

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
July 19, 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 Supervisor Shambaugh gave the opening prayer.

TRANSFER OF HISTORICAL DOCUMENTS TO NYCHAPS

At this time, Chairman Lambert presented to Mr. Larry Klase from NYCHAPS the historical documents found at the Township building. An agreement was signed between both parties and the documents will be on display at NYCHAPS.

APPROVAL OF MINUTES

Motion: Chairman Lambert made a motion to approve the June 21, 2007 Regular Meeting minutes as submitted. Supervisor Decker noted that there was one item to be added to the minutes under Apple Blossom Estates regarding the HOP condition. It is to be noted that the HOP is not at the intersection but closer to the school. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

ORGANIZATION REPORTS

Police – Chairman Lambert gave the Police Report. There were 115 calls during the month of June which is down 5.7%. Traffic citations were down from 1172 to 898. Warning cards were down from 235 to 203. There were 23 drivers arrested for DUI. There were 34 injury accidents with 51 persons injured in traffic accidents. A total of 230 criminal defendants arrested. 61 wanted subjects were apprehended on 58 summary warrants, 1 misdemeanor and 2 bench warrants. There was 120 hours of training. The report is on file at the Township office.

EMS – Mr. Bob Watts from Citizens Hose gave his report. As of the end of June they responded to 66 medical calls, 15 fire calls and 21 auto accidents all in Franklin Township. There were 10 calls that were not responded to. It was noted that the calls are increasing. The first snake bite of the year was reported. Mr. Watts also gave the figures on accidents that occurred along Route 15 in 2006. The following intersections are noted: Hickory Road – 3; Cabin Hollow Road – 2; Scotch Pine Road – 2; Glenwood Road – 4; County Line Road – 2; Franklin Church Road – 1; Range End Road – 2; and at the Franklin/Carroll Township line -1.

Fire - Mr. Tony Baker from Citizens Hose gave his report. There were 4 calls in June. Mr. Baker gave the training details and noted that the fire company is getting within the standards of the State

requirements. Citizens Hose is working with NYCSF in regards to fundraisers. On August 18th there will be a yard and craft sale. There will be a carnival on September 21st and 22nd in the old Giant parking lot. Citizens Hose will be purchasing a 1992 30' trailer that will be used as a fire safety house for the price of \$5,000.00. Utility truck 64 has utility boxes for storing equipment better and a directional devise to provide better safety for personnel. The unit will also better assist the police departments during traffic light outages. Citizens Hose has purchased the new ID tag system. The system will assist in department accountability on incidents and for company functions. The system is also being extended to other municipalities if interested. Chairman Lambert questioned the companies meeting attendance. A copy of the report is on file at the Township office.

DAA – There was no report given at this time.

Emergency Management – There was no report given at this time.

Route 15 Study – There was no report given at this time.

Ad-Hoc Committee – Supervisor Brown noted that at the August 20th NYCRCPC meeting transportation study will be addressed with all of the various Planning Commissions from each municipality. On October 29th a meeting will be held with all municipal officials. There are a few issues that need to be discussed and that is on the area by Kings Kids Camp whether to change the zoning for future growth area or primary growth area or keep it as it is in order to proceed with the drawing up of the map. It is currently zoned Open Space but Supervisor Brown indicated with a Future Growth Area it may help with improvement to Route 15. It was suggested to leave the zoning as is and that it could be changed at a later date.

Motion: Supervisor Brown made a motion to leave the area as Open Space. **Seconded** by Chairman Lambert. The motion carried unanimously.

Supervisor Brown noted that with the Intergovernmental Agreement there are not many changes and he suggested that the engineer and solicitor review this agreement. It is an Implementation Agreement between four municipalities and the YCPC indicated that it will help us. It was noted that in the agreement if a developer submits a plan and it is near another municipality, that municipality would be made aware and any comments would be considered. Supervisor Decker stated this should not be done before the next Board of Supervisors meeting and that there should be discussion before the public as Supervisor Decker stated there was discussion on sharing uses and she did not see that in the agreement she saw a lot of other things committing us to issues contained in the Regional Comprehensive Plan. She said she needed to know exactly what this was committing us to. Whether they should commit the Township as the Planning Commission has concerns with some of the problems it could create and saw more problems than benefits. Supervisor Decker stated why do we need this since we have already adopted the Regional Comprehensive Plan and that the Planning Commission does have problems with this. It was suggested that this not be rushed through. Supervisor Brown stated it was possible to discuss it in order to move it forward. Supervisor Brown also reviewed the schedule of meetings.

SUBDIVISION AND LAND DEVELOPMENT

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

Engineer Knoebel indicated that the SEO has signed the document and he has no problem with it.

Motion: Chairman Lambert made a motion to approve the plan revisions for new land development for William Eichelberger and to have forward to DEP. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

2. Kendall A. & Jerri L. Baer, Final Subdivision and Lot Addition

This subdivision is of an existing 60.58-acre lot which will convey 10.88-acres to an adjoining property. The proposal will create two parcels with the existing lot containing 49.71-acres and create an 18.63-acre adjoining parcel. There are two waiver requests regarding this plan. The first one is for replacement testing and the second is for a non-building waiver, which is standard. As noted in KPI's letter dated June 28, 2007 a deed of consolidation is required and that monuments or markers should be set or bonded. Those are the only two issues left. It was noted that the deed of consolidation will be forward to the Solicitor for review and Engineer Knoebel will confirm that the monuments/markers have been set.

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

Motion: Chairman Lambert made a motion to approve the waiver for replacement testing. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Motion: Chairman Lambert made a motion to approve the Kendall and Jerri Baer Final Subdivision and Lot Addition plan and that the Deed of Consolidation be submitted for review. **Seconded** by Supervisor Shambaugh. Supervisor Decker questioned whether or not a recreation fee will need to be paid. The motion carried unanimously.

3. Time Extension, Baker & Deeds Land Development Plan, December 30, 2007

Motion: Chairman Lambert made a motion to accept the time extension for Baker & Deeds Land Development Plan until December 30, 2007 and that the Township is requesting substantial movement on the plan and that the Supervisors will be taking action at their October meeting. There was discussion on the water issue in this area. **Seconded** by Supervisor Brown. The motion carried unanimously. Supervisor Decker asked for discussion and that the same letter be sent as was done after last month's meeting. It was so noted.

4. L. Richard & Nancy F. Eichelberger, Final Subdivision Plan, Incomplete

Engineer Knoebel noted that the plan was deemed incomplete due to failure of the following information being submitted with the plan: existing features drawn to scale including topography, soil boundaries and hydric soils if applicable. It was noted that this information has been submitted to the Township and it is now complete and can move forward to the Planning Commission. No action is required.

REPORTS

Engineer

1. Bridge Report

Engineer Knoebel indicated that the report is not complete and will need a couple more days to review. This was tabled until the report is in hand.

2. Stoney Run Road Partnership

Engineer Knoebel noted that there is no issue with this.

Motion: Chairman Lambert made a motion to let the maintenance agreement expire. **Seconded** by Supervisor Shambaugh. The motion carried unanimously. Supervisor Decker questioned if there was any money in escrow. Engineer Knoebel indicated that it is just the letter of credit and there is no escrow.

Solicitor

1. Resolution for Legal Fees

Solicitor MacNeal presented the Resolution for reimbursement of legal fees in connection with Subdivision and Land Development plan reviews. It was noted that this should be a separate Resolution as this would put the developers on notice and it was recommended that this be adopted.

Motion: Chairman Lambert made a motion to adopt Resolution #2-2007 for reimbursement of legal fees in connection with Subdivision and Land Development Plan reviews. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

2. Nuisance Ordinance, For Advertisement

A nuisance ordinance has been submitted for consideration of advertising. Solicitor MacNeal noted that this is a model ordinance that is used with other municipalities and asked for comments and/or revisions. Supervisor Decker noted in this ordinance there are things that are considered illegal which are freedoms we now have but could see restrictions in high density areas as to the rubbish definition. After discussion it was suggested that the word "Rubbish" be omitted from the ordinance. The definition for "Dwelling Unit" is a different definition and this should conform to the Township's other ordinances. The definitions for "Dwelling" and "Building" will also be checked for conformance. Supervisor Decker brought up demolition permits and the fax the Township received from Labor & Industry and it was noted that the Township already has the right to do demolition permits. Solicitor MacNeal disagreed and noted the UCC is a state statute which applies to the IBC 2006 and IRC 2006. These codes are for a change in use, new construction, renovations or additions but do not apply to old buildings. In the IBC and IRC it is more of a property maintenance. Supervisor Shambaugh noted on page 5, #2 indicates that the Zoning Officer shall appear at hearings and it was noted that these hearings would be before the District Justice but noted a concern that there should be some form of appeal. Solicitor MacNeal stated that a standard appeal can be added.

Motion: Chairman Lambert made a motion to authorize the advertisement of the Nuisance Ordinance 3 of 2007 with the changes to the appeal process, omitting "Rubbish" from the definitions, to change the wording to York County, and check the definitions for "Dwelling" and "Dwelling Unit". Supervisor Decker noted on page 2, #9 referring to Dangerous Building it is very broad with the

violations and that it should have more clarification in the language. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing.

3. Subdivision/Land Development Fees

This pertains to the recording of plans and recovering this cost from the applicant. Solicitor MacNeal indicated that the Township can recover these fees in the filing fees that are collected. There could be a sliding scale which would pertain the size of a plan. It was decided to table this at this time.

4. Solicitor MacNeal Leaving Law Firm

It was noted that Solicitor MacNeal is leaving the law firm of Blakey, Yost, Bupp & Rausch but will remain the Township's Solicitor until the end of 2007. A consent form needs to be signed for the release of files from Blakey Yost in order for her to continue to represent the Township.

Motion: Chairman Lambert made a motion to have Solicitor MacNeal represent the Township until the end of the year. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Building Permit & Zoning Officer

Mr. Fahey presented his report. Currently in the zoning ordinance a kennel permit is not allowed in any zone. It was noted that a Variance request can be submitted to Zoning Hearing Board. It was suggested that this should be either a Use or Conditional Use but it does belong in the ordinance. Solicitor MacNeal stated they would need a variance request.

Dr. Wiggins who owns the dental office on Scotch Pine Road is requesting to build another larger office and lease out the current office. A land development plan from 1990 shows an extension of the original building. Solicitor MacNeal indicated that a plan is only good for 5-years and after that if the improvements are not made the applicant must go through the plan process again. Dr. Wiggins would need to go through land development to increase the size of his building by 50%.

The Al Glenn subdivision needs a Variance before it can proceed. It was suggested that either the plan be withdrawn or a time extension be given until the Variance procedure has been completed. Engineer Knoebel noted that the Planning Commission will look at this plan in August. It was noted that no formal hearing is required with the Board of Supervisors.

Mr. Fahey presented information on a proposal for Act 101, Section 902 – recycling grant since grass clippings cannot be burned and the trash haulers do not want them. Mr. Fahey indicated that he has received information from another municipality which recently received a \$1.5 million grant for a mulching facility. Supervisor Brown indicated that this could maybe be done jointly with other municipalities. Chairman Lambert asked Mr. Fahey to check into this and report back to the Board. Supervisor Shambaugh stated that the recycling shed needs insulation.

Roadmaster

Supervisor Shambaugh noted that the Roadmaster's report has been submitted. The Township received approval from PennDOT for the paving work to be done. The Roadmaster submitted a report on the bridge decking but there needs to be some coordination with the map.

Park & Recreation

Supervisor Decker stated that the Park & Recreation Board met on July 17th. A playground update was given. The park is moving forward as quickly as it can and the boarder is around the tot lot but not around the larger lot. Once she knows that the park is 3 weeks out to being completed a call to DCNR will be placed. The path will be done and the Township will be working with Pennsy Supply in August. A work day for a Saturday with volunteers to help rake stones, spreading of mulch, and cut the material is being proposed. The boarder needs to be up before the scheduling of the work day.

Supervisor Decker noted that she had met with Engineer Knoebel with the continued development of Ponderosa Park and submitted a proposal. In the proposal KPI would prepare the application for NPDES permit for site and stream crossing permit as may be applicable for the walking path bridge. The proposal is in the range of \$7,500.00. Supervisor Decker recommended the Township go with KPI. Chairman Lambert noted that the playground is incomplete and questioned how money the Park & Recreation Board has. Supervisor Decker indicated there is \$30,000.00 in their budget. Chairman Lambert suggested that they should spend some of that money for outside people and get the park done.

Motion: Supervisor Decker made a motion to hire KPI in the budget range of \$7,500.00 for the scope of work as stated in the proposal. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

The next item discussed was the gypsy moth problem. Supervisor Decker indicated that the deadline to have your name added to the list for next years spraying is July 31st. It was indicated that Ponderosa Park should be added because of the populated tree area.

Motion: Supervisor Decker made a motion to contact Penn State Cooperative Extension to have Ponderosa Park added to the spraying list. **Seconded** by Supervisor Brown. The motion carried unanimously.

Supervisor Decker brought up the Gold Award Ceremony for Rachel Fleming. She is the Girl Scout who did the nature path a Ponderosa Park and the ceremony is being held on Sunday, August 5th at Ponderosa Park. Chairman Lambert asked if the sign that was made for Ponderosa Park by the Boy Scout has been installed yet. It was noted that at the time of the park dedication he be honored at that time.

Chairman Lambert questioned the authorization of a sale. Supervisor Decker stated that she attended a silent auction in Carlisle on June 11th and purchased benches for Ponderosa Park.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

Building Expansion & Township Manager, Discussion

Chairman Lambert stated that he would like to get the other Supervisors thoughts on these two issues which is part of the priority list. Chairman Lambert indicated that he would like to set up a workshop meeting in the first part of August to discuss these issues. Supervisor Brown noted it was a good idea

as Mr. Fahey needs more space. Vice Chairman Lerew asked how much of the building can be saved and stated that the meeting room is not sufficient. Supervisor Shambaugh cautioned the other Supervisors as to saving the present building and remodeling as it may be cheaper to tear down the existing building and build a new one. It was suggested to a firm look at it. Chairman Lambert noted that a good Township Manager will pay for itself. Supervisor Decker asked Supervisor Shambaugh where would a new building be located and what would the Township do for offices during this process. Supervisor Shambaugh indicated that the meeting could be held in the garage and the Township could rent mobile classrooms during construction. Supervisor Decker also expressed that the Township does not need a Township Manager and would probably cost \$60,000.00. Chairman Lambert proposed that a workshop meeting date be picked. After discussion Tuesday, August 7th beginning at 11:00 a.m. was the scheduled date. This will be a luncheon meeting.

South Mountain Road

Vice Chairman Lerew stated that he has received a couple of calls regarding properties that need mowed. They are the Apple Blossom Estates and the Ohrum property along South Mountain Road. It was noted that there are noxious weeds growing. Solicitor MacNeal indicated that there is a State statute prohibiting noxious weeds through the Department of Agricultural. A letter will be sent to the property owners requesting they maintain these parcels.

Treasurer's Bond

Supervisor Brown noted that there are a few items that need to be addressed. It was suggested that the Treasurer's bond be increased to \$1,000,000.00.

Motion: Supervisor Brown made a motion to increase the Treasurer's Bond to \$1,000,000.00.
Seconded by Chairman Lambert. The motion carried unanimously.

Credit Card

There is an issue with late charges from the credit card that have accrued over the past several years. The charges are in the amount of \$421.56 and it needs to be paid. It was decided to just the pay the late fees.

Sewage Pumping Areas

The sewage pumping spreadsheet needs to be updated as there has been another district added in the Clear Springs area. Supervisor Decker noted that this district is to be pumped every two years. It was suggested that Mr. Fahey work with Mrs. Emlet on this since he has information in his data base.

QuickBooks

Supervisor Brown noted that a request has come from Mrs. Emlet on support for QuickBooks. It was suggested that Mrs. Emlet log onto Google and see if she get the answer that way.

NYCSF Support Letter

Supervisor Brown noted that NYCSF is requesting a letter of support for a \$15,000.00 grant they applied for through the York County Commissioners. Supervisor Brown said he went in and signed the petition. It was noted that the grant is for a community center. Chairman Lambert asked Supervisor Brown to write the letter of support. Supervisor Decker asked do you know what this money is for? It is for a community center which will increase our taxes. Supervisor Brown asked if

that is a bad thing to affect our taxes a little bit if we get a lot of support out of the community center at cheaper prices. Supervisor Decker said if the people knew what it was going to cost in taxes they would not like it.

Motion: Chairman Lambert made a motion to have Supervisor Brown write the letter of support and Chairman Lambert will sign it. Supervisor Decker asked if they realize what the Township is supporting. With this grant for a community center it will affect taxes and it was her opinion that the Township does not need the services. **Seconded** by Supervisor Brown. Supervisor Shambaugh stated that he does support this grant but indicated that Supervisor Decker has a good point and also noted that request did not indicate what the letter of support is for. The motion carried with Supervisor Decker opposing.

CORRESPONDENCE

There was no correspondence at this time.

PUBLIC COMMENT

Mr. Ron Stevens commented on the building expansion, get a scope of work and then issue an RFP based on this. Another comment Mr. Stevens had was with the NYCSF questioning the non-profit organization and their bylaws. He asked what was the donation that the Township gave them used for and is it legal for a government to give donations. Solicitor MacNeal indicated that the Township can give donations as stated in the Second Class Township Code. It was suggested that monies donated go to the Greater Harrisburg Foundation. It was questioned why would the donation go to Dauphin County and not to York County. Mr. Stevens also noted that the foundation never registered with the IRS. When searching on the internet it notes to search under projects and this is confusing. Is NYCSF a foundation or a project? With the Township giving a donation it was Mr. Stevens opinion that Supervisor Brown should not have voted since he is the President of NYCSF. Mr. Stevens also questioned why the Township does not give donations to all of the organizations in Dillsburg. Mr. Stevens said he has never heard of giving a donation to a charity or non-profit organization without it being a grant or contract for services. Mr. Stevens asked for a response on where it states where it is legal for the Township to give a donation to a non-profit organization and would like to know where the money went that was given by the Township.

Mr. Dwight Cromer of South Mountain Road was present and indicated that he had received a letter from the Township regarding his outside burning. Mr. Cromer stated that he felt he is in compliance with the ordinance and asked that the Township write a letter to the individual who complained that he is in compliance. It was suggested that a letter be written but to state that this was discussed with the Supervisors at their meeting.

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

Supervisor Decker questioned an item on KPI's bill regarding Longanecker Road and suggested that this may be in Adams County. Engineer Knoebel indicated that was for work done in Sherwood Forest. Longanecker was the name of the individual and not the road.

Motion: Chairman Lambert made a motion to approve the payment of bills as submitted. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

EXECUTIVE SESSION

At this time the Supervisors went into an Executive Session.

Chairman Lambert re-opened the meeting at 9:25 p.m. and the following motion was made.

Motion: Chairman Lambert made a motion to increase the Zoning Officer's salary to \$18.00 per hour as permanent part-time. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

ADJOURNMENT

Motion: Supervisor Decker made a motion to adjourn the meeting at 9:27 p.m. **Seconded** by Supervisor Brown. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary