

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
February 15, 2007**

**CALL TO ORDER**

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

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE AND PRAYER**

Chairman Lambert led the Pledge of Allegiance and Supervisor Brown gave the opening prayer.

**APPROVAL OF MINUTES**

**Board of Supervisors Regular Meeting, January 18, 2007**

**Motion:** Chairman Lambert made a motion to approve the minutes of January 18, 2007 as submitted.  
**Seconded** by Supervisor Shambaugh. The motion carried unanimously.

**AGENDA AMENDMENTS**

Chairman Lambert stated that he would like to eliminate agenda amendments and try to get what items are needed on the agenda no later than the Monday prior to the meeting. Chairman Lambert stated that he would like to have an Executive Session at the end of the meeting.

**ORGANIZATION REPORTS**

- 1. Police** - Chairman Lambert noted that his meeting will be held next week.
  - 2. Fire** – Chief Richard Blouch of Franklinton Fire Company was present and noted that there were 38 calls in Franklin Township during the month of January. A copy of the report is on file at the Township office. Chief Blouch also handed out invitations to the fire company’s appreciation banquet.
- Supervisor Decker stated that she has agenda amendments. Under New Business add Dillsburg Youth Baseball and a PSATS class in March – What Every Township Supervisor Needs to Know, Part 2.
- 3. EMS** – A report was submitted but there was no one present. The report is on file at the Township office.
  - 4. DAA** – There was no report at this time.
  - 5. Emergency Management** – There was no report at this time.
  - 6. Route 15 Study** – There was no report at this time.

**7. Ad-Hoc Committee** – Supervisor Brown noted that the committee met on Monday, February 12, 2007 and presented a handout showing what needs to be done. The SALDO needs to be aligned with the Zoning Ordinance and that reading through the ordinance and changing as they go which should take 5 or 6 periods to complete. It was noted that it is best done by the Township Engineer and his staff using the base ordinance.

**Motion:** Supervisor Brown made a motion to have the Township Engineer compare and align the SALDO with the Zoning Ordinance. **Seconded** by Chairman Lambert. Supervisor Decker stated that the Planning Commission should also be kept involved. The motion carried unanimously.

Supervisor Brown also noted that another Ad-Hoc Committee meeting will be held on Tuesday, March 13, 2007 beginning at 7:00 p.m. and it will be advertised.

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **1 – 3. Time Extensions – Apple Blossom Estates, Sherwood Heights, and Derby Farms**

**Motion:** Chairman Lambert made a motion to accept the time extension for Apple Blossom Estates until April 30, 2007 due to still waiting for sewage module approval from DEP. **Seconded** by Supervisor Brown.

**Motion:** Chairman Lambert made a motion to accept the time extension for Sherwood Heights until May 25, 2007. **Seconded** by Supervisor Brown.

**Motion:** Chairman Lambert made a motion to accept the time extension for Derby Farms until May 31, 2007 due to sewage facilities planning modules for DEP approval. **Seconded** by Supervisor Brown. The motions carried with Supervisor Decker opposing Sherwood Heights. Supervisor Shambaugh noted that Sherwood Heights did not list a reason for the time extension and feels this should be done for all requests.

#### **4. Thomas Rudy, Final Minor Subdivision Plan**

Acting Engineer Begis reviewed the plan with the Supervisors. This plan is to subdivide a 0.45-acre lot from an existing 35.53-acre tract located along Rocky Ridge Road and South Mountain Road. Engineer Begis noted that the SEO has signed the non-building waiver and it is ready to go. There are 3 other waivers that need to be acted on as follows:

Section 406.A.11 – wetland delineation on plan; Section 514.A.11 – driveway sight distance; and Section 513.C – screen planting requirements.

**Motion:** Supervisor Shambaugh made a motion to approve the waiver requests from Sections 406.A.11 – wetland delineation on plan, 514.A.11 – driveway sight distance, and 513.C – screen planting requirements. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

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

**Motion:** Supervisor Shambaugh made a motion to approve the Thomas Rudy, Final Minor Subdivision Plan condition upon signatures and the payment of any fees. **Seconded** by Chairman Lambert. The motion carried unanimously.

## 5. 2006 Planning Commission Annual Report

Chairman Lambert noted that no action is required on this report and thanked the Planning Commission for the report submitted.

### REPORTS

#### Engineer

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

Engineer Begis noted that Mr. Young has requested the release of his Letter of Credit #612-006 and as authorized by the Board of Supervisors, KPI did conduct an inspection of the site improvements as shown on the approved land development plan. Based on the site inspection there are several items of work that have not been completed in accordance with the approved plan as follows:

1. The detention basin appears to have been constructed in such a way that the edge of the western side of the paved parking area is being used as the basin embankment. As a result a portion of the asphalt has eroded into the basin. This condition reduces capacity and creates a potential maintenance/safety concern.
2. The material used for the outlet pipe is not in accordance with the approved plan.
3. Rip-rap has not been placed at the basin outfall as is shown on the plan.

It is recommended that the Township should deny the request until such time as the owner responds to the Engineer regarding these items. Supervisor Decker noted that correspondence from Labor & Industry should be produced on the plan approval. It was noted that the building permit officer should contact L&I.

**Motion:** Chairman Lambert made a motion to deny Mr. Young's request of the release of the Letter of Credit #612-006 until the 3 items are corrected. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

##### 2. Michael Sunday Bond

Engineer Begis noted that Mr. Sunday has requested the release of escrow monies and authorized by the Board of Supervisor, KPI did conduct an inspection of the site improvements as shown on the approved revised land development plan. It is noted that the Township holds \$12,313.14 in escrow to guarantee completion of the improvements. Based on the site inspection the work as shown on the approved plan appears to be complete.

In accordance with the condition of the plan approval, an amount of \$7,500.00 should remain in place as maintenance surety for an additional 18-month period. The owner can either provide the Township with the required surety or the Township could retain the \$7,500.00.

**Motion:** Supervisor Shambaugh made a motion to release \$4,813.14 from the bond and retain the \$7,500.00 as maintenance surety for the approved revised land development plan. **Seconded** by Chairman Lambert. The motion carried unanimously.

#### Solicitor

##### 1. Ordinance #1-2007, NYRPD Imposing Fees for Excessive Calls to 911

Solicitor MacNeal presented Ordinance #1-2007 for excessive calls to 911. Chairman Lambert reviewed the fees that are to be collected in a calendar year.

**Motion:** Chairman Lambert made a motion to adopt Ordinance #1-2007 for NYRPD imposing fees for excessive calls to 911. **Seconded** by Vice Chairman Lerew. Supervisor Shambaugh noted in paragraph 3 it indicates commercial properties and asked what that covered. Solicitor MacNeal noted that is for businesses with automated alarms. Supervisor Decker corrected the imposed fees as noted in paragraph 2 that the fees are \$25.00, \$30.00, \$50.00, and \$100.00. Vice Chairman Lerew asked who would be collecting the fees and it was noted that NYRPD would be. The motion carried unanimously.

## **2. Comcast Franchise Negotiations**

Solicitor MacNeal noted that she has been in contact with the Comcast representative and it is a fairly standard agreement. It was also noted that as part of the federal law renewal requirements, the Township and Comcast will need to hold at least one public hearing to allow the public an opportunity to identify the future needs of the Township and to review the performance of the cable operator. The negotiation session may be done in conjunction with the public meeting with 3 or more Supervisors present or may be done at a separate time with a committee comprised of 2 Supervisors. Solicitor MacNeal indicated that 1 meeting with Comcast may be enough. There was discussion on the percentage the Township receives on the franchise. Supervisor Decker stated that she would like to have a meeting with the public first to receive their input. Currently the Township is now receiving 5% in franchise fees and that is the highest percentage it can go. Supervisor Decker stated that the Township should advertise for a public meeting. It was suggested that a meeting be held before the regular meeting of the Supervisors in April, beginning at 6:30 p.m. Chairman Lambert suggested that Supervisor Brown and himself be on the negotiation committee.

## **Building Permit & Zoning Officer**

Mr. Fahey indicated that he has no written report at this time but indicated that there are a couple of items he would like to discuss. He asked the Supervisors if they would consider purchasing a portable storage device – video card which is a cost of between \$80.00 and \$100.00. Mr. Fahey also requested the purchase of a printer/fax machine and digital camera. It was noted that these items will be tabled until the March meeting.

## **1. Conditional Use, Appalachian Tennis Facility**

Mr. Fahey indicated that he had met with Ms. Ruth Hessert and her engineer to discuss her proposed indoor tennis facility. After showing her the zoning map and discussing various sites the best site for her was a conditional use plot in the Industrial zone.

Supervisor Shambaugh indicated that a land development plan should be done before the conditional use. This way the Township will see if there is adequate parking, the stormwater plan, etc. Solicitor MacNeal stated in the Zoning Ordinance Section 444 – Private Clubs sections 444.A-F needs to be complied with. It was suggested that the land development plan be submitted at the same time as the conditional use. There was discussion on the length of the cul-de-sac and being in accordance with the Township's ordinance and access onto Glenwood Road. The zoning ordinance does not state that a formal plan needs to be submitted, although an application needs to be formally submitted.

There was discussion on submitting the conditional use, have it go to the Planning Commission and then to the Board of Supervisors. A sketch plan can go to the Planning Commission but not for the conditional use. It was noted that there needs to be proof that this facility meets the criteria. Supervisor Decker noted that she does not see the need for a land development plan before the conditional use to acted on.

The other items Mr. Fahey addressed the Board with are as follows: a VW being used as a septic system which has been resolved. Mr. Young's property on Capitol Hill Road and issue with the size of his sign which has already be ordered along with the formal land development plan. The sign will be 20 s.f. and he is using a banner at the present time. Mr. Young has two weeks to produce evidence that the sign was ordered. Mr. Lynn Potts was questioning a mobile home replacement with the setback requirements. There is a junk yard on Hickory Road Mr. Fahey is working on. The burn problem has been taken care of with DEP satisfied with the removal. Mr. Fahey addressed outdoor advertising signs. Mr. Bob Ruth has installed a new sign which has been increased from 16 s.f. to 20 s.f. and is advertising an off-premises business. Supervisor Decker stated the sign should be removed because of visibility.

### **Roadmaster**

Supervisor Shambaugh noted that the Roadmaster had submitted his written report which is on file at the Township office with nothing to add.

### **Parks & Recreation**

Supervisor Decker noted that her Parks & Recreation meeting will be held next week and at this time she has nothing new.

### **OLD BUSINESS**

There was no old business to discuss at this time.

### **NEW BUSINESS**

#### **1. Zoning Amendments**

Supervisor Brown stated that the Planning Commission, at their February meeting, discussed the zoning amendments as stated in their minutes. One issue was the term "document of merger". Chairman Lambert stated that he had received the comments from YCPC today. The 50' width of a panhandle lots should be more of the exception than the rule. Copies are to be made for each Supervisor and Chairman Lambert suggested that the Supervisors have a luncheon meeting to review and discuss the zoning amendments and the comments from YCPC. It was noted that a luncheon meeting will be held on Wednesday, February 28<sup>th</sup>.

#### **2. Dillsburg Youth Baseball**

Supervisor Decker indicated that correspondence had been received from Dillsburg Youth Baseball requesting approval of the use of the 3 Franklin Township baseball fields for the 2007 season. The times are the same as requested before, beginning March 1<sup>st</sup>. It was noted that there should be conditional approval.

**Motion:** Supervisor Decker made a motion to allow the Dillsburg Youth Baseball the use of the 3 baseball fields conditional that the fields are in good condition and that there they do not use the fields on Sundays. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

#### **3. PSATS Training**

Supervisor Decker noted that there is training at PSATS on March 22<sup>nd</sup> and she would like to attend.

**Motion:** Chairman Lambert made a motion to allow any Supervisor to attend this training and that the Township will pay the fees. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

#### **4. Rental Properties**

Vice Chairman Lerew what is being done on rental properties in the Township. It was thought that there was an ordinance on the registration of rental properties. The Township Secretary was asked to research this.

#### **5. Software**

Supervisor Brown indicated that updated software is needed for the website. Supervisor Brown stated that he checked into different places to purchase and on the internet there is a company called Software Surplus and the software can be purchased for approximately \$350.00.

**Motion:** Chairman Lambert made a motion to purchase the updated software for the website at a cost of \$350.00. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

Supervisor Decker stated that she had received a call tonight from a Township resident regarding her driveway being plowed shut.

#### **CORRESPONDENCE**

It was noted that there is no correspondence to discuss.

#### **PUBLIC COMMENT**

**Clyde Flohr** – Requested that any reports regarding rental properties he receive a copy of them.

**Anne Miller** – Mrs. Miller again questioned the Supervisors on the \$10,000.00 contribution for the Route 15 Study and what was involved. Chairman Lambert stated that there is a committee consisting of himself, Supervisor Brown and Mr. Wayne Kober. YCPC has agreed to help and the concept with the school and other municipalities. Mrs. Miller asked who contacted the school district. It was noted that Mr. Kober has been very active and helpful with doing all of the work and his knowledge of PennDOT.

#### **TREASURER'S REPORT**

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

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

There was discussion on the transmission out in one of the trucks.

**Motion:** Chairman Lambert made a motion to approve the payment of the bills. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker stating she opposes any zoning on KPI's bill.

#### **Remarketing Solutions International**

Chairman Lambert noted that this invoice is for the return of the old copier. Supervisor Decker suggested the Township buyout the lease and then sell it. The amount of the check is \$490.00 for the return.

**Motion:** Chairman Lambert made a motion to check the buyout cost at a maximum cost of \$500.00 or return the machine. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**Franklinton Fire Company Donation**

Supervisor Decker stated that this donation should be sent to the fire company. Financial information had been provided to all of the Supervisors and Chairman Lambert asked if they had reviewed this information. Chairman Lambert noted that he had concerns. It was also noted that it is felt the Township receives more than \$11,000.00 worth of service.

**Motion:** Supervisor Decker made a motion to sent the donation to Franklinton Fire Company and to thank them for their service. **Seconded** by Vice Chairman Lerew. The motion carried with Chairman Lambert and Supervisor Shambaugh voting No.

**EXECUTIVE SESSION**

Chairman Lambert called for an Executive Session to discuss personnel matters with no action to be taken tonight.

The meeting ended at 9:00 p.m.

Respectfully submitted,

Nancy E. Zentmeyer  
Township Secretary