

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
PUBLIC HEARING ON ZONING TEXT AMENDMENTS  
AND REGULAR MEETING  
December 20, 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.

**PUBLIC HEARING ON TEXT AMENDMENTS FOR APPALACHIAN TENNIS CLUB AND ADOPTION OF ORDINANCE**

Solicitor MacNeal noted that this hearing is for two zoning text amendments which are from Section 201.F.5 and Section 310.E which eliminates the maximum front setbacks and the location of the parking areas. These amendments have been sent to the York County Planning Commission and Township Planning Commission and both Commissions are recommending approval. This has been advertised and the hearing is to receive public comment. Chairman Campbell noted that these changes will apply to the zoning and to any other developments that come before the Board. Vice Chairman Lerew asked if anyone had any questions. Supervisor Decker stated that this is a positive change.

**Motion:** Supervisor Brown made a motion to adopt Ordinance 5-2007 which is amending Ordinance 2006-1 to revise the requirements related to maximum front setbacks and location of parking areas in the Mixed Use District. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

Vice Chairman Lerew noted that this ordinance will become effective the 6<sup>th</sup> day following the adoption.

The Public Hearing was closed.

The Regular Meeting began at 7:00 p.m.

**PLEDGE OF ALLEGIANCE AND PRAYER**

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

**APPLE BLOSSOM ESTATES – REPRESENTED BY HUBERT GILROY**

Mr. Hubert Gilroy, Special Solicitor to represent the Apple Blossom Estates plan was present. Mr. Gilroy noted that he is the Special Solicitor for this plan only since the Township Solicitor has a conflict. Mr. Eric Johnston of Johnston Associates was also present to represent this plan. It was noted that this plan has been around for some time but they are working through some issues. A memorandum dated December 13, 2007 from KPI was discussed. The memo has 4 items of which 2 were administrative one was dealing with the legal documents. The amended documents were sent to Attorney Gilroy incorporating KPI comments. Mr. Johnston noted that he has been in contact with

DAA and is working on the conditions. A submission has also been made to DAA regarding the water tank. Mr. Johnston noted that he is requesting action be taken on the plan. The following comments were discussed.

1. The plan (on sheet 1) indicates that the developer shall pay a fee in lieu of providing public recreation area/facilities prior to final signature of the plan (520). It was noted that this will be paid.
2. KPI provided copies of the following documents and have comments as noted. It is our understanding and recommendation that these documents be executed and recorded with the final plan. Also we understand that the Township has a special solicitor for this project, therefore any comments of Mr. Gilroy should also be incorporated prior to execution and recording.
  - a. Declaration of Protective Covenants and Restriction: no comment.
  - b. Bylaws of Homeowners Association: no comment.
  - c. Stormwater Operation and Maintenance Plan Agreement:
    - 1) In paragraph #4, reference to lots 67, 70 and 72 should be revised to “63, 64 and 65”.
    - 2) Paragraph #4 should reflect that the Homeowners Association (H.O.A.) shall be responsible for the perpetual operation, maintenance and costs associated with the storm drainage system proposed along S. Mountain Road as is stated in paragraph 8 of the declaration of protective covenants.
    - 3) A paragraph should be added to reflect that the H.O.A. will be responsible for operation, maintenance and costs associated with the stormwater management related to the access to the potable water tank (other than what will be agreed to be the responsibility of the DAA) or until another entity or association shall be responsible.

It was noted that the stormwater management is in the Bylaws and in the Stormwater Management Agreement. The water tank is to be maintained by the H.O.A. and with portions to be taken care of by DAA.

- d. Security Agreement:
  - 1) The construction and final plan date as most recently revised and dated November 16, 2007 should be indicated in the agreement. This is adequate.
  - 2) Paragraphs 4 & 5 should reflect the correct surety amount.
  - 3) Paragraph 3 should be expanded or a separate paragraph should be added to require the following:
    - I. All work shall be subject to the inspection of the Township engineer. All costs of which shall be the responsibility of the developer/owner.
    - II. We recommend that the Township require the developer to provide funds to be placed in escrow for the purposes of payment of engineering, inspection and fees related to observation of the work. The initial deposit should be \$40,000.00, with the provision that when the account reaches \$5,000.00 it shall be replenished by the developer to the amount of \$20,000.00.
    - III. According to the Security Agreement a preconstruction meeting shall be conducted with representatives of the developer/owner, contractor, design engineer, Township engineer, utility authority and

the York County Conservation District prior to commencing work on the site.

3. Bonding in the amount of \$1,974,015.00 is required in accordance with the revised estimate and tabulation dated September 10, 2007 (406.c.4) This is an approved estimate.
4. Approval from the DAA for the water and sewer system is required including evidence that the sewer and water improvements have been bonded directly with the DAA. In addition a DEP permit is required for the proposed potable water tank (402.b.3, 403, 515.a, 515.b). A permit from DAA is a requirement of the plan and this must be secured.

The following discussion ensued. Supervisor Decker questioned the documents for the geotechnical and that they must be present. Engineer Knoebel noted that there are two things regarding the requirements and verbiage in the security agreement for the inspections. Profiles on the plan were also discussed. Supervisor Decker also questioned the mining report from GTA which was done and are they the ones that will come back and do the work. Engineer Knoebel noted that it will be done by an engineer approved by the Township but it does not specify GTA. Remediation and the fees were also questioned and Engineer Knoebel stated that the specifications have to be approved with the building of the road and this will be tested and approved by the geotechnical engineer. The cost would be borne by the developer. Engineer Knoebel also noted that these things would occur at the beginning of the project. Supervisor Decker stated that she has concerns about the mines being under where a home is proposed. Supervisor Campbell noted that the developer did pull houses off the plan where the mines are. Mr. Gilroy noted that this is between the buyer and the developer and that the buyers should know that there are some issues. Engineer Knoebel stated that there are various locations that the geotechnical engineer has to provide investigations. It was noted that some lots will need a site grading plan that will need to be submitted along with the building permit application. Supervisor Decker noted that note #4 indicates that this plan was prepared without a title search and is subject to easements and documents of record. Mr. Johnston stated that they thoroughly investigated all the easements and that they are shown on the existing conditions plan. The note #4 was carried over from the previous engineer. The easements shown on the plan is what is on the property. Supervisor Decker noted on note #28 it lists lot #73 and there are only 66 lots. Mr. Johnston stated that is a typo and it should read lot #16. Another concern is the street overflow parking and that each home only has two parking spaces. Supervisor Campbell stated that this meets our ordinance. Supervisor Decker questioned the street profile for access profile for the road going to the water tank. Mr. Johnston noted that would be on sheet 19A, A1, A2. In the Sherwood area is there a deed or agreement and it was noted that Mr. George Zimmerman has agreed to this and also this is where the Authority wants it to be. Supervisor Decker also questioned if there is an agreement or document for the emergency access. It was noted that would need to be recorded with the plan. Supervisor Decker questioned the Homeowners' Association, who are they and is there a document that shows they are legally formed. Mr. Gilroy stated that they will be a non-profit corporation and that they will have to be organized prior to the recording of the plan and the by-laws are to be recorded with the plan. Supervisor Decker noted concern with the agreements of this plan in conjunction with our Solicitor and the developer's attorney. Mr. Gilroy stated that he has reviewed these agreements and found them to be standard and does not see any problem with them at this point.

Supervisor Campbell noted with the status of Sherwood Heights as a denied plan how does this affect Apple Blossom. Mr. Johnston noted that Apple Blossom stands alone. We had anticipated cost sharing with Sherwood Heights on the water tank. Comments #1-3 are outstanding items that can be taken care

of. Supervisor Campbell asked with comment #4 on the permitting how long this would take. Mr. Johnston stated that it could be 2 to 3 months out. Mr. Johnston did receive a letter from DAA dated November 20, 2007 and they are working on the comments and then it will be submitted to DEP. Supervisor Decker questioned comment #4 and module approval. It was noted that comment #4 is for the water tank but it was noted that the sewer module has been approved by DEP. The developer is paying for capacity. Mr. Johnston said the sewage module is approved. Vice Chairman Lerew asked if there were any other questions. Engineer Knoebel stated that this plan is up for action and the Supervisors have a choice on how to handle this plan, they can approve the plan subject to conditions, they have an option to deny or ask for a time extension. Mr. Gilroy stated that this is a final plan and the Board of Supervisors did approve the preliminary plan. With the conditions of the engineer's report: #1 the fee will be paid; #2 with the revised drafts these have been met; #3 the bonding is standard and #4 is an approval by a separate agency and possible modification of the plan. For a denial of the plan it would to show a section of the ordinance that the plan does not meet. If there are substantial changes with comment #4 and DEP requires these changes the developer would need re-approval of the plan. Mr. Gilroy noted that if the plan is approved it would be subject to the conditions in the engineer's memorandum of December 13, 2007 with the additional conditions being: #1 – note #28 correct lot number and #2 – to record the easement for the emergency access. Supervisor Decker stated that there is one more with regards to the storm water management on sheet #5 of plan as it lists lot 69 and again there are only 66 lots. This is on the post-construction sheet which it can be corrected but this sheet does not get recorded. Mr. Johnston said this has to do with infiltration and the Conservation District.

Supervisor Campbell noted with conditional approval the timeliness of following through which was previously discussed and the concern of the amount of time. If a conditional approval is recommended should there be that the conditions are met within a period of time. Mr. Gilroy stated that with a State agency the Township cannot have a time limit. The plan is protected for 5-years from the time of preliminary approval. It was noted that if there were sufficient changes from DEP then it would come back to the Board of Supervisors. Mr. Gilroy stated that this plan needs to be acted on one way or another.

**Motion:** Supervisor Campbell made a motion to conditionally approve the Apple Blossom Estates Final Plan conditioned upon the comments of the engineer's letter with the additional items of Note #28 correction and that the identification and attachment of the easement for the emergency access. Supervisor Campbell asked that every effort be made for the approval step of #4 be done in 120 days. **Seconded** by Supervisor Shambaugh for discussion. Supervisor Shambaugh asked Supervisor Campbell for consideration of a time limit on the conditions #1-3 of 30-days so this plan can be recorded once the Township gets the DEP permit. Mr. Johnston indicated that his client is actively marketing this project but his client does not want to post the bonding at this time. His client is waiting for final plan approval with conditions so he can settle the estate. Mr. Gilroy indicated that without DEP approval the plan cannot be recorded but once there is DEP approval the clock is ticking to have the plan recorded within 90-days unless the Township gives an extension. Mr. Gilroy also noted that the clock is still ticking on the 5-years with 2 of those years already gone. It was noted that the Authority will be submitting this application and it was suggested to talk with them to see if this could get moved to the top of the pile. Mr. Gilroy indicated that the Township cannot make the applicant post the money until the plan is recorded. The motion carried with Supervisor Decker

opposing because of the single access for a development of this size, the uncertainty of mining issues, and not being satisfied with the emergency exit with its ability to serve getting out of this development.

Vice Chairman Lerew asked if the State will be aligning S. Mountain Road where the barn and house once were. It was not known.

### **APPROVAL OF MINUTES**

#### **1. Board of Supervisors Meeting, November 15, 2007**

**Motion:** Supervisor Shambaugh made a motion to approve the minutes of the Board of Supervisors Meeting of November 15, 2007 as submitted. **Seconded** Vice Chairman Lerew. The motion carried. There was discussion and Supervisor Decker indicated that she would like to table these minutes until the re-organization meeting. Since there was already a motion and second Solicitor MacNeal stated that another motion is needed to reconsider these minutes until a later date.

**Motion:** Supervisor Shambaugh made a motion to reconsider the action of the previous motion. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**Motion:** Supervisor Shambaugh made a motion to table the minutes of November 15, 2007 until the next regular monthly meeting. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

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

Supervisor Shambaugh questioned on page 2 of the general fund the bill to mytopo. It was explained by Mr. Laurin Fleming that these are maps he ordered for emergency management. Supervisor Shambaugh asked how many maps were ordered and Mr. Fleming noted 15 or 16. Supervisor Shambaugh asked if the Township Engineer had been consulted to see if they could provide that service. It was also noted that topo maps can be pulled off the internet. It was suggested to keep it local.

**Motion:** Supervisor Shambaugh made a motion to approve the bills. Supervisor Decker stated that the bill for \$56.00 to YCPC was removed from the bill list as this was already paid. Supervisor Decker also noted under Recreation the bill for Associates Products is to be held to see if the Township really needs to pay this. There is also a list of additional bills to be paid to George Ely Associates and Terry Dougherty under Recreation and Artwerkz Designz under the General Fund. Under Recreation this is for the bleachers and senior path. These additional bills are to be paid by the end of the year. **Seconded** by Supervisor Decker. The motion carried unanimously.

### **TREASURER'S REPORT**

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

### **ORGANIZATION REPORTS**

**1. Police** – Vice Chairman Lerew gave the police report for the month of November. There were 4 thefts, 2 simple assaults, 3 vandalisms, 1 disorderly conduct, 92 calls to 911, 13 accidents, 61 citations issued and 5 warning cards. The report will be on file at the Township office.

**2. Fire** – Franklinton Fire Company answered 41 calls with 20 being the Township. Mr. Blouch gave a review of upcoming events. Mr. Blouch gave an update on the water situation. It was noted that they have signed an agreement and will be drilling a test well on Cabin Hollow Road. Also discussed was Mr. Conway, who is in the Borough and has put up the money for his test well. Hopefully they will find enough water to also provide Sturbridge Place. Supervisor Decker asked how far away is this from the Borough's well. It was noted approximately 1/8 of a mile and 50' in elevation. The location is more to the east and on the west side of the bridge.

There was no one from Citizens Hose Company #1 to give a report.

**3. EMS** – There was no report given.

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

**5. Emergency Management** – – Mr. Laurin Fleming was present to address the Emergency Operations Plan. It was noted that this plan needs to be signed with the time line given by the County and State. Supervisor Decker stated that she found a few changes. Also pointed out were some of the names listed and Mr. Fleming stated they were having a formatting problem. Supervisor Brown noted that Appendix A should be reformatted.

**Motion:** Supervisor Shambaugh made a motion to approve the Emergency Operations Plan with corrections as discussed. **Seconded** by Supervisor Decker. The motion carried unanimously.

It was noted that this will be a living document.

**6. NYCRCP Transportation** – Mr. Wayne Kober was present to answer questions regarding the application to PennDOT. The cost factor is \$146,000.00 for the scope of work. To apply to PennDOT the municipalities' need 20% but DCED could come up with the 20% needed. There will be workshops and meetings that will need the Supervisors to attend. Supervisor Decker questioned the tasks as they go from 1 through 4 and then jump to 10 and 11. It was noted that they should be renumbered to indicate 5 and 6 instead of 10 and 11. Supervisor Decker asked if any of the money is federal and Mr. Kober noted that the 80% is. This is planning money for transportation, research, and special studies that has to do with land use and transportation. LUTAP is a state fund and part of the capitol budget.

Supervisor Campbell questioned the request for 20% of the \$146,000.00 and it was noted that would run approximately \$30,000.00. Last year the Township tentatively committed to \$10,000.00. The land use technical assisted money would not be available until July 1<sup>st</sup> if the Township does get the money and work would probably begin in November, December or January. Mr. Kober noted that the Township could adopt the Official Map but that may cost more than the match. Traffic Impact Studies were also discussed. Supervisor Decker stated that she had read the letter of support from Carroll Township and she believes that this goes beyond the traffic studies. Supervisor Decker read the second paragraph from that letter as follows: *“We understand that proposed amendment is the first step in the process of implementing and coordinating land use strategies at the US Route 15 at-grade intersections in the northern areas of York and Adams Counties. Also, we understand that the second step will be for each municipality in the US Route 15 corridor to implement some recommended land*

*use strategies.*” Supervisor Decker also noted that Ms. Price has sent changes to the Comprehensive Plan regarding conservation, easements and different things and the land use strategies is more than this. It was also noted that there is a bill #1525 that makes these things happen and Supervisor Decker noted that she has a real problem with this. Properties will be de-valued to next to nothing. Discussion ensued between Mr. Kober and a member of the audience.

At this time Solicitor MacNeal asked that the audience members who wish to speak use the microphone and identify themselves for the record.

Supervisor Campbell noted from the Planning Commission view that they saw a lot of development proposed with the zoning ordinance, concerns with plan review and the vehicle traffic and they felt helpless without a plan as there is nothing we can do. Supervisor Campbell noted that it is the responsibility of the Board of Supervisors to do something but they also have to know how things are being used. Supervisor Campbell noted he is in favor of thinking of the transportation but not the taking of land.

Solicitor MacNeal noted that there would be a series of actions with the approval of the application for the grant, amending the Comprehensive Plan and unless you agree with what is in the agreement you don’t sign it.

Ken Swomley, 4 Franklinton Road asked what degree is PennDOT working with us or are we working on our own. He suggested that someone from PennDOT be brought in to discuss this with the citizens. Also pressure could be put on PennDOT with letters, phone calls and workshops or meetings. This would help to get better support from the residents of the Township. The map is a dangerous tool which can be abused. Mr. Swomley asked Mr. Kober what he meant about sidewalks. It was noted that residents cannot walk from one side of Route 15 to another. A walkway in Carroll Township was discussed. Mr. Kober noted that there are 5 main parts and one is alternative transportation. Supervisor Shambaugh asked Mr. Kober what is he asking for and it was noted that the Township consider the scope of work and to write a letter of support.

**Motion:** Supervisor Shambaugh made a motion to write a letter of support. **Seconded** by Supervisor Brown. Supervisor Decker asked for discussion. She noted that they are talking about Route 15 and saving intersections but Mr. Swormley brought up about paths and corridors and there are other motives here. It was suggested to look at what is being proposed. Supervisor Campbell noted that bringing someone in from the State is a good idea. Supervisor Brown stated that they are doing what the State has asked. Mr. Kober also stated that they did meet with the State and they suggested doing an addendum to the Comprehensive Plan and then the State will support that. Mr. Swomley stated that something was once said about putting sidewalks on country roads and questioned what are the residents paying for. Mr. Bob Eichelberger noted that Mr. Kober is doing a great job with his experience working at PennDOT. Mr. Thomas Miller talked about the proposed amendments and stated that it would be good to see the entire plans with the amendments. Long range planning is fine but it was noted that PennDOT will get involved if Latimore and Huntington Township also agree with this plan. The official map was also brought up. In Task 4 the suggestion of an overhead pedestrian bridge or tunnel is an option and would be simple and cheaper. There are concerns with the proposal or transportation study to re-direct only what PennDOT can and will do. Mr. Miller stated we need to look at more economical and practical ways to improve Route 15. The motion carried with Supervisor

Decker opposing and Vice Chairman Lerew opposing only for one reason but is in favor for the intersections and safety. Supervisor Decker stated that reason she is opposing is for Task 4 expressing pedestrian network with paths and trails and it is not about Route 15 but it is about an agenda for people pushing for conservation easements and land use.

There was discussion on the content of the letter to be sent to YCPC and it was noted that it will be the same and Vice Chairman Lerew will sign the letter.

**7. Ad-Hoc Committee** – Supervisor Brown gave the report and noted at the last meeting recreation dedication was discussed and completed. The committee is still working on the SALDO. The Implementation Plan was discussed. Supervisor Brown stated that the participating municipalities will hold a meeting on January 30, 2008 with all of the municipal officials. #3 of the agreement does state the limits of jurisdiction under to the MPC. There was discussion regarding the amendments with the other parties involved and a regional impact. There was also discussion on #7 of the agreement relating to development of regional significance and impact if a subdivision or land development is close to another municipality that they get the plans, review them and comment. Failure to comment on the plan from an outside municipality will not delay the plan. Supervisor Brown noted that this is a document of how we will work with each other and this will be discussed at the January 30, 2008 meeting to be held at the Carroll Township Municipal Building beginning at 7:00 p.m. Other items that will be discussed at the January 30<sup>th</sup> meeting are the changes to the Comprehensive Plan. It was noted that the YCPC suggests adopting this agreement. Supervisor Decker asked why we are adding these changes and she also noted that she has a problem with the verbiage as this is not a simple plan with the conservation subdivision and conservation easements. It was noted that the tables have been changed. Supervisor Campbell stated that the changes to the Comprehensive Plan is to get it to match the Zoning Ordinance. The open space zone and map changes are what is being changed. This work was done by KPI. Supervisor Campbell also stated that this implementation agreement had gone before the Franklin Township Planning Commission and they agreed that it was un-necessary. Supervisor Shambaugh stated that he is not opposed to the agreement but is concerned that it has to be an ordinance. Solicitor MacNeal stated that in the MPC an Implementation Agreement is considered an Intergovernmental Cooperation Act and it must be done by ordinance. Supervisor Shambaugh stated that he is not in favor of this and does not see the need to adopt an ordinance. Solicitor MacNeal noted her understanding is that it is not necessary but there can be some added benefits. It was also suggested to have an agreement, cooperative understanding, or memorandum of understanding between municipalities. It was suggested the possibility of a joint agreement between Franklin Township and Franklinton Borough at a later date. No action was taken at this time.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Time Extensions**

#### **Apple Blossom Estates**

This is not needed since the Supervisors gave approval of the final subdivision plan.

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

Mr. Chris Hoover of Hoover Engineering and Mr. Lynn Baker were present. A time extension has been granted to the Township until June 30, 2008. The applicant is unable to obtain water permits and this will allow for the other outside agencies. If Franklinton Borough is successful with the well drilling it could take 6 months for their process and to receive a letter from the water authority.

**Motion:** Supervisor Shambaugh made a motion to accept the time extension for Baker & Deeds Land Development Plan until June 30, 2008. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

#### **Albert & Janet Glenn Final Subdivision Plan**

Mr. Jason Hoover was present. The time extension has been granted to the Township until February 29, 2008 and the reason is because survey work is still being done. Engineer Knoebel also noted that there were issues with the access and the applicant needed add-ons for the road frontage.

**Motion:** Supervisor Decker made a motion to accept the time extension for Albert & Janet Glenn Final Subdivision Plan until February 29, 2008. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

#### **Lexington Fields Preliminary Subdivision Plan**

Engineer Knoebel noted that this has been in front of the Planning Commission in December. There were numerous comments but they are making progress. There was discussion regarding the traffic study and this was done with Derby Farms. This will be an ongoing issue. An updated summary of all the projects will be provided. Supervisor Shambaugh stated that he would like to see in our letter that it states that the Board is looking for a joint or comprehensive study being done. The study is to include Sturbridge Place also.

**Motion:** Supervisor Shambaugh made a motion to accept the time extension for Lexington Fields Preliminary Subdivision Plan until March 31, 2008. **Seconded** by Supervisor Campbell. The motion carried unanimously.

#### **Sophia Pearlman Final Subdivision Plan**

Supervisor Campbell noted that the Planning Commission recommended denial of the time extension. Solicitor MacNeal noted that this plan has some legal issues. She said by taking action tonight you would be coming down on one side or the other of the dispute and be embroiled in the dispute. A meeting was held with all of the attorneys involved and Engineer Knoebel. It is hoped that the parties are working for a resolution. Solicitor MacNeal recommended that the Township hear from the attorneys. Supervisor Campbell stated that we are not a court and cannot make a legal ruling and if the Board of Supervisors has any more legal standing than the enforcement of the ordinances. Solicitor MacNeal discussed with the Supervisors regarding if the parties are unable to resolve this dispute. The plan that is in front of you tonight with regard to the road frontage by a licensed surveyor and the Supervisors do not have the authority to say this licensed surveyor is better than another one.

Mr. Robert Walker, attorney for Ms. Pearlman spoke to the Board and noted the meeting that was held with himself, Solicitor MacNeal and the Decker's attorney. It was noted that there was discussion to think of the possibility that the parties involved could reach some type of resolution. Mr. Walker indicated that he had talked with his client about the willingness to discuss. Ms. Kathleen Gingrich had also talked with her clients and they made a counter offer. His client is considering the counter offer and that is why the time extension was made for January 18, 2008. It was noted that this would

come back to the Supervisors at their next meeting to give a progress report to resolve this issue. Solicitor MacNeal indicated that she had suggested a one month time extension to keep the plan moving. At least the Board should receive monthly status reports.

Ms. Kathleen Gingrich, attorney for Rodney & Naomi Decker in opposition to this plan stated that they have historically documented the reasons of our opposition to this plan and there are issues that remain unresolved. Ms. Gingrich asked that the Board do not take action on this plan until these issues are able to be resolved. It was noted that some progress has been made and they are willing to go the next meeting. There was discussion with the time extension being granted until January 18, 2008 which would be after the next Supervisors meeting but if the Supervisors meeting would get cancelled would this make the plan deemed approved. Solicitor MacNeal stated that the Board of Supervisors should be advised monthly of the progress of this plan. It was noted that the updates can be written and this will be discussed next month.

**Motion:** Supervisor Shambaugh made a motion to accept the time extension for Sophia Pearlman Final Subdivision Plan until February 29, 2008 with the condition that the Board receives the status of this plan at the January meeting. **Seconded** by Vice Chairman Lerew. The motion carried with Supervisor Decker abstaining because of personal involvement.

#### **Sturbridge Place Preliminary Subdivision Plan**

Engineer Knoebel noted that this plan was also before the Planning Commission in December and a review of the plan was completed on November 28, 2007. This plan did make progress on addressing the comments. The time extension is granted until March 31, 2008.

**Motion:** Supervisor Shambaugh made a motion to accept the time extension for Sturbridge Place Preliminary Subdivision Plan until March 31, 2008. **Seconded** by Supervisor Campbell. The motion carried unanimously.

There was discussion that the final plan will be done in phases. Mr. Eric Johnston noted that the larger projects will be phased. There was discussion on the park and recreation with the phasing of the plan. It was noted that would be worked out in the preliminary plan and this plan will be paying the fee in lieu of ground.

#### **Williams' Townhouse Estates Preliminary Subdivision Plan**

Supervisor Campbell noted that no plan has been seen in a while and this plan is piggyback with Lexington Fields with the traffic study and sharing the same access. It was noted that Williams' Townhouse Estates was ahead of the rest of the plans. Engineer Knoebel stated that traffic is the biggest issue and making sure it goes along with the other developments. The time extension is granted until March 31, 2008.

**Motion:** Supervisor Shambaugh made a motion to accept the time extension for Williams' Townhouse Estates until March 31, 2008 with the same condition as Lexington Fields with the note of a traffic study in the letter. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

#### **Donald Lerew Subdivision Plan, Sewage Module Approval**

Engineer Knoebel noted that this is a small subdivision off of Mountain Road. The plan is not before the Board tonight but the sewage planning module is complete and ready to be forwarded on to DEP so action is needed.

**Motion:** Supervisor Decker made a motion to pass the sewage planning module for Donald Lerew Subdivision Plan to DEP. **Seconded** by Supervisor Shambaugh. The motion carried with Vice Chairman Lerew abstaining due to involvement.

## **REPORTS**

### **Engineer**

#### **1. Quality Greenhouses Letter of Credit**

Engineer Knoebel stated that he needs authorization to do the final inspection in order to release monies from the Letter of Credit.

**Motion:** Supervisor Shambaugh made a motion to authorize KPI to do the final inspection at Quality Greenhouses. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

#### **2. David Young Letter of Credit**

Engineer Knoebel noted that Mr. Young is requesting the release of his Letter of Credit but Engineer Knoebel was not aware that a letter was submitted. This is the property at Capitol Hill Road, Franklin Church Road and Route 15. An inspection was done in February 2007 but not report was submitted. It was suggested to table this until the next meeting when Engineer Knoebel can prepare a report.

**Motion:** Supervisor Brown made a motion to table the David Young Letter of Credit until the January meeting. **Seconded** by Supervisor Campbell. The motion carried unanimously.

### **Township Street Map**

Engineer Knoebel noted that his firm can prepare a Township street map at a cost not to exceed \$425.00.

**Motion:** Vice Chairman Lerew made a motion to approve KPI to do a street map for the Township at a cost not to exceed \$425.00. **Seconded** by Supervisor Campbell. The motion carried unanimously.

### **Capitol Hill Road Bridge**

Engineer Knoebel noted that a he has prepared an update dated December 19, 2007. There was discussion on the guide rails and concrete repair. There was concern with the cost being over \$10,000.00 and that perhaps some of the work could be done by the road crew to keep it under cost. Mr. Rick Levan from PennDOT Municipal Services was contacted. It was suggested that maybe Liquid Fuel monies could be used for the guide rail. Engineer Knoebel stated that he has forwarded the drawings to PennDOT for their review. It was noted that the concrete work should be done first. Engineer Knoebel stated that he may be able to provide quotes for the next meeting. Solicitor MacNeal indicated that she has been sending the invoices to the insurance company on the rental of the barriers and safety devices but with a follow-up call the insurance company is waiting until all invoices from the Township have been received.

### **Ponderosa Park**

Engineer Knoebel stated that he has nothing in detail but he met with the Park & Recreation Board to discuss the grading for the fields and to prepare the concept plan. The next step is for the Park & Recreation Board to review this before coming to the Supervisors.

### **Traffic Engineer**

Engineer Knoebel reported that KPI has been using the services of a sub-consultant traffic engineer and with the issues coming up with Lexington Fields, Derby Farms and Williams' Townhouse Estates this will be a very large scale as there will be improvements and impact to Route 15 and Glenwood Road. At some point you may want to consider appointing someone on an as needed basis.

### **Solicitor**

#### **Text Amendments to the Zoning Ordinance**

Solicitor MacNeal noted that this is the draft text amendment based on the worksession in reference to the zoning ordinance. This is being provided for the Supervisors review but it can wait until next month. With the 30-day review period for the Planning Commission this will go before the Board at their February meeting. Supervisor Decker stated that she would like more time to review this.

**Motion:** Supervisor Shambaugh made a motion to authorize the Solicitor to advertise for the February meeting. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Decker opposing.

Solicitor MacNeal noted that all had received a copy of her memorandum regarding the possible building addition and is available to answer any questions.

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

There was no report given.

### **Roadmaster**

Supervisor Shambaugh noted that a copy of the Roadmaster's report was given to all Supervisors. The Roadmaster is ordering posts and signs and some additional signs for Twin Hills for the snow emergency situation. It was also requested that letters go out to the residents. It was noted that the newsletter will be going out within the next week or so and there is an article advising Township residents of the ordinance and streets where there is no parking during storms. Supervisor Shambaugh noted that there is no reason that additional letters be sent out and to spend more postage.

### **Park & Recreation**

Supervisor Decker gave the Park & Recreation report. It was noted that there was discussion regarding Derby Farms recreation and had met with the Jacob Brothers and Mr. Strupe and that it will take more time to get a report. This should happen in February. There are signs that are being purchased noting age group signs to the different play areas at Ponderosa Park and this should help with any liability issues. The bleachers have been ordered. There was an inspection of the pavilion roof that was damaged due to vandalism and there is a need for immediate repairs on certain areas of the roof. The invoice for the bleachers is not to be paid until the bleachers are delivered and inspected. This is the bill for Ely. A meeting with Engineer Michael Begis from KPI Technology will be set up as he has a layout and this will probably happen next week.

**OLD BUSINESS**

There is no old business at this time.

**NEW BUSINESS**

**Adoption of 2008 Budget**

**Motion:** Supervisor Shambaugh made a motion to adopt the budget for 2008. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**Allen Hoffman Resignation from Planning Commission**

**Motion:** Supervisor Shambaugh made a motion to accept the resignation from Allen Hoffman from the Planning Commission. **Seconded** by Vice Chairman Lerew. The motion carried unanimously. It was suggested that Mr. Hoffman be sent a letter of appreciation and to also be presented with a plaque for his years of service.

**Charles Bowers Letter to Serve on Planning Commission**

It was noted that this will be acted on at the Re-organization Meeting.

**CORRESPONDENCE**

Supervisor Shambaugh noted that in the correspondence given to the Board members there was information regarding the Chesapeake Bay and it was suggested that a letter be sent to DEP to support them. It was also noted that other municipalities are responding to this.

**Motion:** Supervisor Shambaugh made a motion to send a letter to DEP. **Seconded** by Supervisor Brown. The motion carried unanimously.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

**Motion:** Supervisor Shambaugh made a motion to adjourn the meeting at 10:06 p.m. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary