

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
June 21, 2007**

**CALL TO ORDER**

Present were Supervisors Larry Lambert, Donald Lerew, Naomi Decker, John Shambaugh and Gary Brown. Also present were Solicitor Stacey MacNeal, Engineer Michael Begis, 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.

**BID OPENING – 2007 PAVING**

The bidders are as follows: Wilson Paving, Hempt Bros., Pennsy Supply, and Kinsley Construction.

The bid for the street paving being Superpave Wearing delivered, placed and rolled are as follows:

<u>Bidder</u>	<u>650 tons-19mm</u>	<u>550 tons-9.5mm</u>	<u>220 tons-9.5mm</u>	<u>Total Cost</u>
Wilson Paving	\$34,027.50	\$32,945.00	\$14,300.00	\$81,272.50
Hempt Bros.	\$37,115.00	\$39,600.00	\$15,840.00	\$92,555.00
Pennsy Supply	\$33,624.50	\$31,229.00	\$14,031.60	\$78,885.00
Kinsley Construction	\$35,009.00	\$30,783.50	\$13,521.20	\$79,313.70

The bid for paving material of Superpave at a total of 75 tons to be picked up at the plant is as follows:

<u>Bidder</u>	<u>19mm</u>	<u>25mm</u>
Wilson Paving	\$3,150.00	\$3,037.50
Hempt Bros.	No bid	
Pennsy Supply	No bid	
Kinsley Construction	No bid	

Solicitor MacNeal was given the documents to review.

**Motion:** Chairman Lambert made a motion to award the bid for Superpave to be delivered, placed, and rolled at a total cost of \$78,885.00 to Pennsy Supply. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

**Motion:** Chairman Lambert made a motion to award the bid for Superpave, 75 tons to be picked up at the plant at a total cost of \$6,185.50 to Wilson Paving. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

## **APPROVAL OF MINUTES**

**Motion:** Chairman Lambert made a motion to approved the May 8, 2007 Workshop Meeting minutes as submitted. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

**Motion:** Supervisor Shambaugh made a motion to approve the May 17, 2007 Regular Meeting minutes as submitted. **Seconded** by Supervisor Brown. The motion carried unanimously.

## **ORGANIZATION REPORTS**

**Police** – Chairman Lambert gave the police report for Franklin Township as follows: the calls are up 5.7%, traffic citations were down from 1141 to 989, warning cards were down from 287 to 204, faulty equipment cards were up from 126 to 137, and parking tickets were up from 21 to 23. There were 21 injury accidents and 39 persons injured in traffic accidents. The police report is on file at the Township office.

**Fire** – No report was submitted.

**EMS** – No report was submitted.

**DAA** – No report was submitted.

**Emergency Management** – Mr. Laurin Fleming was present to give his report. On June 30, 2007 there will be a district preparedness task force meeting will be held in the community hall behind Citizens Hose at 8:30 a.m. in Dillsburg and the Supervisors were encouraged to attend this meeting. The next EMA training will be held on July 16, 2007 beginning at 7:30 a.m. Mr. Fleming noted that he was also here to discuss the dry hydrants and Supervisor Decker noted that on County Line Road at Cashman's if this water source was considered. Mr. Fleming indicated that property is not currently a location because it did not make the first cut. There was discussion on what papers or easements are needed and it was noted that a standard dry hydrant construction agreement be signed and have a place for a notary and that it also be recorded. Also discussed was the emergency use access and construction of the hydrants.

**Route 15 Study** – Chairman Lambert stated that he along with Supervisor Brown and Mr. Wayne Kober attended a Route 15 meeting with PennDOT on June 12, 2007. It was noted that a lot of good came out of this meeting. What needs to be done is to strengthen the transportation link in the Comprehensive Plan. Chairman Lambert suggested that a Workshop meeting be held in August for all of the Townships involved to forge a plan and to move this forward.

**Ad-Hoc Committee** – Supervisor Brown reported on the last meeting. One of the issues is related to growth areas. The Planning Commission indicated that the area around Kings Kids Camp be proposed for developments as noted as a future growth area without changing zoning. The meeting of August 20<sup>th</sup> will be with the Planning Commission members of all the municipalities and deal with the proposed changes. Chairman Lambert asked about the alignment of the Zoning Ordinance and the SALDO and it was noted that Dominic Picarelli from KPI has modified 2 sections that needs the review process. There was discussion on the Comprehensive Plan schedule and it was noted that the next meeting would be held at 10:00 a.m. at the Carroll Township building.

Supervisor Brown noted that there was a discussion regarding sketch plans, which is noted in Section 3 of the SALDO. What was suggested was a more comprehensive sketch plan with details. There were mixed feelings on this issue. Solicitor MacNeal noted that if the Township would require a plan of a certain size and details that would be too formal it could be considered a preliminary plan. If that would be the case then the 90-day approval process would start. Supervisor Decker stated that Ed Campbell of the Planning Commission would like to see the sketch plans stay as they are but put them at the end of the agenda. It was also suggested that with these changes to the sketch plans that the Planning Commission and Supervisors would go to the site. Supervisor Shambaugh indicated that he is not in favor of this and that the Township should not require a sketch plan be submitted before a formal submission.

Also discussed was the Implementation Agreement that YCPC recommends between the four municipalities. It was noted that Franklinton and Dillsburg Boroughs need this agreement to help protect them. Mr. Mark Hilson, Township Engineer for Carroll Township has drafted a short (4 pages) agreement. It was noted that each municipality would have to pass this as an ordinance. Supervisor Decker noted that Ed Campbell had questions on the drawbacks and benefits of this type of agreement and what type of baggage does this carry. Supervisor Brown noted that he has this agreement and suggested that the engineer and solicitor review it. Developers that would have plans within 500' of an adjoining municipality, then that municipality would also review the plan. It was recommended that this agreement be placed on the July agenda for the Board of Supervisors before sending it to the engineer and solicitor.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Resolution for Plan Revisions for New Land Development, Wm. Eichelberger**

Engineer Begis indicated that the SEO has not signed the module as there is an issue with the access drive over the drain field. It was noted that this will be tabled at this time.

### **2. Time Extensions**

#### **a.-c. Lexington Fields, December 31, 2007, Sturbridge Place, December 31, 2007, Williams Townhouse Estates, December 31, 2007**

A time extension had been received for Lexington Fields until December 31, 2007. There was discussion that there are a number of plans that have been requesting time extensions but no new information is being submitted to the Township and there are still many issues that need to be addressed. Chairman Lambert suggested accepting the time extension until September 30, 2007 and that the Township must see substantial movement in the plan. This was also noted with the Sturbridge Place and Williams Townhouse Estates plans which also are requesting time extensions until December 31, 2007. It was noted that these three plans were submitted to the Township prior to zoning being enacted. Supervisor Decker noted that the Township cannot give this time extension until September but that it needs to be requested and that the Township will deny the extensions unless the Township receives these requests. Solicitor MacNeal noted that the Township can take action but also to indicate to the applicant that action will be taken at the September Supervisor's meeting.

**Motion:** Supervisor Shambaugh made a motion to accept the developers' time extension for Lexington Fields, Sturbridge Place and Williams Townhouse Estates until the end of the year but that the Township is requesting substantial movement on the plans and that the Supervisors will be taking

action at their September meeting. **Seconded** by Chairman Lambert. The motion carried unanimously.

**d. Derby Farms, January 31, 2008**

Chairman Lambert suggested accepting the time extension for Derby Farms until January 31, 2008 with the same conditions that the Township is requesting substantial movement on the plan and that the Supervisors will be taking action at their September meeting. It was noted that the applicant has not submitted a complete Stormwater Management Plan for review. Supervisor Decker noted that DAA has not seen a copy of this plan. Solicitor MacNeal noted that the Supervisors can also request substantial information be submitted to the Township by either the September 30<sup>th</sup> date or by the end of the year and to also submit the Stormwater Management Plan and that the plan be submitted to DAA.

**Motion:** Supervisor Shambaugh made a motion to accept the time extension for Derby Farms until January 31, 2008 with the condition that the Township is requesting substantial movement on the plan and that the Supervisors will be taking action at their September meeting. The developer should also include submission of the Stormwater Management Plan and that a copy of the plan be given to DAA for review. **Seconded** by Supervisor Brown. The motion carried unanimously.

**e. Sophia Pearlman, September 30, 2007.**

**Motion:** Chairman Lambert made a motion to accept the time extension for Sophia Pearlman until September 30, 2007. **Seconded** by Supervisor Brown. The motion carried with Supervisor Decker abstaining because of personal interest.

**3. Apple Blossom Estates, Final Subdivision**

Engineer Begis noted that the Planning Commission has recommended approval of this plan. It was noted that Township received a time extension on this plan today until October 30, 2007. It was noted that DAA needs to approve the water tank and fees need to be paid. There is a concern with the wetlands also. Supervisor Decker stated that she would like to see, in writing, agreements with Sherwood Forest for the emergency access and that the easement be recorded. There are issues regarding water run-off across S. Mountain Road onto a private property. It was noted that this is part of the HOP conditions. It is noted that the HOP is not at the intersection but close to the school. The May 31, 2007 letter from KPI it was noted that most of the comments have been resolved or are in the works.

**Motion:** Chairman Lambert made a motion to accept the time extension for Apple Blossom Estates until October 30, 2007. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**4. Kensington Manor, Final Subdivision**

Engineer Begis noted that the Planning Commission has recommended approval of this plan. After review of the plan KPI's letter of May 31, 2007 noted the following comments:

1. An owner's acknowledgement and related certificates by the engineer/surveyor are required to be executed on the final plan prior to recording (402.a.26).

2. A developer's agreement is required along with related financial surety. An estimate should be provided for review (406.c.4).
3. A fee-in-lieu of park and recreation is required (520).
4. An approved Erosion Control Plan and NPDES permit are required (402.b.13).
5. Evidence of wetlands encroachment or other USAC/DEP permits should be provided (402.f.17).
6. Since the driveway for lot 2 is shown through the easement associates with the existing communications tower we have previously indicated that a shared agreement may be needed. The developer's representative has provided a copy of the lease agreement between the property owner and the tower owner and has suggested that this should satisfy the related review comment. A copy of this agreement has been provided to the Township Solicitor for her input in this matter (402.b.17).
7. Given that the individual lot owners will be required to submit a site specific stormwater management plan as a condition of the building permit, it is recommended that the SWM details be removed from the plan and reference to the details be eliminated from the plan notes.
8. A modification for reduction in lot areas as a result of the drainage easements for lots 2 & 8 was granted on October 19, 2006. The plan references additional lots that were not part of this modification.

It was noted that KPI is okay with these conditions but also recommends the following comments from YCPC, dated June 11, 2007:

- 1c. The location of the existing well on proposed lot 6, along with its isolation distance (402.a.9).
- 1f. The site data table on drawing 1 of 7 should include the density of the development (402.a.23).
- 1g. On sheet 5 of 7, the same symbol is used for both the 100-year flood plain and wetlands.
9. As shown on drawing 6 of 7, the clear sight triangle for lot 8 does not coincide with lot 8's construction entrance.

Supervisor Shambaugh noted that if stormwater is needed on each lot that a note should be placed on the plan indicating so. Solicitor MacNeal's recommendations made in her correspondence concerning comment 6 from KPI's May 31, 2007 review letter is recommended to be incorporated into the plan.

**Motion:** Supervisor Shambaugh made a motion to approve Kensington Manor, Final Subdivision Plan conditioned upon the comments from KPI's letter dated May 31, 2007 and comments 1c, 1f, 1g, and 9 from the YCPC dated June 11, 2007 and to also include the Resolution of the driveway easement of Lot 2 by Solicitor MacNeal. **Seconded** by Chairman Lambert. The motion carried unanimously.

#### **5. Albert & Janet Glenn, Exemption Form**

Engineer Begis noted that this plan needs more road frontage and the SEO is not satisfied with the exemption for a module is needed. The applicant does not have a second site and back up drain field and they are proposing a spray irrigation system. This form was also not signed by the SEO.

**Motion:** Supervisor Shambaugh made a motion to deny the Exemption Form for Albert & Janet Glenn. **Seconded** by Chairman Lambert. The motion carried unanimously.

#### **6. Kendall & Jerrie Baer, Planning Waiver & Non-Building Declaration**

Engineer Begis noted that the SEO did not sign this form. Replacement testing is needed but the applicant could request a waiver.

**Motion:** Supervisor Shambaugh made a motion to table the Planning Waiver & Non-Building Declaration for Kendall & Jerrie Baer. **Seconded** by Chairman Lambert. The motion carried unanimously. It was noted that a letter be sent to Baer's suggesting a Non-Building Waiver request be submitted to the Township for the 49-acres.

### **7. Stoney Run Road Partnership, Letter of Credit No. 604-129**

Chairman Lambert suggested that the Township authorize KPI to review this. It was noted that on April 20, 2006 an inspection was done but it was noted that a 10% maintenance security was needed for 18 months. It was noted that the original Letter of Credit was extended until October 2007.

**Motion:** Chairman Lambert made a motion to authorize KPI to do another inspection to see if the Letter of Credit can be released. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

### **REPORTS**

#### **Engineer**

Engineer Begis stated that he has nothing to report at this time.

#### **Solicitor**

Solicitor MacNeal noted the only thing to report was on the Capitol Hill Road bridge. She had spoken with various agencies and the county bridge inspector. A plan was approved in 1961 by the Governor for the abandonment of old Route 15 as a state road which shows distances and stations. Solicitor MacNeal felt 99% certain that the Township owns the bridge. It was noted that a claim and a copy of the accident report was sent to the insurance company for reimbursement for costs but it was noted that an amount is needed for the claim. It was suggested that authorization be given to KPI to get an estimate.

**Motion:** Chairman Lambert made a motion to authorize KPI to get an effect cost estimate on the repair of the Capitol Hill Road bridge. **Seconded** by Supervisor Brown. The motion carried unanimously.

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

Mr. Brian Fahey was present to give his report. The Cupko property on Hickory Road is coming into compliance.

Mr. Fahey noted that in Section 704 of the SALDO which is in regards to Mobile Home Parks permits that no fees were ever established or there are no township records indicating that permits have been issued in the past. Mr. Fahey suggested that the Township follow through with setting fees and have the parks inspected once a year. It was recommended that Mr. Fahey check with other townships to see how they handle mobile home parks. This should be discussed next month. Another issue is the transfer of ownership and that the park file a notice in writing to the Township within ten days after having sold, transferred or given away, or otherwise disposed of, interest in or control of the park. Mr. Flohr needs a parcel delineator number to determine who resides on a particular property.

Demolition permits were discussed stating that there is a need for such permits as a standard method of tax relief for residents who choose to reduce the taxed value of their property by removing a structure. Mr. Fahey indicated that such permits are generally \$10.00. Supervisor Brown suggested a fee of \$25.00 or \$30.00. Fines should be set high enough so as to be a deterrent to ignoring the process. Solicitor MacNeal stated the Township would need a simple ordinance to do this. Supervisor Shambaugh noted that he is opposed altogether and that a property owner should go down to the County to lower their taxes.

Unsafe structures was the next topic. Solicitor MacNeal noted that the IBC statute is with new construction and recommends an unsafe structure ordinance for enforcement. Solicitor MacNeal indicated that she could draft the ordinance and there would be an extra section as a general nuisance. This would be a stand alone ordinance.

**Motion:** Chairman Lambert made a motion to have Solicitor MacNeal draft an ordinance on unsafe structures and general nuisance for consideration at the July Supervisors meeting. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Mr. Fahey brought up the transfer of old records to NYCHAPS with the necessary agreement to formally transfer custodial care of the old records.

**Motion:** Supervisor Brown made a motion to transfer the old school records to NYCHAPS on a permanent loan, by agreement, but that Franklin Township get the documents back if NYCHAPS would close. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

There was also discussion on the bridge plaque that is currently in the Township office. It was suggested to have it framed and hung in the Township building.

### **Roadmaster**

Supervisor Shambaugh noted that the Roadmaster's report has been submitted. It was noted that Franklin Church on Clear View Road is requesting that Clear View Road be closed on August 25<sup>th</sup> between 8:00 a.m. and 3:00 p.m. for a festival that is being held at the church.

**Motion:** Supervisor Shambaugh made a motion to allow Clear View Road be closed in front of the church property on August 25<sup>th</sup> between 8:00 a.m. and 3:00 p.m. **Seconded** by Chairman Lambert. The motion carried unanimously.

Supervisor Shambaugh indicated that Mr. Ocker approached him about hiring a part-time road crew employee. The individual resides on Tuckahoe Road and is very interested in this type of work. There was discussion on the age of this individual and hours he would be working. Chairman Lambert stated that there needs to be more investigation and what type of jobs he would be doing. Supervisor Decker noted concern on the liability if he was hurt and Solicitor MacNeal indicated that he would be covered by workers comp. Supervisor Decker stated that the summer work load is heavy.

Another issue discussed was getting a cost estimate for guide rails by the Roadmaster and that all Supervisors receive a copy of this along with it being forwarded to KPI. Supervisor Decker asked if

this could be piggybacked through the State and could it be maintained under Liquid Fuels. It was noted to instruct the Roadmaster to get a list of the bridges in the Township.

### **Park & Recreation**

Supervisor Decker noted that the Park and Recreation meeting was to be held on June 19<sup>th</sup> but was cancelled due to a power outage in the building from a recent storm.

The play areas in Ponderosa Park need border and there is a 3 week backlog on orders. Supervisor Decker indicated that DCNR will be called the first week in July to set up a tentative time for the 3 week notification. Supervisor Decker noted that she had gone to Springettsbury Township and talked with Mr. David Wendell to discuss their multi use fields, the maintenance and use of them. Soccer, lacrosse and baseball are the sports they allow on the field and they do not allow football practices because of the damage it causes. It was noted that the Park & Recreation Board did offer the field beside the recycling building for football practice. There is some grade of the field but it could be leveled out and re-seeded. Mr. Tim James, Park Director for Manchester Township was contacted regarding multi use fields and Mr. James suggested to get a list of professionals and put out a request for proposals and to also get 3 or 4 drawings of what they can do and a time frame. Supervisor Decker also noted that the sign for Ponderosa Park advertising the funding of the DCNR grant will be at a cost of \$35.00. The sign will be 18"x 24" with the correct wording. It was also noted that Supervisor Decker attended a silent auction and purchased park benches that will be placed on the senior walkway

### **OLD BUSINESS**

#### **Bill Barnes, Maintenance Agreement**

This is for Lot 8 in the Foxwood Estates subdivision. There was discussion regarding an agreement between the Township and Mr. Barnes, owner of the lot. Chairman Lambert has asked Solicitor MacNeal to put together the agreement if the Board agrees. Mr. Barnes has already given the Township a check in the amount of \$500.00 as bonding. For a 2-year period from the date of installation by Monarch Systems it will be inspected twice a year and then for the next 3-years the owner will either extend the warranty service or Dillsburg Septic has agreed to inspect it once a year and submit to the Township an inspection certificate and then after 5-years the Township will require an inspection certificate every third year or at the time of pumping. Supervisor Decker asked if DEP has any stipulations on this which makes us go beyond this agreement. Chairman Lambert said the letter of agreement is submitted by DEP.

**Motion:** Chairman Lambert made a motion to accept the agreement as stated. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

Supervisor Shambaugh noted that the benches that were purchased for the park should be secured to prevent any injuries.

### **NEW BUSINESS**

There was no new business discussed at this time.

### **CORRESPONDENCE**

**143 Western Road, Wagner Property**

Correspondence was received from the property owner regarding the detention pond that was built beside their driveway and if any plan were submitted for the modification of the detention pond. The property owner is going to replace the bridge in the driveway and wants to make sure the detention pond will work properly. Engineer Begis noted that KPI has reviewed the revision and that they would like to contact the developer regarding this problem.

**Motion:** Chairman Lambert made a motion to have KPI follow up on. This. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

### **PUBLIC COMMENT**

There was no public comment at this time.

### **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 Decker made a motion that Mr. Gingrich from the Park & Recreation Board who also purchased some benches at the silent auction be paid when his bill is submitted and not to exceed \$100.00. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

**Motion:** Chairman Lambert made a motion to pay the bills as submitted. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker approving the bills except for NYCSF. Supervisor Brown questioned what bill NYCSF submitted. It was clarified it was not a bill but a contribution.

Solicitor MacNeal brought up the cable fee at this time. It was noted that the Township is currently receiving 3% but it could go up to 5% which would increase the franchise fee to an additional \$17,000.00. Supervisor Brown suggested the possibility of raising it ½% each year. Some of the other items associated with Comcast are a contribution, which the amount is not known at this time, a signing bonus, volunteers, and a separate foundation for grants. Chairman Lambert and Supervisor Brown recommended the 5% and Supervisors Decker, Shambaugh and Vice Chairman Lerew recommended staying at 3%. Supervisor Shambaugh suggested that the Township receive a substantial signing bonus and that the contract is no more than 10-years.

Supervisor Shambaugh questioned the notice of unemployment compensation being paid to T.C. Woods. It was noted that he is a part-time employee for snow plowing. Treasurer Phyllis Emlet has been in contact with PSATS when she received this notice.

### **EXECUTIVE SESSION**

At this time the Supervisors went into an Executive Session.

The following motions were made after the Executive Session:

**Motion:** Chairman Lambert made a motion to pay the Zoning Hearing Board members a fee of \$25.00 per meeting. **Seconded** by Supervisor Brown. The motion carried unanimously.

**Motion:** Chairman Lambert made a motion to take Brian Fahey off probation and to appoint him as the permanent Zoning Officer. **Seconded** by Supervisor Brown. The motion carried unanimously.

It was noted that the salary for the Zoning Officer will be discussed at the July Board of Supervisors meeting in Executive Session.

It was also noted that the Secretary for the Zoning Hearing Board will receive comp time for attending the meetings.

**Motion:** Chairman Lambert made a motion to accept the resignation from Kathy Mulholland from the Park and Recreation Board. **Seconded** by Supervisor Decker. The motion carried unanimously.

Supervisor Shambaugh noted that there may be additional requirements needed for NIMS and that the Township should get a report on this.

#### **ADJOURNMENT**

**Motion:** Chairman Lambert made a motion to adjourn the meeting at 9:38 p.m. **Seconded** by Supervisor Brown. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary