

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP MEETING
September 10, 2007**

CALL TO ORDER

Chairman Lambert called the meeting to order at 10:10 a.m. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, Pennsylvania.

ROLL CALL

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

PRE-PROPOSAL CONFERENCE ON RFI – EXPANSION OF TOWNSHIP BUILDING

The following firms were present to received input on what the Township is considering: eciGroup, Galbraith Pre-Design, and Lobar, Inc.

Chairman Lambert noted this meeting is to discuss the expansion of the existing township building. Chairman Lambert noted that the Township is looking at adding additional offices, add a second floor, or enlarge the present meeting room but also discussed the possibility of using the existing garage for a meeting room and build another garage. It was noted that the Township is looking for engineering ideas along with electric and plumbing upgrades, restroom upgrades and having the exterior doors comply with the ADA. Existing plans of the Township building were handed out. Chairman Lambert noted that the Township is looking at least 2 additional offices and enlarged storage area but the Township is also looking for ideas. There are also financial and usage concerns.

Lobar noted that the first step is to establish a program with how many employees and offices are needed. Vice Chairman Lerew noted that offices could be constructed in this meeting room and moving the meeting room to another location. Lobar questioned what type of storage is needed. Supervisor Decker suggested a fire proof room for plans plus a general storage space for supplies. eciGroup asked what is the size of the meeting room and how much larger were the Supervisors looking to go. Chairman Lambert indicated an increase in size of 50%.

Mr. Brian Fahey noted the following items may want to be considered: media, cameras and a projection screen.

Mr. Bill Messner, a township resident, questioned regarding a second floor if it is structurally feasible and the need for the installation of an elevator for the handicapped. If this building is a pre-engineered building a second floor cannot be supported.

Supervisor Decker noted that the first bay in the garage is being considered as the meeting room. Mr. Fahey suggested an office for the police when they are in this area. Chairman Lambert noted that their

car is their office. There was discussion on whether or not to vacate the building during the construction and the possibility of holding Township meetings at another location.

Vice Chairman Lerew asked what the time frame would be and eciGroup indicated that with the design issue they could start right away. There was discussion on public funds and having to bid out. There was discussion on entering into a design build contract and to go out for bid resulting in the RFP being submitted. Chairman Lambert noted that with the RFP the firms should also give a ball park figure on the cost and once the RFP's are received the Supervisors will choose the best design project and then go out for bid with the firms present today and for any other firms who wish to bid. Public funding was discussed. With the managing of the whole project it was noted that the Supervisors will need to get with the Solicitor and with putting this out for bid to get some guidelines. Supervisor Decker questioned funding and what are the restrictions. Lobar indicated that with the dollar value the Supervisors would have to include the prevailing wage. It was determined what we are doing is a feasibility study.

Supervisor Decker noted that the drain field may have to be increased and Engineer Knoebel noted that the firms should plan for that as this needs to be dealt with. Engineer Knoebel stated that he will talk with the SEO for any testing records as the Township needs to know how big the system is.

It was questioned if a budget has been established for this project. It was noted that what is being planned today should accommodate the Township for the next 20 years.

At 10:35 a.m. a tour of the Township building was conducted. The tour ended at 11:03 a.m.

It was noted that the firms should submit their design build to the Township no later than October 12th. The following items were discussed on what the Township is looking for: a minimum of 2 additional offices, additional storage space, a meeting room 1 ½ times bigger than what it is presently, plan for 20 years out, and would like to do this as soon as possible. Chairman Lambert thanked the representatives of the firms present. Engineer Knoebel noted that they will come back with an outline of ideas and options. Other ideas were a kitchenette, a small conference room, and storage at the back of the room for chairs and tables. Engineer Knoebel noted that once the firms get the information back to the Township that the Supervisors should consider talking to an architect to understand the building process.

Mr. Ron Stevens suggested getting a shell of a room in regards to the meeting room and look at expandable and collapsible partitions instead of separate offices. It was noted that there are grant monies available. Vice Chairman Lerew noted that grants bog you down and that the Supervisors should move forward instead of waiting to see if the Township gets the grants and actually receive the money. Supervisor Decker stated that they should look at what will the grants cost the Township in regards to what is required to actually get the grant. It was suggested that the Township ask the contractors about grants and what is available. Vice Chairman Lerew asked how many letters were sent out for this meeting. Township Secretary said five letters were sent out for this meeting.

NEWSLETTER

Chairman Lambert proposed that a newsletter be sent out on a quarterly basis. Each newsletter costs approximately \$1000.00. Supervisor Decker suggested that a newsletter be sent out in the spring and fall. It was also suggested that the newsletter be posted on the website and TV. channel.

Motion: Vice Chairman Lerew made a motion to publish a newsletter 3 times a year in the months of December, April and August. **Seconded** by Chairman Lambert. The motion carried unanimously. The next newsletter will be mailed December 1st.

WEST SHORE TAX BUREAU – LST ORDINANCE

Chairman Lambert noted that this tax would only affect the people that work in the Township and it would go from \$10.00 to \$52.00 and suggested that this be looked at again. Vice Chairman Lerew stated that he does not like increasing this to \$52.00. Sections 112 and 113 of the sample ordinance were discussed and it was noted that anyone who works in 2 different places would only pay this once. It was noted that the Supervisors would need to take action on this ordinance before November 1, 2008. Chairman Lambert noted that the Township has not raised taxes in 6 years. Supervisor Decker noted that if there is an increase in taxes it should be across the board. Supervisor Shambaugh stated this ordinance is not to hit the local citizens but only the people coming into the Township to work or in home businesses and Supervisor Decker questioned how many people do we have coming in from outside the Township to work.

Motion: Chairman Lambert made a motion to table this ordinance until the September 16th meeting and to get the Solicitor's opinion. **Seconded** by Supervisor Brown. The motion carried unanimously.

POLICE PRESENCE

Chairman Lambert discussed a table that was prepared to increase police protection in the Township which was calculated by population and per capita cost. It is Chairman Lambert's opinion that the Township is low and based on per capita it should be increased. Franklin Township is paying \$40.50 per capita. Supervisor Decker stated that this is not an issue as there is not a sufficient increase in crime in this area and stated that she does not feel a need for it at this time. This is a rural Township but with a Borough there are more people living close together. Vice Chairman Lerew noted concern for more police when the proposed development plans are ready for building. Chairman Lambert suggested that there be an increase of 25 hours as preventive and to get ahead of things at this time. Supervisor Brown also noted that he does not see a need for it at this time. Supervisor Shambaugh agreed with the prevention issue but not with having the need for the additional cost. This is something that should be looked at closely every year. Vice Chairman Lerew noted that residents on S. Mountain Road are coming to him and asking where are the police to slow drivers down. Supervisor Decker said maybe they need to adjust where they patrol. Chairman Lambert stated that the Township should look forward as there is a concern with some of the subdivisions with town homes. It was noted that there are 44 miles of Township roads. Supervisor Decker brought up the additional cost of \$5,625.00 more a month. It was questioned by a member of the audience the breakdown of hours the police patrol and how much time is spent on Route 15. It was noted that the regional police are not allowed to use radar for speeders.

CENSUS

Mr. Bob Yerger noted that he was asked to look into this and that the Township does not need to do this as it would cost the Township \$30,000.00. Supervisor Shambaugh noted that the school district does a good job and is on top of this. No action is needed.

BRIDGE REPORT

Engineer Knoebel reviewed a draft report on the bridge that was damaged on Capitol Hill Road. On July 6, 2007 the bridge was inspected in regards to its condition. The report notes the year it was constructed and the span. The observation of the damage from the vehicle striking the bridge parapet on the east side was conducted by Paul Ford the structural engineer. The impact separated this parapet from its attachment to the bridge slab, totally removing it from the bridge. A portion of the slab below the parapet was damaged by the disintegration of the concrete. The structure is o.k. but with today's rating it would not be sufficient. It was estimated at a cost of \$60,000.00 or more to design and bid it. Engineer Knoebel provided quotes in his report and the estimated cost of the guide rail system would be \$9,600.00 and the cost to repair the slab and parapet is \$5,950.00 which is a total estimate of \$15,950.00. It was suggested that the Township coordinate the work but if the cost exceeds \$10,000.00 the Township would have to go out for bid. The guide rail is up to the Township and this could be submitted to the insurance company but they may not pay for the entire guide rail. Supervisor Shambaugh indicated that the structure should be replaced but the alternative may be best to repair it.

Solicitor MacNeal arrived at the meeting at this point.

Solicitor MacNeal will submit to the insurance company showing that the Supervisors have 2 options and it was suggested that they choose the lower option. Supervisor Decker noted that Mr. Fahey had indicated that the storm drain could not handle the water but Mr. Fahey indicated that is not an issue now. Supervisor Shambaugh stated that there has not been a lot of storm damage to the structure in the pass. Solicitor MacNeal has been in contact with the insurance company but more information was needed before she could proceed. Engineer Knoebel stated that with repairing the bridge there is a lot of erosion control issues, by-passing and bidding the project out. It was estimated a cost of between \$10,000.00 and \$15,000.00 to do the by-pass and the stream flow.

Motion: Supervisor Shambaugh made a motion to have the Solicitor correspond with the insurance company with the revised engineer report showing the cost and 2 options and also the insurance company be aware of the engineering and the legal fees. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Supervisor Shambaugh suggested that the Township should try to set aside the cost or guide rails in the budget, plan to put guide rails on bridges that do not have any and also to have the Roadmaster check the bridges in the Township.

AD-HOC REPORT

Supervisor Brown gave the Ad-Hoc report as follows: there was a public meeting held with the Planning Commissions of the each municipality on August 20th and there were very little changes made to the Comprehensive Plan and it is felt that this is ready to forward these changes to the County in order to start the 45-day clock. The Planning Commission meets tonight and they are the last group

to make that decision. The October 29th meeting date with the Supervisors will not occur. This meeting with the Supervisors will be delayed until sometime in late November.

There are 2 other issues and 1 of the issues was the discussion of the Implementation Agreement and the revisions. Supervisor Brown stated that he hopes to discuss the revisions at either the November or December Supervisors meeting to discuss and decide whether or not the Township wants an Implementation Agreement.

The other issue is the Transportation Initiative and the 5 major elements which are in the Comprehensive Plan: 1) roadway standards program; 2) access management standards; 3) roadway network maintenance/improvement program; 4) alternative transportation development; and 5) US Route 15 corridor improvements. In the handout each one of these elements is addressed as to the process. There was mention of going after grant money. Mr. Kober is trying to set up a meeting with the County and he has also attended several meetings with the different municipalities. It was noted that Dillsburg and Franklintown are very interested in this. Supervisor Brown noted that Latimore Township is starting to get on board. Mr. Kober is also trying to get a meeting with both Adams and York Counties but Adams County may only be interested in the US Route 15 corridor improvements. It was noted that this could take 5 to 10 years to do this and the elements needed to be prioritized. In the Comprehensive Plan it is noted in the implementation schedule this would take 5 to 6 years after the plan was adopted.

Supervisor Decker stated in the implementation plan the recreation plan is already set in action and Supervisor Brown noted that the recreation committee is set in action in regards to the recreation plan. The implementation plan only shows how the municipalities will work together. Supervisor Decker stated with the recreation that is part of the regional comprehensive plan that one of the first steps is to start the implementation agreement. The first priority is to get things going. Supervisor Shambaugh noted with the recreation plan that was adopted that a committee is to start the work on the implementation but there is no committee and there is nothing in the implementation agreement that has anything to do to force the recreation plan. Supervisor Decker questioned why the Township needs a regional recreation commission and also noted that some of the people to be named are with the NYCSF. Supervisor Shambaugh stated that the recreation plan is not a regional recreation commission but a committee that will establish a regional commission. It was noted that the name of the committee is a regional recreation steering committee. Supervisor Decker said we end up with a recreation commission. Discussion ensued. Chairman Lambert asked what the fear in this is. Supervisor Decker stated that once there is a regional recreation commission you lose a handle on your municipality and the dollars that are going into it.

Chairman Lambert indicated that he wanted to go back to the transportation initiative. Supervisor Shambaugh asked if Mr. Kober is getting a group from the municipalities to work on this. Supervisor Brown stated that there is no interest at this time. Mr. Kober will be working with Mr. Hilson, YCPC and Adams County to come up with something, to get some type of proposal.

Changes in the comprehensive plan were again discussed. Supervisor Brown stated that the Planning Commission needs to take action at their meeting tonight recommending the changes so it can move forward to the County. It was noted that there are problems with the tables. They are trying to determine what percentage of the Township is in each of the categories like village and RC or rural

conservation. All of the plans should be consistent once the zoning change is done by the Apple Blossom area.

Supervisor Decker asked who formed the transportation committee and on whose vote. It was noted that there is no committee but that Mr. Kober is talking with the County. Supervisor Decker stated that in 2001 a study was done on Route 15 as part of the comprehensive plan and the study includes from York Springs to Carroll Township. At PennDOT there is a stipulation of an official map. It was noted that if this takes another 10 years another study will need to be done. This affects or could affect the properties in the Township. Supervisor Decker stated that at the meeting Supervisor Brown indicated 3 properties for a fire station. After discussion on the official map it was noted that the map would be used for Route 15 and any other roads. Supervisor Decker asked Supervisor Brown to put that in writing. Vice Chairman Lerew indicated that if the official map is for roads he would have no problem voting for it but if it went beyond that he could not vote for an official map. Vice Chairman Lerew also stated that he would like it in writing that the map would be used for roads only. There was discussion about putting liens on these properties and Solicitor MacNeal stated that it is not a lien but that there would be restrictions placed on the property. A township taxpayer stated that this is back door eminent domain.

Supervisor Decker asked Solicitor MacNeal that per say you do not have a lien added to a deed does the official map when recorded tie up the property with the same effect as a lien until it is cleared. Solicitor MacNeal indicated there is a different procedure, if a right-of-way is listed on the property there could be an impact on the land but it depends on what is shown on the map for the use of the property. The map can be changed in the future going through the proper procedures. If your entire parcel of land is listed as a future park, yes then it will have that kind of impact. Supervisor Decker stated that once the door is open anything can happen. Solicitor MacNeal indicated that you cannot tie the hands of a future board; the map can always be amended.

Mr. Messner brought the situation at Route 15 and Orrs Bridge Road in Carroll Township that was in the paper 4 to 6 weeks ago. Chairman Lambert stated that what the Supervisors are trying to do is a work in progress and the time issues are time and money. There was also discussion regarding PennDOT and Route 15 in York County. Chairman Lambert said it was PennDOT's request for us to come up with an official map.

Chairman Lambert recessed the meeting at 12:10 p.m. for lunch.

Chairman Lambert reconvened the meeting at 12:15 p.m.

SOLICITOR SITUATION

There was discussion regarding changing the Supervisors meeting date for next year in order to keep Solicitor MacNeal on board. It was suggested to go with the 2nd Monday of the month starting at 7:30 p.m. Supervisor Decker stated that this appointment should be made at the re-organization meeting. Supervisor Brown said we're going to re-appoint her anyway. Supervisor Decker stated you cannot vote on the meeting date for 2008 or the appointment for Solicitor for 2008 because that is a forgone conclusion. Solicitor MacNeal noted that they can change the date if they so choose.

Motion: Supervisor Brown made a motion to change the Supervisors meeting date to the 2nd Monday of each month beginning at 7:30 p.m. for 2008. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Decker opposing. Solicitor MacNeal noted that they can change the date back again if they so choose.

SUBDIVISION PLANS

Engineer Knoebel reviewed the plan status as follows:

Derby Farms has 311 units off of Glenwood Road with attached housing, he thinks its condominiums. The last revised plan review was May 3 of 2007 with a revised submission received recently along with an amended storm water report. Some of the biggest issues are the storm drainage, road design, the sewer and water capacity, the Erosion and Sediment Control Plan and the NPDES permit. It was noted that the design issues need to be worked out. Chairman Lambert asked if the new submission is another stall tactic but Engineer Knoebel stated that with the letter the developers received from the Township that they want to see movement on the plans then that is their response. Sheldon Williams has been contacted and the sewer issue was discussed regarding these developments. Water for Sturbridge Place will come from Frankintown Borough. A meeting will be set up to talk about sewer with Mr. Eric Johnston and DAA. There was discussion on reservations for sewer and the developments have not reserved the capacity yet. It was questioned whether the Township will require all phases of the development to be secured with sewer before approval or whether or not they will allow the preliminary plan to be approved and then the final plan with phases approved with reserved sewer security. Everything must be reserved before approval can be given and plan recording. With the new Chesapeake Bay upgrades being done to the treatment plant the Authority is asking developers to give more money than the regular tapping fees. There is no reservation for water from Derby Farms, Lexington Fields and Williams Townhouse Estates. The Authority will not approve anything until they reserve the capacity.

Vice Chairman Lerew asked about the update on the treatment plant. Engineer Knoebel stated that the DAA has passed a resolution but they are depending on the amount of the fees collected whether or not they will upgrade the plant.

Supervisor Decker stated that Supervisor Shambaugh noted that there would be no approvals until they had capacity and Supervisor Shambaugh remembers that applicants would have to submit the planning module as part of the submission package but they would have to have module approval for preliminary plan approval. Chairman Lambert questioned Derby Farms with the location and asked who says to run sewer lines that far. Solicitor MacNeal stated it depends what is in the agreement with DAA. Sewer extension was discussed as well as septic/well. Solicitor MacNeal noted that Commonwealth Court has become very land owner friendly and with the issues listed is there reason enough to deny the plan and also with denying the planning module are there valid reasons, there are many unknown open legal issues. YCPC has been supporting municipalities attempting to draw the line on extending the growth boundaries. Solicitor MacNeal said the issue is has there been enough action on the plan in regard to the engineer's clean up issues. Engineer Knoebel noted if you don't think you are going to approve of the planning module then do not approve the plan with conditions and it was suggested that the Solicitor review this with DAA. Supervisor Decker noted that the problem is that the completeness checklist was waived. Another issue is transportation as the roads cannot handle the traffic and Solicitor MacNeal stated and that the Township should get their own

independent traffic study done by a consulting traffic engineer to look at future traffic and to get an expert opinion. Derby Farms has not submitted a traffic study but has made some progress on their plan. Supervisor Shambaugh suggested that by the Supervisors regular meeting that a list of items other than 3rd party approvals is provided that have not been done yet. Derby Farms has not submitted a traffic study.

Sturbridge Place has submitted a revised plan and it is going to the Planning Commission tonight. The applicant has been addressing the issue of water with Franklinton Borough. Other issues are the erosion control plan, NPDES and storm water. There is no water available for this subdivision at this time.

Lexington Fields there has been no progress but Engineer Knoebel stated that he expects to see something submitted soon.

Williams Townhouse Estates is the smallest of the 3 interconnecting developments with only 65 units and is in the same situation with the water and sewer and they are further along with addressing the issues of the ordinance like the storm water issue. Derby Farms and Lexington Fields are relying on each other for access. Solicitor MacNeal stated that a note be placed on the preliminary plan as they cannot do construction without the other access or it being bonded. Chairman Lambert noted that Derby Farms, Sturbridge Place and Williams Townhouse Estates have been making progress but Lexington Fields has not had satisfactory progress. Again the engineer's list should include the items that are not corrected or cannot be corrected. Although Solicitor MacNeal noted if there are items that can be corrected the plan should be allowed to move forward but if there is an issue that cannot be corrected then the plan cannot proceed (i.e. zoning issue such as a variance is needed and not granted). A complete traffic study of all developments is needed using the access to Route 194 and By-Pass Road. The school district should also be part of the traffic study.

Vice Chairman Lerew left the meeting at 1:57 p.m.

Chairman Lambert asked regarding Derby Farms, can Supervisors draw the line regarding the sewer line being expanded. Engineer Knoebel noted that there is no limit to the service area. It was suggested with a traffic study that they should look at all of the intersections and discussion ensued. Engineer Knoebel noted that Act 209 allows municipalities to implement Capitol Improvements which would cost the Township between \$75,000.000 and \$100,000.00. Chairman Lambert indicated that they establish what the Supervisors are going to do 10 days from now on the time extensions. It was decided no determination would be made without the developer being present.

Chairman Lambert asked if there was any other business. It was noted there was none.

ADJOURNMENT

Motion: Chairman Lambert adjourned the meeting at 2:10 p.m. **Seconded** by Supervisor Brown. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary