

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS
AND REGULAR MEETING
March 15, 2007**

CALL TO ORDER

The meeting was called to order at 6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND PRAYER

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

PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

Chairman Lambert opened the Public Hearing on the Zoning Ordinance Amendments. It was noted that there are eleven amendments being considered and is now open for public comments.

Supervisor Decker noted that based on the ordinance the sections that were listed in the comments addressed should coincide with the numbers. Solicitor MacNeal indicated that she was working off of Solicitor Schorpp's draft ordinance and that the reference sections are a way of formatting. Supervisor Decker stated that you have to sort through the paragraph to find out what section is being addressed.

Supervisor Decker noted that in Section 4 referencing driveways, storm water management plans and parking it was noted that YCPC addressed this, but it should also be addressed in the Residential zone. The Board changed the mandatory requirement to "may require" from "shall". Section 203.I should be addressed in the Residential zone. Supervisor Shambaugh stated that the difference is in a Mixed Use zone the Township is looking at a land development plan and in Residential the Township is looking at part of the whole development. Supervisor Decker felt that this should not be a mandatory requirement in the Residential zone.

Also in Section 7 of the amended ordinance (Section 424.B) regarding Panhandle Lots there was discussion with the pole being a minimum of 25 feet, but it does not address the 25 feet it just defines it. Supervisor Decker stated if the Township included the 25 feet there also needs to be a maximum. In the SALDO it indicates a minimum of 25 feet and a maximum of 30 feet. If there is no maximum width the Township could see a street going in with a development at the end of it. Solicitor MacNeal noted in Section 424.E it states the requirements of the pole. Solicitor MacNeal noted a 50 foot wide panhandle would have to meet the right-of-way and cartway. It would also have to be constructed to Township specifications. There was also discussion if private streets could be 50 feet. Supervisor Decker questioned Engineer Knoebel why the 30 feet maximum width of the panhandle was dropped from the ordinance when it was written. Engineer Knoebel stated that the Planning Commission reviewed this, but that this should be considered on the next round of amendments. Chairman

Lambert noted the reverse language also be addressed. Supervisor Brown agreed that a 50 foot road has the potential for development, but that the roads have to be built to PennDOT standards. It was noted that future amendments will be the issue of Section 203.I – Residential and Section 424.E – Flag Lots. Supervisor Decker stated that the sections should read the same as the section of the ordinance. (SALDO) Solicitor MacNeal indicated that a formatting change can be done.

With no other discussion Chairman Lambert closed the Public Hearing at 6:53 p.m.

REGULAR MEETING

Chairman Lambert opened the Regular Meeting of the Franklin Township Board of Supervisors at 7:01 p.m.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting, February 15, 2007

Motion: Chairman Lambert made a motion to approve the minutes of February 15, 2007 as submitted.

Seconded by Supervisor Shambaugh. The motion carried unanimously.

Board of Supervisors Workshop Meeting, February 28, 2007

Motion: Chairman Lambert made a motion to approve the minutes of February 28, 2007 as submitted.

Seconded by Supervisor Shambaugh. The motion carried unanimously.

ORGANIZATION REPORTS

Police – Chairman Lambert noted that the Police meeting is not until next week so there is nothing to report.

Fire - Chief Blouch from Franklinton Fire Company presented his report. During the month of February there were a total of 49 calls with 17 being in Franklin Township. Supervisor Decker stated that she was at their banquet and thanked Chief Blouch for the plaque that was received from the fire company.

EMS – There was no report submitted.

DAA – There was no report submitted.

Emergency Management – Mr. Lauren Fleming was present to give his report. First of all Mr. Fleming asked if the Township is planning on doing a newsletter. It was noted that this can be done and that a draft be put to together in April with April 10th as a target date. The next item Mr. Fleming brought up was the dry hydrants. With the assistance of Franklinton Fire Department a catalog of available ponds and bodies of water in the Township has been done. Mr. Fleming has also been in contact with Adams Electric and they will supply the hardware except for the PVC pipe and doing the installation. Also discussed was an Area Disaster Drill that will be held Saturday, March 31, 2007 beginning at 8:30 a.m. at the Carroll Township building. Mr. Fleming asked that the Supervisors attend this drill. There will be representatives from Dillsburg, Carroll Township, Warrington Township, Wellsville, Monaghan Township and Franklinton. It was also noted that there are 8 active members in Franklin Township.

Route 15 Study – Mr. Wayne Kober indicated that a letter has been written to YPCP for funding of this study. A letter had been received from YCPC recommending to not move forward with this study at this time, but to wait until the long range plan of 2009-2035 is completed. The Township is still seeking support from Latimore Township. It was noted that the Township cannot apply for this funding but that YCPC would have to apply for

it. Mr. Kober stated that he proposes the Township to write another letter, which has been drafted, requesting a meeting with PennDOT, DCED, and YCPC. Chairman Lambert thanked Mr. Kober for the consistent work on this study. Chairman Lambert recommended that he be given authorization to sign the letter. Supervisor Decker questioned about going to PennDOT and the deal with the funding. It was noted that there have been 15 accidents on Route 15 in Franklin Township alone. Supervisor Decker stated if we were going to see some action with the interchange she would say yes but with the States financial condition with PennDOT the only thing I see us getting is background for an Official Map.

Motion: Supervisor Shambaugh made a motion to have Chairman Lambert sign the letter and send it to YCPC. **Seconded** by Supervisor Brown. The motion carried with Supervisor Decker opposing with the reasons stated before that if it meant the Township would get something done she would be for it but that does not seem like it will happen.

There were comments made about the \$10,000.00 contribution Franklin Township made is that no longer an issue. The \$10,000.00 is still an issue. The money from PennDOT is so back logged now that prior projects cannot be started. Chairman Lambert stated that the Township is just trying to get in line for the earliest possible time.

Ad-Hoc Committee – Supervisor Brown gave a review of the Ad-Hoc Committee meeting that met on March 13, 2007. At the meeting a map was created of what should be done with the SALDO and Zoning Ordinance and the amendment process. It was noted that the Engineer and Solicitor revise this based on case law. If the zoning map would be changed there are different requirements. Supervisor Brown indicated there is a revision to the Charter which is being proposed to the Board of Supervisors to get their approval. Supervisor Brown suggested that he and Chairman Lambert have their signatures on the document. Some of the scope of tasks is to amend the SALDO to eliminate the same coverage that is in the Zoning Ordinance, get digital ordinances, etc. The Engineer and his staff will be reading through the SALDO for changes to be made. Supervisor Shambaugh noted that he does not like the term Charter and that it should be a “Ad-Hoc Committee Guideline”. The timeline may need adjusted and that this is not a formal document so no signatures would be needed. Chairman Lambert indicated that more time is needed to look over the goals and objectives until next month. The next Ad-Hoc meeting they will do what is asked with the tasks, timelines and costs. Chairman Lambert stated that this committee should not be looking for amendments, but let the amendments come to us. Supervisor Brown questioned Engineer Knoebel about the cost estimate and also mentioned going out for additional quotes. The Ad-Hoc Committee meeting will be held the 2nd Tuesday of each month with the dates given to the Secretary for advertising.

SUBDIVISION AND LAND DEVELOPMENT

1. Sherwood Heights, Invoice

Chairman Lambert noted that he has talked with the current developer and once he receives all of the invoices he will pay the amount due. This should be done by our April meeting.

2a-c. Time Extensions – Baker & Deeds Land Development, Edward & Helen Balsavage Land Development and Sophia Pearlman Subdivision

Motion: Chairman Lambert made a motion to approve the time extension for Baker & Deeds Land Development until July 30, 2007 due to resolving issues relative to sewage planning and obtaining a HOP from PennDOT. Chairman Lambert made a motion to approve the time extension for Edward & Helen Balsavage Land Development until May 25, 2007. Chairman Lambert made a motion to approve the time extension for

Sophia Pearlman until June 30, 2007 due to the need for sewer and driveway permits. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker not voting on the Pearlman Plan because of a possible conflict of interest. (A signed and dated form was submitted by Supervisor Decker stating that she would not be voting on the Pearlman plan).

REPORTS

Engineer

Engineer Knoebel noted that besides the discussion on the SALDO he has nothing else to add. Supervisor Shambaugh suggested an LUPTAP grant for the SALDO. This will be looked into. Supervisor Decker questioned the grant. It was noted that this is through the State and if received the Township receives the grant the State will pay for 50% of the cost. Supervisor Decker asked what strings are attached to this grant and Supervisor Shambaugh indicated that there really aren't any.

Motion: Supervisor Shambaugh made a motion for Engineer Knoebel to apply for the LUPTAP grant. **Seconded** by Chairman Lambert. The motion carried with Supervisor Decker opposing because she does not know what strings are attached.

Solicitor

1. Ordinance #2-2007 Zoning Ordinance Amendments

Solicitor MacNeal noted that this ordinance is now ready for adoption.

Motion: Chairman Lambert made a motion to adopt Ordinance #2-2007 Zoning Ordinance Amendments. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing because of the deficiencies.

2. Ordinance for Submission of Subdivision or Land Development Plan, Conditional Use Applications

Solicitor MacNeal stated that this is not a formal ordinance at this time, but a consideration of a zoning amendment and to be added to the list of the next zoning amendments. This is not a legal flaw but so that property owners avoid a financial hardship.

Building Permit & Zoning Officer

Mr. Fahey presented his report as follows: a Conditional Use Application for the tennis facility has been received at the Township office and he is passing this on to the Board of Supervisors. Along with the application there is a footprint of the building showing as part of the Conditional Use the parking lot is in the front of the building. It was noted that this should also go to the Planning Commission for their recommendations. With posting of the property there was discussion on the type of sign that should be used and the information required. The Conditional Use hearing date also needs to be set. Mr. Fahey indicated that he would like permission to get with Solicitor MacNeal. There was discussion on when to schedule the public hearing and one suggestion is prior to a regular meeting. It was noted with this being the first hearing the Supervisors may want to do a different date. Solicitor MacNeal noted that she would like to meet with the Supervisors a half hour before the scheduled hearing. At the hearing full testimony will be given and this hearing will be more formal and could take about an hour. The Board of Supervisors will then make their decision. The suggested hearing dates were April 26th and May 3rd beginning at 7:00 p.m. After discussion May 3, 2007 was decided as the hearing date.

Mr. Fahey indicated that he has been in contact with the state archivist about preserving the historical documents found in the Township building. The state archivist proposes signing a legal document to take temporary custody for the purpose of microfilming and providing a copy to the Township. Chairman Lambert stated these papers may or may not be valuable. Chairman Lambert stated that the Township needs input regarding these records. Supervisor Shambaugh sees no problem with loaning the State these records to be microfilmed. Then the papers could go to NYCHAPS since they have the right environment to store such documents. The State would have a master copy and the Township would have a hard copy on file along with the original papers. Mr. Fahey estimates that the cost would be around \$100.00. Mr. Fahey indicated that he could probably get Mr. Jerry Ellis, from the State, to come to a Township meeting and discuss this with the Supervisors. It was suggested to put this early on the agenda.

Mr. Young has acquired the proper Labor & Industry permits since this was questioned last month regarding the release of his bond monies. Engineer Knoebel indicated that with the subdivision plan there were questions regarding the detention area and he will need to do another site inspection.

Mr. Fahey and Mr. Shelly did an inspection of the 215 Stone Head Road property and Mr. Shelly submitted a report on the deficiencies that were found.

Mr. Fahey has submitted a draft Resolution setting fees and costs which warrant consideration and the Board needs to review. At the current time there are no fees for zoning. Solicitor MacNeal noted that the Zoning Hearing Board fees and the fees for Supervisors' hearings be considered tonight and that the other fees be considered later. It was noted that this applicant was not required to pay any fees, but the Zoning Officer worked with the applicant and they agreed to pay an application fee. The Township is working on the application forms. It was noted the difference in fees from the ZHB and the Supervisors. Solicitor MacNeal noted that the difference in these fees is that the ZHB members will be getting paid. Solicitor MacNeal advised looking at escrow accounts.

Motion: Supervisor Brown made a motion to adopt Resolution 1-2007 setting the fees for licenses for the County for 2007, the Zoning Hearing Board, UCC Appeals Hearing Board and the Board of Supervisors' Hearings. **Seconded** by Chairman Lambert. Supervisor Decker stating that she is not going to vote but realizes that this is needed in order to move forward. The motion carried with Supervisor Decker opposing.

Vice Chairman Lerew asked Engineer Knoebel when is a sand mound considered usable. Must the system be totally covered with ground. Supervisor Shambaugh noted that the system must be covered and at some time also have ground cover. Vice Chairman Lerew noted concern about the Shoemaker sand mound. It is noted that the system is functioning but the permit will be enforced and pulled if there are problems. Supervisor Decker noted that with right-of-ways and building lots on a slope that it should go to the Engineer. Engineer Knoebel stated that there should be consideration in adopting a policy of requiring a site plan be submitted with the building permit application in order to show the driveway, storm water etc. Engineer Knoebel stated contours and wetlands may not be detailed enough on county maps for the Building Permit Officer to use for determining site conditions.

Roadmaster

Supervisor Shambaugh noted that the Roadmaster's Report has been submitted. The only other issue is that the 2000 F 550 truck has a transmission problem and the cost to repair is in the range of \$3,800.00 to \$4,000.00.

There was a problem with this truck before. It was suggested that the Roadmaster deal with Ford first to see if they would repair the transmission.

Park & Recreation

Supervisor Decker noted that the Park & Recreation Board met on February 20th and discussed the light at Century Park. Met-Ed noted that a higher wattage bulb for that light would cost in excess of \$700.00. It was decided to research this and that the Township put in our own light.

Supervisor Decker noted that a letter was sent on March 9, 2007 from DCNR, Beth Helterbran regarding the partial payment request of \$10,900.00. It was noted that this would take approximately 4 weeks for receipt of the payment.

Dillsburg Area Soccer Club had submitted a letter requesting use of the fields for 2007.

Motion: Supervisor Decker made a motion to allow Dillsburg Area Soccer Club the use of the fields as in past years. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Chairman Lambert questioned where is the Township with the ball fields at Ponderosa Park. There was also discussion on the master plan grant and it was noted that it is being reviewed but as of this date the Township does not know if it has been approved. Also discussed was the giving of \$50,000.00 as part of the grant and going out on bid for these projects. Solicitor MacNeal noted concern that grants sometime have specific requirements. Can work be done in-house without grants and to acquire help from the Soccer Club etc. Supervisor Decker noted that first you acquire the land and then take time to prepare it`

OLD BUSINESS

1. Approval of Letter from Solicitor MacNeal, Legal Services

It was noted that this letter was approved at last month's meeting but a motion is needed.

Motion: Supervisor Shambaugh made a motion to approve the legal services as addressed in Solicitor MacNeal's letter January 29, 2007. **Seconded** by Supervisor Brown. The motion carried unanimously.

2. Clean-up Day, May 5, 2007

Quotes for Clean-up Day have been received from Waste Management and York Waste Disposal. After reviewing the quotes the following motion was made.

Motion: Chairman Lambert made a motion to accept the quote from York Waste Disposal. **Seconded** by Supervisor Shambaugh for discussion. Vice Chairman Lerew noted that York Waste handled it well last year and the Township had enough containers. The motion carried unanimously.

NEW BUSINESS

1. PSATS Classes – Open Meetings, Open Records and Zoning Decisions

Supervisor Decker indicated that she would like to attend these two classes. It was suggested that she also prepare either a written or verbal report to share with the other Supervisors.

Motion: Supervisor Shambaugh made a motion to authorize any Supervisor who wishes to attend these classes. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

CORRESPONDENCE

1. Intergovernmental Cooperation Grant Program

Correspondence has been received from York County Commissioners regarding this grant program. Supervisor Decker expressed concerns and it was questioned whether the Township would fit in this joint program since children from other municipalities use our fields and our children use their fields. Supervisor Brown stated that we could get letters of support from other municipalities. Supervisor Decker asked that with these Intergovernmental grants can anyone besides Townships apply or can stand alone foundations/organizations participate such as what came across with another grant that named Franklin Township on the grant application when Franklin Township did not participate. Supervisor Brown said the answer to that was that the municipality has to apply for it but we have gotten money for the Foundation through the municipality who applied for it for the Northern York Community Services Foundation. Supervisor Brown acknowledged that the NYCSF is a stand along organization but they get it because so many of the board members are municipal officials. Supervisor Decker said Franklin Township never appointed anyone. Supervisor Brown then said no one on the board was appointed. Supervisor Decker questioned how you can apply for that foundation when the Board members have not been appointed. Supervisor Decker questioned a grant applied for by Diane Price for the foundation naming the participants in the intergovernmental grant as Franklin Township and we never heard that before this board and Supervisor Brown was sitting on this Board and President of that foundation. Supervisor Decker said Diane Price has no right putting Franklin Township's name on a grant application making York County think that we were all involved when we were not. It was noted that grants should be done honestly. Supervisor Decker also expressed her concerns to the County at a meeting in Wellsville.

It was suggested that the Township should submit as many applications for this grant as the Township can. It was suggested that an amount of \$20,000.00 be requested and that the Township Secretary, with the help of Supervisor Shambaugh apply for this grant. The grant needs to be submitted no later than May 1, 2007. Some of the projects that could be requested are Twin Hills park, Ponderosa ball fields, the Comprehensive Plan, and the SALDO.

Motion: Supervisor Shambaugh made a motion to move ahead with the Intergovernmental Cooperation Grant Program. **Seconded** by Chairman Lambert. The motion carried with Supervisor Decker opposing because she is not for grants.

PUBLIC COMMENTS

Clyde Flohr – Mr. Flohr indicated that there are properties not being assessed in the Township, such as new construction and mobile homes. It was noted that the County does receive information on a monthly basis from the Building Permit Officer. This will be checked into.

Supervisor Brown asked what the Board wants to see in the newsletter.

Ron Stevens – Mr. Stevens indicated that the new Solicitor was never given a formal introduction and on behalf of the Township we welcome you. In one of the priorities listed was a Township Manager and it was noted that the Board look within the Township Staff. Supervisor Decker suggested that the residents be asked what priorities they would like to see done in the Township.

Mrs. Miller stated that she has requested two times about getting a questionnaire out to the residents. Washington Township did this last year and also included an envelope along for the return of the questionnaire.

TREASURER'S REPORT

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

APPROVAL AND PAYMENT OF BILLS

Motion: Supervisor Shambaugh made a motion to approve the payment of the bills. **Seconded** by Chairman Lambert. Supervisor Decker indicated that under the Recreation Fund she would like to add the purchase of rolls of plastic and wooden stakes needed for the path at Ponderosa Park and should not be in excess of \$170.00.

Motion: Supervisor Shambaugh amended the motion to include the purchase of rolls of plastic and wooden stakes not to exceed the cost of \$170.00. **Seconded** by Vice Chairman Lerew. The motion carried unanimously. Supervisor Decker questioned Supervisor Brown on the purchase price of the new printer/fax/copier machine. Supervisor Brown indicated that the cost was \$99.00 but with coupons it only cost \$70.00.

EXECUTIVE SESSION

Chairman Lambert called for an Executive Session at 9:05 p.m. on the Township retirement plan with action to be taken. The Executive Session ended with the following discussion. The Board of Supervisors discussed the PSATS' Pennsylvania Municipalities Pension Trust Fund for the full-time employees.

Motion: Chairman Lambert made a motion to invest in PSATS' Pennsylvania Municipalities Pension Trust Fund with the option of 50% Stock Funds and 50% Fixed/Bond Funds. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

ADJOURNMENT

Motion: Supervisor Brown made a motion to adjourn the meeting at 10:37 p.m. **Seconded** by Chairman Lambert. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary