

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
September 20, 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 Timothy Knoebel, and Secretary Nancy Zentmeyer. Visitors are on the attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

Chairman Lambert led the Pledge of Allegiance and Supervisor Shambaugh gave the opening prayer.

APPROVAL OF MINUTES

Motion: Supervisor Shambaugh made a motion to approve the August 7, 2007 Workshop Meeting minutes as submitted. **Seconded** by Chairman Lambert. The motion carried unanimously.

Motion: Supervisor Shambaugh made a motion to approve the August 16, 2007 Regular Meeting minutes as submitted. **Seconded** by Chairman Lambert. The motion carried unanimously.

APPROVAL AND PAYMENT OF BILLS

Chairman Lambert questioned the plumbing bill under Recreation. Supervisor Decker noted that it was for repairs at the Century Lane Park.

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

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.

1. Escrow Account Refunds

It was noted that the Treasurer provided the Supervisors with a list of escrow accounts that should be returned to the developers.

Motion: Supervisor Shambaugh made a motion to authorize Engineer Knoebel to review this list to see which escrow accounts can be eliminated. **Seconded** by Vice Chairman Lerew. Chairman Lambert expressed thanks to Mrs. Emlet for an excellent audit and an outstanding year.

ORGANIZATION REPORTS

1. Police

Chairman Lambert gave the police report. The Township is currently at the same point as last year. 768 traffic citations were issued, 186 warning cards were issued, 82 faulty equipment cards were issued and 24 parking tickets/warning were issued. There were 33 drivers arrested for DUI and over 1,000 self-initiated traffic investigations were conducted during the month. A copy of the report is on

file at the Township office. Supervisor Decker requested that when they are patrolling during the evening hours if the police could check the restroom lights at the Township park on Century Lane.

2. Fire

No report was given.

3. EMS

Traci Cook presented the EMS report. It was noted it was a slow month. 87 calls were received with 18 calls being in Franklin Township and with a total of 148 calls for the year in Franklin Township. Mrs. Cook also provided a copy of the proposed budget. Mrs. Cook also noted that the Accountants' Compilation Report has been submitted to the Secretary. There was discussion regarding contributions in regards to the \$52.00 EMS tax and it was noted that contributions did go down some. West Shore ALS keeps increasing their portion of the membership each year. Chairman Lambert questioned whether the EMS has received any state aid or grant monies. It was suggested looking into joint participation with other companies. Vice Chairman Lerew asked when does West Shore ALS come out into this area. It was noted West Shore ALS comes out when it is considered Class 1 such as chest pains, stroke or life threatening.

4. DAA

No report was given.

5. Emergency Management

Mr. Robert Yerger presented the report. It was noted that the one issue is continuing to work on the Emergency Management Plan for York County and that it must be submitted to York County by end of December of which the Supervisors will review before being submitted. Also they are actively involved in the Northern York Emergency Task Force and there will be an emergency management workshop held on September 29th at the Carroll Township Municipal Building beginning at 8:30 a.m.

6. Route 15 Study

Mr. Wayne Kober presented the potential scope of work for the Northern York County Region Comprehensive Plan Transportation Initiative. It was noted that he is trying to get a special study and to go after transportation money. It was noted that Mr. Mark Hilson will be helping and that there is a meeting Monday night with York and Adams Counties Planning Commissions. Mr. Kober reviewed the 5 elements as follows: 1) Traffic Conditions Analyses and Model Development; 2) Intersecting Roads Traffic Safety Needs Analyses; 3) Intersecting Roads Safety Improvement Options; 4) Intersecting Roads Right-of-Way Preservation Options; and 5) Other Transportation Initiatives. Mr. Kober stated that he is working with land use ordinances. His goal is to come back in October with the scope. Vice Chairman Lerew noted that PennDOT is finishing up the work at Route 15 and South Mountain Road.

7. Ad-Hoc Committee

Supervisor Brown indicated that with all of the municipalities involved with the Comprehensive Plan have approved the changes and it will now go to the County for their review. Some of the issues discussed at the last meeting were work on the sewage disposal system, water supply system, and water resource impact study to be incorporated into the ordinance along with well drilling for any

developments to make that there is adequate water and to get the SALDO up to date. The next meeting will be held on October 9th.

SUBDIVISION AND LAND DEVELOPMENT

1. Time Extensions

- a. Lexington Fields**
- b. Sturbridge Place**
- c. Williams' Townhouse Estates**
- d. Derby Farms**

Engineer Knoebel reviewed the status report dated September 18, 2007 as follows and noting that the highlighted areas are township ordinance comments:

Lexington Fields latest review comment letters are dated November 2, 2006 for general ordinance comments and May 16, 2007 for storm water management comments. A revised plan and a revised storm water management report were recently submitted for the October Planning Commission meeting.

Sturbridge Place latest review comment letter is dated September 7, 2007 and a revised plan was reviewed before the Planning Commission at their September meeting.

Williams' Townhouse Estates latest review comment letter is dated September 29, 2006.

Derby Farms latest review comment letter is dated May 3, 2007. A revised plan and comprehensive storm water management report were recently submitted for the October Planning Commission meeting.

It is noted that Lexington Fields, Williams' Townhouse Estates and Derby Farms are subdivisions that interconnect and with the road alignment it is recommended that a more comprehensive traffic study be done. It was noted that there was a meeting held on this date at DAA with representatives of these developments to discuss upgrades to the By-Pass Road pump station, feasibility reports for sewer and water and the process to reserve capacity. Engineer Knoebel indicated on the plan status report the action deadline dates need to be amended.

Mr. Eric Johnston and Mr. David Getz were present representing Lexington Fields. Mr. Johnston indicated that a plan has been resubmitted in response to the previous comments and that there have been 2 meetings with the representatives of Derby Farms and Williams' Townhouse Estates. Mr. Johnston noted he is still working with DAA. Chairman Lambert commented on the number of comments and waivers still needed on this plan. Mr. Johnston suggested that Sturbridge Place could be a conditional approval with everything being done on the preliminary plan. It was noted that there will be monthly updates. In regards to the Williams' Townhouse Estates this plan is a little further ahead. Chairman Lambert asked if the plans need to be cutback or look at phasing. It was suggested that the developers work with the Township. No action is needed at this time.

Supervisor Decker asked Mr. Johnston about the notifications the Township received dated August 27, 2007 in regards to Act 14 and the NPDES permit and that the Township can respond to DEP. She

questioned what project was being looked at. The information is not clear what project was being addressed. It was noted on the land use information questions that there is no zoning. Engineer Knoebel stated that he will respond to DEP. There were questions on who is the current developer Lexington Fields and Mr. Johnston stated that he would check into this and let the Township know since it has changed hands.

There was discussion on Apple Blossom Estates and the questions answered are similar to Lexington Fields and also there was discussion regarding the water tank. Also noted was that this is in the proposed growth area.

2. Sophia Pearlman, Time Extension

A time extension for the Sophia Pearlman Plan was received until December 31, 2007. Solicitor MacNeal indicated that she has spoken with both attorneys and her recommendation is to grant the time extension as there are 3 reasons why the time extension should be approved: 1) planning module is currently going through the process; 2) waiting for the driveway permit; and 3) the objectors comments are being addressed. Solicitor MacNeal indicated that she needs to review the plan and also needs a meeting with both attorneys as to what issues there are on both sides and she needs more time to understand the issues.

Motion: Supervisor Shambaugh made a motion to accept the time extension for Sophia Pearlman Subdivision Plan until December 31, 2007. **Seconded** by Chairman Lambert. The motion carried with Supervisor Decker abstaining because of personal involvement.

REPORTS

Engineer

Engineer Knoebel stated that he has no report at this time.

Solicitor

1. Comcast Franchise Agreement

Solicitor MacNeal indicated that the revised final franchise agreement has been received along with the side agreement which includes the \$10,000.00 contribution Comcast will make to the Township. Solicitor MacNeal has provided a draft ordinance for review to renew the Comcast Franchise Agreement for 10 years. An ordinance will need to be adopted and Solicitor MacNeal is requesting authorization to advertise the ordinance for adoption at the October Board of Supervisors meeting.

Motion: Chairman Lambert made a motion to grant Solicitor MacNeal authorization to advertise the adoption of the Ordinance for the Comcast Television Franchise Agreement for the October 18th meeting. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

Building Permit & Zoning Officer

1. Driveway Ordinance

Mr. Fahey presented his report and the first item discussed was the driveway ordinance which requires new homes and that the driveways are be paved up to the right-of-way but he feels is not being enforced. Engineer Knoebel explained the ordinance and the breakdown of the roads. Mr. Fahey felt that either this be stricken from the ordinance or it be enforced.

2. Demolition Permits

Mr. Fahey noted that he had established a fee-free demolition permit to track waste disposal and to report/track building activity with the County. Solicitor MacNeal stated that the Township has to establish an ordinance and set a fee as the permit means nothing unless it is established and authorized by the Board of Supervisors. It was suggested that Mr. Fahey can write a letter to the County specifying what has been demolished, since no authorization has been given. It was noted that Mr. Fahey should not submit something that looks like a permit.

3. Mr. May, Farm Land

Mr. Fahey stated that Mr. May a farmer in the township has recently passed away but that his farm is being kept up. Many years ago when Route 15 went through his farm PennDOT had not established any type of right-of-way but that it was just a gentlemen's agreement and now the owner does not have access to their crops.

4. Stone Head Road, Foxwood Estates

Solicitor MacNeal questioned the e-mail that Mr. Fahey received regarding a potential buyer for a lot in Foxwood Estates and the type of use for the barn. Solicitor MacNeal noted that if this is a zoning issue Mr. Fahey could address it. After discussion Solicitor MacNeal noted that this would be a deed restriction

5. Conditional Use Hearing, Appalachian Tennis Facility

Mr. Fahey indicated that a conditional use hearing needs to be set to hear the application for Appalachian Tennis Facility in the Mixed Use zoning district. It was noted that should go before the Planning Commission at their October meeting for their recommendation. After a review of dates it was noted that the hearing will be held at 6:00 p.m. one hour prior to the Board of Supervisors meeting on October 18th.

Roadmaster

Supervisor Shambaugh noted that the Roadmaster had submitted his road report.

1. Waiver Request, Driveway Permit for 302 Robin Hood Road

A waiver is being requested for the paving a parking area at 302 Robin Hood Road in order for the homeowner to park their RV. Mrs. Robert Shannon presented the request. The parking area is currently stone. Supervisor Shambaugh noted that there may be problems and this may need to involve the Engineer to do an inspection. There is a concern with the paving to be done in the Township right-of-way and the way the prepared area is there is no gutter line and it could throw the water back onto the street. Solicitor MacNeal indicated that she would like to see the dimensions of the parking area. Also discussed is the way the road is sloped and it was noted that the water runs on the homeowner's side of the road. Solicitor MacNeal questioned if there are provisions in the zoning ordinance regulating this situation. With this being a corner lot both sides on a street are considered front yards. It was suggested to leave it as stone. Supervisor Shambaugh noted that this was installed in the Township's right-of-way without a driveway permit. It was suggested that Mr. Fahey also look at this. Supervisor Decker suggested providing a swale to carry the water. It was noted that this would be considered a second driveway. Solicitor MacNeal noted that the swale is an issue and the liability stand point if there is enough depth in the parking area that the RV is parked off the right-of-way.

Engineer Knoebel noted that he will look at this and report back to the Board before we can act on the waiver.

2. George Hammell, Driveway Permit for 2 Chestnut Hill Road

Mr. Hammell noted that he was here last month and gave Supervisor Shambaugh a diagram of a second driveway but has not heard anything regarding his permit. Mr. Hammell stated his displeasure with not hearing from the Board and losing his place on the contractors list and the cost would now be greater. Engineer Knoebel stated that the Supervisors have considered allowing second driveways with a waiver request. Supervisor Shambaugh noted that he had measured the area and the driveway it is only 17.5' from the center of Clear Spring Road and does not meet the ordinance which requires 40'. There was discussion on a second driveway and Mr. Hammell indicated that would be more beneficial to him. The distance from the intersection was discussed and it is more of a safety issue. It was noted that Mr. Hammell could pave if he went back to his original plan.

Park & Recreation

Supervisor Decker gave the following recreation report: the pavilions at the Century Lane Park have been painted with the help from 6 Messiah College students as part of their community service project. Pavilion repair is needed with 2 of the ends needing replaced as they have become weathered. It was suggested that Terry Dougherty be contacted. Paving at Ponderosa Park of the walk and handicap areas was discussed and it was suggested using ID-2 Binder, ID-2 Wearing course and 19mm Superpave. Supervisor Decker noted that she received approval from DCNR just to use the 19mm Superpave since that is what was bid. There was discussion with Pennsy Supply with the Township doing some of the work for a reduced cost. If this doesn't work then Supervisor Decker will contact DCNR about going out for bid. KPI is doing work at Ponderosa Park which they began on Tuesday and it is noted that the stream encroachment permit is not needed because the drainage area is less than 100 acres. The sign indicating the project was funded through DCNR only cost \$37.00 but there were sharp corners that needed to be covered. Supervisor Decker thanked Bruce Holbrook for preparing a board and mounting the metal sign at no cost. The senior path and plant screening will also be done along the neighbor's property.

OLD BUSINESS

1. LST Ordinance, West Shore Tax Bureau

Chairman Lambert stated that he supports this ordinance and that there has been no increase in taxes in the Township in 6 years. This tax is only for people who work in the Township which is approximately 500 and not for all the residents of the Township. To support our real estate transfer tax and due to the slow down in the building industry there is a proposed \$5,200.00 short fall and a \$60,000.00 lost in earned income. With this tax it would generate over \$22,500.00. Carroll Township and Dillsburg Borough has adopted this ordinance. Supervisor Decker noted that the last time this was discussed that there are a lot of home businesses in the Township and it was felt that if taxes are to be increased they should be across the board. Supervisor Decker noted that she opposes this ordinance and said you are putting the short fall on these 500 employees. Chairman Lambert stated that if you look at the number it makes sense. Vice Chairman Lerew asked if you must go the full \$52.00 or at a reduced rate. Solicitor MacNeal indicated that the Township can do a lesser amount and it is pro-rate throughout the year. Supervisor Shambaugh suggested that the Solicitor advertise this ordinance and Supervisor Brown agreed. Supervisor Decker suggested that this would put the short fall on these people.

Motion: Supervisor Shambaugh made a motion to authorize Solicitor MacNeal to advertise the LST Ordinance. **Seconded** by Chairman Lambert. Vice Chairman Lerew questioned the amount the amount and it was noted that it would be the \$52.00. The motion carried with Vice Chairman Lerew and Supervisor Decker opposing.

NEW BUSINESS

1. Schedule Budget Meetings

There was discussion on when to schedule the budget meetings. After discussion it was decided to meet on October 30, 2007 and November 6, 2007 at 11:00 a.m.

2. Schedule Trick or Treat Night

Motion: Supervisor Brown made a motion to schedule Trick or Treat Night on October 31, 2007 from 6:00 p.m. until 8:00 p.m. **Seconded** by Chairman Lambert. The motion carried with Supervisor Decker abstaining.

3. York County Association of Townships of the Second Class Convention

Motion: Chairman Lambert made a motion to allow any Supervisor who wishes to attend the York County Association of Townships Convention. **Seconded** by Supervisor Shambaugh. The motion carried. Supervisor Decker stated before action is taken it should also include reimbursement for mileage and attendance. **Motion:** Chairman Lambert amended the motion to also include the reimbursement for mileage and attendance. **Seconded** by Supervisor Shambaugh. The motion carried unanimously.

4. Training Seminar for QuickBooks

Motion: Supervisor Shambaugh made a motion to approve sending Treasurer Emlet to the QuickBooks Seminar. **Seconded** by Vice Chairman Lerew. The motion carried unanimously.

Supervisor Decker indicated that she is interested in attending a meeting of the York County Local Government Advisory Committee on September 25, 2007 and is requesting permission to attend at a cost of \$28.00.

Motion: Supervisor Shambaugh made a motion to allow any Supervisor who wishes to attend the York County Local Government Advisory Committee meeting and to pay the fees. **Seconded** by Supervisor Brown. The motion carried unanimously.

CORRESPONDENCE

There was no correspondence.

PUBLIC COMMENT

1. Barry May

Mr. May indicated that he is looking to obtain a written right-of-way for property at Route 15 and County Line Road. Mr. May indicated that there is nothing recorded and this is creating a hardship as there is no access to the farm and years ago there was a gentlemen's agreement (1957) to access the farm. Mr. May asked what recommendations can the Township give him to get this recorded.

Solicitor MacNeal noted that this is a private issue and that Mr. May should have his attorney prepare a document and to have this recorded.

2. Ron Stevens

Mr. Stevens noted that 3 months ago he requested from the Township Solicitor if it legal for governments to give money to a non-profit organization and he still has not received an answer and that he has only found that Townships can give to fire companies and local libraries only. He questioned why Chairman Lambert's response last month was that the general fund had an increase of \$135,200.00 more than last year and \$50,900.00 in recreation.

Another issue Mr. Stevens brought up again was if the Supervisors have the right to have meetings with lunch provided.

Mr. Stevens said his question still is where does it say it is legal to give township money to non-profit organizations.

Supervisor Decker noted that Solicitor MacNeal stated this provision was under the Second Class Township Code. She state she would also like an answer and the Supervisors would have to authorize Solicitor MacNeal to get this information and after discussion is was decided that Solicitor MacNeal provide the Township with this information.

Mr. Ken Swomley addressed school taxes and the organizations. Supervisor Brown stated that the school is saving a lot of money by having NYCSF doing the adult education classes now.

3. Bill Messner

Mr. Messner made the comment that the County of York is supporting illegal immigrants and asked if the Township is also taking that position. Representative Scott Perry was present and stated that the County has not made such statements although he does not know what the City of York is doing.

4. Township Resident

An unidentified resident indicated that they are new to the Township and questioned if the Township has a newsletter and also about the expansion of the building.

5. Don Lerew, Jr.

Mr. Lerew stated that he was at the Planning Commission meeting to receive input regarding a 2-acre subdivision and they are proposing doing a flag lot which is 600' off of South Mountain Road which is in Clean & Green and they only allow a 2-acre subdivision in a year and the Township Zoning Ordinance only allow 2-acres on the flag lot and he is before the Supervisors for guidance for a more than 2-acre lot which will effect the taxes on Clean & Green, and with the handle being 6/10's of an acre this becomes a back tax issue for the entire farm which comes to almost \$32,000.00 and wants to know what he should do. Clean & Green offers a reduced assessment value and reduced taxation to the landowner. It was noted that he could apply for waiver or ask for a variance. Mr. Lerew stated that he would like something in writing from the Township to Clean & Green with regards to the requirements. It was noted that his option is to apply for a variance or again check with Clean & Green. There was discussion on reducing the handle from 50' to 25'. It was noted that if a letter is issued it should be based on the Township Ordinances and either come from the Zoning Officer or

Township Solicitor. It was suggested that Mr. Fahey work with Engineer Knoebel and Solicitor MacNeal.

Supervisor Shambaugh noted some correspondence that was received and commented on the letter from York County Board of Commissioners regarding the gypsy moth infestation. Another issue was the letter received regarding Mr. Hess and the dumping of various garbage items. Supervisor Shambaugh suggested that this be forwarded to DEP. The other letter was received from the County of York regarding NIMS and it was noted that Mr. Fleming was given a copy of this.

EXECUTIVE SESSION

At this time Chairman Lambert moved for an Executive Session.

At 9:21 p.m. the Executive Session ended and the following motions were made.

Motion: Supervisor Shambaugh made a motion to accept the resignation of Chairman Lambert effective October 1, 2007. **Seconded** by Supervisor Brown. The motion carried with Vice Chairman Lerew opposing that he felt that Chairman Lambert should fill his term.

Motion: Supervisor Shambaugh made a motion to appoint Edward Campbell to fill the unexpired term for Larry Lambert. **Seconded** by Supervisor Brown. The motion carried unanimously. It was determined that Vice Chairman Lerew would be Chairman for the remainder of the year.

ADJOURNMENT

Motion: Supervisor Shambaugh made a motion to adjourn the meeting at 9:23 p.m. **Seconded** by Supervisor Brown. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary