Final Subdivision Plan conditioned upon that the deeds of consolidation have been reviewed of the Township Solicitor. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

#### **8. Donald & JoAnn Lerew, Final Subdivision Plan, Incomplete**

Engineer Knoebel stated that this has been resolved and this plan can move on to the Planning Commission.

### **REPORTS**

#### **Engineer**

##### **1. Escrow Accounts**

Engineer Knoebel stated that he has provided a report dated November 14, 2007 on the status of these accounts. There was discussion on the Arthur Spiece Land Development Plan and it was noted that Mr. Spiece should be sent a letter as the balance of his account could be returned pending the submission of a satisfactory as-built plan being submitted to the Township. Engineer Knoebel suggested that the Supervisors review this report and they can decide at a later date.

## **2. Scot Emerson, Storm Water & Erosion Control Plan**

Engineer Knoebel noted that Mr. Emerson was before the Board last month for a temporary driveway permit and there was an issue with the storm water. This issue has been addressed with a revised plan. Mr. Emerson hired a new surveyor and with that survey it shows the topography and the slope is greater than 25% where the driveway needs to go. He said they always knew the greater than 25% areas existed but were not aware it was in the area of the driveway. At the time the plan was approved the ordinance said you cannot develop areas in greater than 25% and a note was placed on the plan. It was a condition of the plan. Engineer Knoebel said they could not approve the grading plan because of that condition. Solicitor MacNeal said the difficulty is that the information submitted to the Township was apparently incorrect. The slope shown on the current plan is different than what was indicated on the prior grading plan and that which was shown on the approved subdivision plan. It was noted that this plan was approved less than 5-years ago and therefore this determination would appear to be under the requirements of the ordinance that prevailed at the time the subdivision was approved. There was discussion regarding the access on the 25% slope. It was suggested not to waive this as an un-buildable lot but in the future require a field run survey.

**Motion:** Supervisor Shambaugh made a motion to waive the requirement of this lot so the road can be built. Supervisor Decker stated that the Township did not have accurate information and did not realize the slope was 25%. Engineer Knoebel noted that there was also an intermediate plan that was done and it also did not indicate this slope. This plan was reviewed for erosion and there are a series of diversions but Engineer Knoebel indicated that one more set of controls needs to be added with traps so there would be no washouts. There was discussion on the possibility of a shared access. **Seconded** by Supervisor Brown. Supervisor Campbell noted that in the future field surveys would be required but questioned what else we are causing by doing this. He said you had to know this by walking the property and how hard it might be to drive a car up the driveway. Supervisor Shambaugh asked if the Township is opening up to litigation with an approved subdivision plan and not letting him build. Solicitor MacNeal noted that Mr. Emerson would have the right to do that but also to go after the professional who sealed the plan. There was discussion on the approval and then taking away an approved building lot. Supervisor Decker asked if we are not covered by the conditions on the plan if we had an ordinance against that slope then why should we be obligated to allow them to cross it. Supervisor Decker asked Mr. Emerson if his house is burning do you think a fire truck is going to get to you. Mr. Emerson acknowledged by saying No. Supervisor Decker noted that this is a health, safety and welfare issue because of the slope of the driveway and that emergency vehicles probably would not be able to get to his house. Mr. Emerson stated that he does have a module home sitting on a lot waiting to be moved onto his lot. Supervisor Campbell asked if the Township by approving the plan was rewarding inappropriate work. Solicitor MacNeal stated an indemnification agreement could be signed. The Township would not be legally obligated under this situation. The motion carried with Supervisor Decker opposing for the reasons stated. Engineer Knoebel stated for the minutes that Section 518.e is the requirement being modified. The motion carried.

## **Solicitor**

### **1. Comcast Franchise Agreement & Ordinance**

Solicitor MacNeal noted that she had advertised for the adoption of the ordinance regarding the franchise agreement with Comcast. It was also noted that last month there was a concern from a resident regarding the extension of the cable line on the road where he lives. This concern had been

forwarded to Comcast and the extension of the line will be done to provide service to those residents. Comcast has applied for the permit to get cable installed on the Adams Cooperative pole.

**Motion:** Supervisor Brown made a motion to approve Ordinance #2007-4 for the franchise agreement with Comcast. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

Solicitor MacNeal noted that in the future with similar concerns that Comcast cannot always fix the problem but they want to be contacted.

## **2. Zoning Text Amendments**

Solicitor MacNeal noted that the text amendment that was submitted along with a memorandum from November 5<sup>th</sup> could be considered to be done all at the same time. Supervisor Shambaugh recommended that no Executive Session be held tonight but to schedule another meeting and allow the public to discuss this. Supervisor Shambaugh recommended having an Executive Session at a special meeting for the zoning changes instead of this evening.

## **Building Permit & Zoning Officer**

### **1. Steep Slope Issue**

Mr. Fahey noted that there may be a challenge on steep slopes and if this happens a public meeting would be needed.

### **2. Certification Reimbursement**

Mr. Fahey noted that he has taken the PSATS courses and is requesting that the Township pay the \$50.00 registration fee.

### **3. Building Permit Audit**

Labor & Industry will be doing an audit of the building permit records from 2004 through 2007. It will start with accessibility and examination of the records. It was also noted that all the drawings need to be kept on site.

### **4. Dillsburg Dental Office**

It was noted that Dr. Wiggins of Dillsburg Dental Office is requesting a Variance for a non-conforming use. Currently he would like to expand and make changes but stay within the side and rear setbacks but not the front. It was noted that the Supervisors may want to do a text amendment or setback modification.

### **5. Scotch Pine Road**

Mr. Fahey noted that he has 31 names along with supplies and labor for a senior project to be done through the school district for the home on Scotch Pine Road that needs repairs.

### **6. Certification Reimbursement**

**Motion:** Supervisor Brown made a motion to approve the payment of the zoning certification reimbursement. Solicitor MacNeal noted that this is for the BCO. **Motion:** Supervisor Brown amended his motion to state that this is for the UCC certification. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

## **Roadmaster**

Supervisor Shambaugh noted that everyone had received a copy of the Roadmaster's Report and he did not have anything to add. Engineer Knoebel noted that he had met with the Roadmaster regarding the bridge on Capitol Hill Road. Solicitor MacNeal asked that the Roadmaster be notified to keep track of all of his costs on that project.

## **Park & Recreation**

Supervisor Decker gave the following recreation report. Supervisor Decker stated that she would like to purchase bleachers for Ponderosa Park. These bleachers would not be over 40" tall which would not need the side or rear guards and would have either 3 or 4 rows and would also like to purchase 2 sets. The cost would be \$3,000.00. Supervisor Brown suggested that the bleachers should be mounted and grounded.

**Motion:** Supervisor Shambaugh made a motion to purchase 2 sets of bleachers. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Supervisor Decker also stated that there had been some vandalism at Ponderosa Park and the police were contacted and a report has been made.

## **OLD BUSINESS**

### **1. TruGreen ChemLawn/Lawn Pro 2008 Service Agreements**

Mr. Thom Palmer from TruGreen was present to answer any questions. Mr. Palmer also noted that they have provided this service for the last 10 years. It was questioned how safe is the weed control and it was noted that there is minimal risk. Supervisor Decker stated that she appreciates the way the parks look. There was discussion that ChemLawn's proposal is the total price and the other proposal is a per application fee.

**Motion:** Supervisor Brown made a motion to accept the TruGreen ChemLawn proposal. **Seconded** by Supervisor Decker. The motion carried unanimously.

### **2. 2008 Animal Protective Service Agreements**

There were 3 proposals received for the 2008 animal protective service agreements from the Humane Society, SPCA, and Kohler Animal Control Services. The 3 proposals were broken down into a table and the Supervisors discussed the agreements.

**Motion:** Vice Chairman Lerew made a motion to accept the Animal Service Agreement from the Humane Society for 2008. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

At this time Supervisor Brown brought up the zoning change with Apple Blossom Estates with the comprehensive plan map to make that development residential. Solicitor MacNeal recommended that that the Supervisors approve the comprehensive plan and then it would go onto the Planning Commission.

Supervisor Shambaugh noted that there was correspondence from the SEO regarding a property in the Township. It was noted that it was a broken pipe and problem will be corrected.

## **NEW BUSINESS**

### **1. West Shore Tax Bureau – 2008 Budget**

Correspondence was received regarding the 2008 budget for the West Shore Tax Bureau and that action is needed prior to November 28<sup>th</sup>.

**Motion:** Supervisor Decker made a motion to accept the West Shore Tax Bureau 2008 Budget by Resolution #5-2007. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

## **CORRESPONDENCE**

### **1. West Nile Virus**

There was discussion on sending the highway employees or at least one of the employees to a class on spraying for the West Nile virus.

**Motion:** Vice Chairman Lerew made a motion to send the highway employees to this class. **Seconded** by Supervisor Decker. The motion carried unanimously.

The gypsy moth program was also discussed and Supervisor Decker stated that she was disappointed that the Township will not be getting sprayed for the gypsy moth at Ponderosa Park.

## **PUBLIC COMMENT**

Mr. Fahey commented on the house on Scotch Pine Road and stated that this house sits below the road by 2 or 3 feet and that water gets in the basement. It was suggested that the ditch along the road be continued and a pipe be placed there and trench it. It was noted that the Roadmaster should take a look at it. Mr. King noted that there are cinder blocks at the side ditch which is causing the water to flow down into the basement.

Mrs. Anne Miller questioned in the budget the donations for non-profit and charities. Vice Chairman Lerew noted that this has been an on-going with requests. Mrs. Miller questioned whether these organizations make a request and if there is any feedback. Supervisor Campbell noted that which ever organization accept money that the Township should get a report where the money is being spent. It was noted that the fire companies and the foundation has been increased for 2008. Also a request should be received before sending the money and it was noted that asking for an accounting of the funds is not unreasonable.

Vice Chairman Lerew noted that the recycling center needs a volunteer to be the director.

Vice Chairman Lerew noted that since Supervisor Campbell has come on the Board and that the Township needs to find someone who is interested in serving on the Planning Commission and to receive a resume from whoever is willing to serve.

Vice Chairman Lerew noted that they are looking for a cleaning person for the municipal building.

The Supervisors need to establish a date for their Executive Session and to discuss the text amendments. November 28<sup>th</sup> was chosen with the Executive Session to begin at 7:00 p.m. and the public meeting to begin at 8:00 p.m.

**ADJOURNMENT**

**Motion:** Supervisor Brown made a motion to adjourn the meeting at 10:50 p.m. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary