

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
August 16, 2007**

CALL TO ORDER

Present were Supervisors Larry Lambert, Donald Lerew, John Shambaugh, Naomi Decker, 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 Brown gave the opening prayer.

APPROVAL OF MINUTES

Motion: Supervisor Shambaugh made a motion to approve the July 19, 2007 Regular Meeting minutes as submitted. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

ORGANIZATION REPORTS

Police – Chairman Lambert noted that the Police Meeting is scheduled for next week.

Fire – Assistant Chief Tony Baker presented Citizens Hose report. It was noted that the safety house is up and running. Chairman Lambert noted that the Township has put a burn ban into effect. Citizens Hose had one call in Franklin Township during the month of July with 8 calls year to date.

Chief Dick Blouch from Franklinton Fire Company presented his report. During the month of July there were 15 calls in Franklin Township. For the first 6 months of 2007 there have been a total of 83 calls which is 37.55% of their calls.

It is noted that both reports are on file at the Township office.

EMS – No report was submitted.

DAA – No report was submitted.

Vice Chairman Lerew asked about the snake bite that occurred last month. It was noted that it was a non-venomous bite but it was not known whether or not it was copperhead dry bite, but it was at Camp Tuckahoe around the pirate ship area. The individual was taken to the hospital the following day with no real problems from the bite.

Emergency Management – No report was submitted.

Route 15 Study – No report was submitted.

Ad-Hoc Committee – Supervisor Brown noted that the NYCSF will be holding a yard sale on August 18th at the Sports and Learning Center. On August 20th a public meeting of the municipal planning

agencies is scheduled to be held at Carroll Township beginning at 7:00 p.m. to discuss the amendments to change the Implementation plan and the transportation part of the comp plan. At the Ad-Hoc Committee meeting held on August 14th they worked on Article IV of the SALDO. In 2.5 hours the committee covered only 4 pages of the some 40 pages in that article. The one issue related to cul-de-sacs was discussed and they received copies of other ordinances from YCPC with no action taken. With the Implementation Agreement comments have been received from Solicitor MacNeal Supervisor Brown noted that he agrees and will make the changes. Supervisor Brown noted with comment #7 he does disagree as there is no official map in place and that it should say within the 2 years to implement changes and that should be re-worded as we are not going to adopt new regulations. Supervisor Brown noted that with comment #8 the agreement shall establish the rules and responsibilities of participating municipalities and that no one really wants that. The MPC indicates you have the right to create one but it is not wanted. Solicitor MacNeal indicated each comment is just addressing these issues. Supervisor Decker stated it seems that it is changing for what the article she wrote in the Banner indicates and that the official road map would lay the ground work for the implementation in the future. Supervisor Decker noted in the agreement there is an official map and Supervisor Brown noted it is stated in paragraph 10. Solicitor MacNeal noted that she only commented on this current copy and did not review the first agreement. Supervisor Brown stated that in the agreement we do not want to say we are doing an official map. He said there is no intent to do that. Supervisor Brown noted with the MPC the write up for an agreement is misleading. Supervisor Decker commented on #4 of the memo dated August 20th regarding the draft agreement noting the following: "The draft intergovernmental cooperation implementation agreement is a document that will lay a foundation for future discussions and decisions about the elements of the comprehensive plan. It does not need to be completed with the amendments, but this is an opportunity to discuss and complete this agreement while the municipalities are gathered together". These are the elements of the comp plan. It was also thought that the committee meetings were to line up the SALDO with the Zoning Ordinance and then after the Ad-Hoc meetings Supervisor Brown went to Carroll Township but there was discussion with the Planning Commission indicated that they are not interested in this use agreement or official map. It was noted that the agreement came from YCPC because of being in the MPC and YCPC has indicated that it is appropriate. Supervisor Brown noted that this probably did occur at Carroll Township when Pam Snellenberger pushed it and stated she would get copies of implementation agreements from other municipalities. Engineer Mark Hilson is the one who drafted this agreement based on those recommendations and to make it as simple as possible. Supervisor Decker felt that this was not so much pushed by Pam Shellenberger but was a cooperative effort of all the parties that were there. Supervisor Brown stated that this can be discussed next week but it would have to be adopted as an ordinance. Chairman Lambert noted that with the workshop meeting scheduled for September 10th that after the pre-proposal conference the Supervisors can discuss the work in progress. Supervisor Decker stated that they should look into the NYCRCPC and the schedule with all the committees, under the section called "Implementation" and they are with people not elected. The committees would assume the powers the elected officials now have and the elected officials would become puppets.

SUBDIVISION AND LAND DEVELOPMENT

1. Time Extension, Albert Glenn – December 28, 2007

The Township received a time extension for the Albert Glenn Subdivision Plan until December 28, 2007.

Motion: Chairman Lambert made a motion to accept the time extension for Albert Glenn Subdivision until December 28, 2007. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

2. Time Extension, Sherwood Heights – November 23, 2007

Chairman Lambert asked Engineer Begis how many issues are there with this plan. Engineer Begis indicated that they are working on the E&S approval, the water tower and access easement. There is the water issue and Engineer Begis noted that there are 4 outstanding comments from KPI's letter of February 2, 2007. There has been no progress on this plan since February. Supervisor Decker questioned the mining issue and it was noted that it has been all settled and would be covered in the cost estimates which would apply during construction. Chairman Lambert asked how serious the storm water run-off is and Engineer Begis noted that is with YCCD and the county was not happy where they were discharging to one of the basins.

Motion: Chairman Lambert made a motion to accept the time extension for Sherwood Heights until November 23, 2007. **Seconded** by Supervisor Shambaugh with discussion. Supervisor Shambaugh stated that he would like to see by the November Supervisors meeting if KPI could give the Township a run down of the open issues. There is an issue with the E&S plan when the comments came back and when they were resubmitted. Supervisor Brown noted that it is important that the Township get these issues addressed. Solicitor MacNeal asked if there is any benefit of seeing this plan with Apple Blossom. Supervisor Decker noted the issue with the water tower. The motion carried with Supervisor Decker opposing.

3. William P. Eichelberger, Final Land Development Plan

This plan was before the Planning Commission and they recommended approval. The proposal is to place a second single-family dwelling and driveway on a 13.54 acre lot located on South Mountain Road. After a review of the plan by KPI the following comments were offered:

1. Approved sewage planning is required (304.g.4, 405).
2. An owner's acknowledgement and related certifications by the surveyor are required to be executed on the final plan prior to recording (402.a.26).
3. Bonding of storm water related improvements is required. As an alternative since the project involves the construction of a single-family dwelling, the Township may choose to make the installation of the storm water management as a condition of receipt of a use and occupancy permit.
4. As an administrative matter, a park and recreation fee may be required in order to construct an additional dwelling.

It was noted that Mr. Eichelberger has razed the existing dwelling and only one dwelling will now be on the property. The sewage planning is the only thing needed. With comment #3 the Planning Commission agreed with the storm water improvements being a condition of the use and occupancy permit. Supervisor Shambaugh stated that the storm water improvements be bonded now to get the plan approval. The bonding would be worked out after KPI gets the estimated cost which would be close to \$10,000.00. There are two infiltration beds and perhaps a third at \$2500.00 each. There are two at the drive and one at the house.

Motion: Supervisor Shambaugh made a motion to approve the William P. Eichelberger Final Land Development Plan conditioned upon the receipt of approved planning module, owner's acknowledgement and related certificates are on the plan, and the bonding for the storm water improvements. **Seconded** by Supervisor Brown. Engineer Begis indicated that the Planning Commission wants to see as "as-built" plan to show that the existing home was razed. Supervisor Shambaugh added a condition that a note be placed on the plan to be recorded that the existing home was removed. **Seconded** by Supervisor Brown. The motion carried unanimously.

REPORTS

Engineer

1. Bridge Report

Engineer Begis presented a draft report on the repair/replacement cost estimate for the bridge on Capitol Hill Road that was damaged in the fatal accident in April. It was suggested that the Supervisors and Solicitor review this report. The repair is needed on the side the vehicle hit the bridge along with guide rails on both sides. KPI submitted 2 alternatives one of which is for repair and the other is for 2 types of replacement. The repair is estimated at \$5,950.00 and with the guide rail system that would be an additional \$9,600.00. Supervisor Decker questioned that this does not include KPI's fees. Solicitor MacNeal noted that at this point the insurance company be kept informed and to give them a construction cost of the repair. Also added to the cost should be KPI's fees. Solicitor MacNeal indicated that a claim has been made but not with the cost. It was noted that KPI should get the costs to the Board and this can be discussed at the September 10th meeting.

Mr. Fahey noted that the bridge does not handle water and it should be enlarged. The water back-ups with heavy rains.

Solicitor

1. Nuisance Ordinance No. 3-2007

Solicitor MacNeal stated that based on discussion at last month's meeting change have been made. This ordinance has been advertised, available for discussion and possible adoption. Chairman Lambert questioned the definitions for dwelling, dwelling unit, and building. It was noted that these definitions are the same as in the zoning ordinance. The definition for nuisance was discussed and Solicitor MacNeal indicated that this is for people of normal sensitivities and it's an objective standard which a judge will decide that. It is a broad definition that the court will uphold. Supervisor Decker noted that there are different laws stated in this ordinance. Solicitor MacNeal noted that in sub-paragraph 9 under dangerous buildings it is noted "those existing in violation of any other ordinance of Franklin Township or law of the Commonwealth of Pennsylvania such that they work injury to the health, safety or general welfare of those living therein". It was noted that this can be deleted without re-advertising. Supervisor Decker asked if the setbacks were not according to current required setbacks if they were in violation. It was noted that this condition would be grandfathered.

Motion: Supervisor Shambaugh made a motion to adopt Nuisance Ordinance No. 3-2007. **Seconded** by Chairman Lambert. The motion carried with Supervisor Decker opposing.

2. NIMS Resolution No. 4-2007

Solicitor MacNeal stated that this is a standard resolution that is used for compliance in adopting NIMS. It was noted that the Supervisors did approve the plan last year but never adopted the resolution. Chairman Lambert said he thought everyone was up to date and passed their test. Supervisor Brown noted he had not taken the test.

Motion: Supervisor Shambaugh made a motion to adopt NIMS Resolution No. 4-2007. **Seconded** by Chairman Lambert. The motion carried unanimously.

3. LST Ordinance

Solicitor MacNeal indicated that the Township already has an ordinance in place to collect taxes for the West Shore Tax Bureau; therefore nothing needs to be done.

Building Permit & Zoning Officer

1. Steep Slope Issue

There is an issue about steep slopes being advertised as open for development, subject to Franklin Township approval. There is a bulldozed road going up to the site. Mr. Fahey asked what protections are there are for the public. Solicitor MacNeal said it is buyer beware. The original road was a logging trail. Chairman Lambert noted that the developer was already sent a letter informing him that a subdivision/land development plan is required.

2. Scotch Pine Road Dental Office

Dr. Wiggins who owns this dental office has contracted Lobar Assoc. to draft a sketch plan/feasibility study to expand his business and build an addition. He can increase it up to 50%. The Township has not received this plan at this time.

3. 192 Glenwood Road

The owner of the property had an expired non-UCC permit in which there was construction and a swimming pool permit issued after an inspection. There was also earth moving done on this property. YCCD has also been involved and the owner indicated that they will submit a final grading plan which will then be submitted to KPI.

4. Road Category Guide

Mr. Fahey indicated at the Ad-Hoc meeting it was revealed the road category use guide needs updating. When issuing building permits the setbacks were decided based on the type of road, such as an arterial, collector, minor etc. It was noted that by way of an ordinance/map have a road classification map that could determine the road estimated by the number of daily trips. Regulating setbacks based on the map would deal with right-of-ways. Supervisor Shambaugh noted that setbacks are established in the zoning ordinance. Solicitor MacNeal recommended since the Township is early in the update of the SALDO to amend that section.

5. Mobile Homes

A yearly permit of inspected mobile homes needs to be done and also to establish a fee. Mr. Fahey indicated that a standing ordinance was never enforced. It was suggested that a call be placed to the mobile home parks. An occupancy permit is a good way to get work finished. Chairman Lambert

noted there should be a list of procedures or a book of operations for procedural reference for future officers.

6. Driveway

Mr. Fahey indicated that there is a problem with a driveway that has been paved. The Roadmaster did an inspection but it needs a swale. The paver is not held responsible but it is the homeowner's responsibility.

Roadmaster

Supervisor Shambaugh noted that a report from the Roadmaster was submitted. Mr. Ocker would like to attend an LTAP workshop in September at no cost to the Township. Supervisor Shambaugh recommended that Mr. Ocker be allowed to attend this workshop. The issues with driveways are being worked out.

Park & Recreation

Supervisor Decker noted that Park & Recreation will be meeting next week. An update of the Ponderosa Park is as follows: the wood carpet, stone, and boarder have been installed but we are waiting for the paving of the walk and handicap parking area. Supervisor Decker indicated that she contacted DCNR regarding the placement of the sign and the benches. The benches are to be left where they are because a handicap person has to be able to get to them from a wheelchair. It was noted that other benches could be purchased at a later date.

Supervisor Decker gave an update on the award ceremony for Rachel Fleming for her Gold Award. Senator Pat Vance, Rep. Scott Perry and Bob Reilly an aid for Congressman Todd Platts were in attendance. Rachel Fleming's project was the development of a nature trail throughout the wooded area of Ponderosa Park. It was also noted that the Roadmaster had hired 2 part-time employees to work on getting the park completed.

Chairman Lambert questioned the letter from the Visiting Nurses.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

1. Seminar for Treasurer, Developing & Managing Your Municipal Budget

Motion: Chairman Lambert made a motion to approve the Mrs. Emlet to attend this seminar. **Seconded** by Vice Chairman Lerew. Supervisor Shambaugh noted that it should include anyone else who wishes to go to this seminar. **Motion:** Chairman Lambert amended the motion to include anyone else who wishes to attend. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

2. PennDOT Winter Maintenance Agreement for 2007-2008

Motion: Chairman Lambert made a motion to accept the PennDOT Winter Maintenance Agreement for 2007-2008. Vice Chairman Lerew asked for discussion if there is profit or loss. Chairman Lambert noted that the profit is up and PennDOT has increased the price this year. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing.

CORRESPONDENCE

There was no correspondence to discuss.

PUBLIC COMMENT

1. Sketch Plan for Coachman Court

Mr. Dwight Gochenaur presented a sketch plan for Coachman Court which is located off of Twin Hills Road. Mr. Gochenaur noted that it meets all of the requirements and this sketch plan notes less units than the previous one. There will be 29 units, more green space, and less run-off. Mr. Gochenaur is requesting a waiver on the length of the stem of the cul-de-sac or to call it a loop cul-de-sac. Supervisor Decker noted that this was looked at before and that there is a restriction on this lot from a previous subdivision. Mr. Gochenaur noted that a home is allowed but no further development unless there is a public street. It was noted that this layout is better than the previous plan that was submitted. Supervisor Decker questioned the site distance and it was noted that there is 100's of feet beyond the requirement. It was also noted that Mr. Gochenaur needs permission from the landowner in writing. There was discussion on the number of road trips in and out of this development, a homeowners association, and that the road could be maintained as a private road. Supervisor Decker noted that this plan would still need module approval or are the Supervisors going to waive this and create another situation like we did before and also there is the issue with water and sewer. Mr. Gochenaur stated that he wants to know if this is feasible. Vice Chairman Lerew noted concern on the length of the cul-de-sac which is double. Supervisor Brown stated that he sees no problem but this needs to be looked at in the SALDO. Supervisor Shambaugh noted he likes plan "B" but this has created a flag-lot and it is noted that there is no another way to develop this lot. Supervisor Brown said it is kind of a hardship. Supervisor Decker said it is not a hardship. Solicitor MacNeal suggested looking at the wording of the restrictions. It depends if the restrictions was for the benefit of some other property owner in which case you might need that property owner to agree with the Board of Supervisors. If it was simply put on by the Board of Supervisors it can be taken off by the Board of Supervisors.

2. Carol Green, Scotch Pine Road

Ms. Green requested help for a couple of neighbors. The one property is located between 468 and 448 Scotch Pine Road has 2 trailers with one being occupied and another one sitting empty for 2 years and Ms. Green asked if there is any way of moving the empty one out. The other property located at 448 Scotch Pine Road the owner cannot take care of her home and Ms. Green asked if there is any kind of community help. Supervisor Decker indicated that the County may have a program to help with this. Mr. Fahey indicated contacting the school district as seniors need to do a project with 20 hours of community service. It was noted that this home is an eyesore and bringing down the property values of the surrounding homes. Chairman Lambert directed Mr. Fahey to see what he could do to help with this situation. The school is looking for community projects for students.

3. Tammy Nelson, Northern York Recreation Association

Ms. Nelson is requesting use of land adjacent to the recycling center for footballs games or practices which are the fields on top. Ms. Nelson noted that the Vice President of the association looked at the fields and that they would also be working with the Lacrosse Club. The association would provide the goal posts and would also maintain it. Chairman Lambert stated that he would be happy to allow this and that NYRA is willing to maintain the field. Supervisor Decker noted that they have the right to use the field and there was discussion regarding a concession stand. It was also noted that insurance would be needed and filed with the Township. It was noted that 4 home games would be played per season.

Chairman Lambert indicated to go ahead and to keep in touch with Supervisor Decker and with the use of the concession stand NYRA would have to work that out with baseball. Supervisor Shambaugh said we should have some sort of a plan of what is happening on that field.

4. Ron Stevens, Franklinton Road

Mr. Stevens indicated at last month's meeting he was questioning NYCSF and had asked Solicitor MacNeal about non-profit organizations. This is not a foundation according to the Foundation for Enhancing Communities but the Township gave a donation with taxpayer's money. Local government does not have the right to give donations as stated in part of the MPC, Section 1803 a township can only give to fire companies and libraries. Mr. Stevens noted in February Chairman Lambert asked Supervisor Brown for the financials and that they were never given but the Township went ahead and gave them the money. Mr. Stevens indicated that with the donation to NYCSF that they are a project and not a foundation and that the donation is for the purpose to construct a community center. Mr. Stevens read an article from the July 19, 2007 Dillsburg Banner regarding their activities and it notes events provide affordable "sitting" services while parents run errands. He asked why is any government donating money for a babysitting service. Mr. Stevens noted the bottom line is he still wants an answer and that it is his belief that governments should not be donating these monies to a non-profit organization.

Another issue Mr. Stevens brought up was the luncheon workshop meetings the Supervisors have and that should not be paid with taxpayers monies.

5. Bill Messner, Clear Springs Road

Mr. Messner had questions regarding the NYCRPD that service our Township and wanted to know who made the arrest on the robbery that occurred at Gruber's Pharmacy. It was noted that Carroll Township made the arrest but if NYCRPD was involved they should get recognition also. A member of the audience noted that they were under the impression that the FBI was involved.

TREASURER'S REPORT

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

APPROVAL AND PAYMENT OF BILLS

Motion: Chairman Lambert made a motion to pay the bills as submitted. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

ADJOURNMENT

Motion: Chairman Lambert made a motion to adjourn the meeting at 8:59 p.m. **Seconded** by Supervisor Brown. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary

