

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
January 14, 2008**

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Naomi Decker, Edward Campbell and Gary Brown. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, and Secretary Nancy Zentmeyer. Visitors are on the attached sign-in sheet. The meeting was called to order at 7:32 p.m. at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

PLEDGE OF ALLEGIANCE AND PRAYER

Chairman Lerew led the Pledge of Allegiance and Supervisor Brown gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, November 15, 2007

Motion: Supervisor Decker made a motion to approve the minutes of the Board of Supervisors Regular Meeting of November 15, 2007 as submitted. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Board of Supervisors Workshop Meeting, November 28, 2007

Motion: Supervisor Decker made a motion to approve the minutes of the Board of Supervisors Workshop Meeting of November 28, 2007 as submitted. **Seconded** by Supervisor Brown. The motion carried unanimously.

APPROVAL AND PAYMENT OF BILLS

Supervisor Decker noted that she had no copies from KPI for the SEO bills. Supervisor Decker also questioned the PSATS retirement bill for 2008. It was suggested with going into this program that a meeting should be arranged. Solicitor MacNeal noted that generally the Township gets billed for the MMO but then later, usually in the fall, the Township will get a check from the State that goes toward the pension to off-set the previously paid MMO.

Motion: Supervisor Brown made a motion to approve the payment of the bills as submitted. **Seconded** by Chairman Lerew. The motion carried but with Supervisor Decker stating with the exception to the KPI SEO bill because she has not seen it.

TREASURER'S REPORT

Motion: Supervisor Decker made a motion to accept the Treasurer's Report as submitted. **Seconded** by Supervisor Brown. The motion carried unanimously.

ORGANIZATION REPORTS

1. Police – Chairman Lerew gave the police report with the breakdown for 2006 and 2007. In 2006 there were 1200 calls and in 2007 there were 1208 calls in the township. The report is on file at the Township office.

2. Fire – There was no one present from Citizens Hose Co. #1 to give a report. Mr. Dick Blouch was present from Franklinton Fire Co. He gave the report and noted the following: During the month of December there were 19 incidents in Franklin Township with a breakdown of those calls by category and percentages. The number of calls for 2007 in Franklin Township was 171. Mr. Blouch noted that Franklinton Borough will be drilling a well which should be soon and he will let the Township know.

3. EMS – Mr. Bob Watts gave a year end report as follow: there were 130 medical calls, 22 fire calls, 38 motor vehicle accidents, 1 standby event, and 23 missed calls with a total of 214 calls for Franklin Township. The average time on a call was 1 hour, 45 minutes. Membership runs \$70.00 for an individual and \$90.00 for a family which includes ALS service from West Shore. Chairman Lerew asked what the cost factor is for people who do not sign up for membership. Mr. Watts gave the following ballpark figures: ambulance-\$600.00, paramedic-\$800.00 to \$1,000.00, and air support could maybe be \$10,000.00. Membership runs from April 1 through March 31. The percentage of municipality’s residents that use the service is maybe a 20% return.

4. DAA - There was no report given.

5. Emergency Management – Mr. Robert Yerger gave a brief report. On January 22nd there will be a Family Support Meeting.

6. NYCRCP Transportation – There was no report given.

7. Ad-Hoc Committee – Supervisor Brown noted that there was no meeting this month but the meetings will be held on the same date as last year, which will be on the 2nd Tuesday of each month. On January 30, 2008 there will be a meeting held beginning at 7:00 p.m. at Carroll Township regarding the changes to the Northern York County Regional Comprehensive Plan. Supervisor Brown noted that he would like all of the Supervisors to attend this meeting.

SUBDIVISION AND LAND DEVELOPMENT

1. Donald & JoAnn Lerew Final Subdivision Plan, Approval

Chairman Lerew stated that he will be abstaining from this plan. Engineer Knoebel gave a review of this plan as follows: this plan is to subdivide an existing 63.43-acre tract (lot 1) into two lots. Lot 1 shall contain 60.93 +/- acres and Lot 2 will contain 2.50 +/- acres. The property is located within the Open Space and Steep Slope Overlay zoning districts on South Mountain Road. It was noted that the Planning Commission recommended approval of this plan with the comments and waiver requests from the KPI memorandum dated January 4, 2008. The sewage module was approved last month and the Township is awaiting approval by DEP. Engineer Knoebel reviewed the 3 waivers from Section 402.A, Section 402.a.6 and Section 402.A.33. There was discussion regarding comment #6 being noted as: “the cumulative impervious coverage for this parent tract subdivision is greater than 10,000 s.f. therefore it should be noted that a grading and stormwater management plan will be required prior to issuance of a building permit”. It was noted the reason for this comment is with the driveway, home and parking it comes to the 10,000 s.f. It was noted that the applicant could agree to this comment with a note on the plan or request a waiver. There was discussion regarding water run-off going into a pond and that the applicant provide a calculation for that. Supervisor Campbell stated at the time of construction there could be concern about stormwater run-off as there are no large

detention ponds. Also discussed was roof leaders, if the property is graded properly so not to impact the state road.

Mr. Chris Hoover of Hoover Engineering provided information. It was noted that there is not a large amount of run-off from the impervious areas, could provide shoulder swale along the low side of the driveway, and have a small infiltration trench for roof leaders which would be a minor increase. Supervisor Campbell stated that the Township has a responsibility the residents as noted on another situation in the Township in which there is water being discharged onto a road and at this time of year is freezing.. It was noted that a note should be placed on the plan. The grade of the driveway is only 1 or 2%. A stormwater management plan will be done at the time of construction and a note on this issue will also be placed on the plan.

Motion: Supervisor Brown made a motion to approve the 3 waiver requests from Section 402.A – to allow plan scale to be 1” = 60’ and 1” = 400’; Section 402.a.6 – to provide existing contours on residual tract; and Section 402.A.33 – to provide a wetland investigation for the entire parcel. In note 4 should be revised to say “residual”. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Motion: Supervisor Campbell made a motion to approve the Donald & JoAnn Lerew Final Subdivision Plan upon receipt of the sewer planning module and a note on the plan regarding the stormwater management plan for storm water planning before the building permit is issued. **Seconded** by Supervisor Brown. The motion carried unanimously.

2. Time Extensions

Derby Farms Preliminary Subdivision Plan

Engineer Knoebel noted that this plan has remained active with the filing of revised plans. They are requesting a time extension until May 31, 2008. Chairman Lerew questioned whether or not a change of date for time extensions since the Supervisors meetings have changed. Mr. James Strupe of Alpha Engineers was present and noted that the plan is moving forward and that there are a lot of land owners they are coordinating with and this plan could take in excess of a year.

Motion: Supervisor Campbell made a motion to accept the time extension for Derby Farms Preliminary Subdivision Plan until May 31, 2008. **Seconded** by Chairman Lerew. The motion carried unanimously.

REPORTS

Engineer

1. Quality Greenhouses Letter of Credit

Engineer Knoebel noted that Quality Greenhouses has a large and complex stormwater management system in which the work has been completed and last month the Supervisors authorized KPI to do the final inspection. Engineer Knoebel noted in his memorandum dated January 9, 2008 that their Letter of Credit is in the amount of \$232,434.00 and it is recommended that the Township should retain \$66,000.00 which is the primary cost of the stormwater basin itself until such time an “as-built” plan is submitted.

Motion: Supervisor Campbell made a motion to reduce the Letter of Credit for Quality Greenhouses by \$166,434.00. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. David Young Letter of Credit

Engineer Knoebel noted that an inspection was done of Mr. Young's property at the corner of Capitol Hill Road and Route 15 and money was held for stormwater management, a final inspection was done and corrections have been made and this Letter of Credit in the amount of \$11,309.00 can be released.

Motion: Chairman Lerew made a motion to release the David Young Letter of Credit in the amount of \$11,309.00. **Seconded** by Supervisor Campbell. The motion carried unanimously. Engineer Knoebel noted that there are issues with the payment of invoice fees and it should be added to the motion. Chairman Lerew so noted that the fees be included in the motion.

Traffic Engineer

Engineer Knoebel noted that some of the subdivisions the Township is dealing with are large and with traffic problems the Township may need traffic engineer as needed. Engineer Knoebel recommended the Township consider the appointment of Trans Associates, Inc. which is who they use for traffic studies. It was also noted that this could be done at any time and if the Supervisors would want to discuss this with them they are available to do that. The cost could then be passed on to the developer. Supervisor Decker noted that the Township should also check into McMahan Associates. There should be more than one in order to compare. This could be looked at again at next month's meeting.

Solicitor

Solicitor MacNeal noted that with the sufficient turn over of Planning Commission members she recommended that it would be helpful to call in all of the developers with outstanding plans and inform the new members what the status of their plan is. Letters will be sent to those developers.

Solicitor MacNeal offered that she would be available to do a worksession with the Planning Commission members as to what their role is, the procedures, and to answer any questions they may have.

Solicitor MacNeal noted that she would like to request an Executive Session for discussion on pending litigation.

Building Permit & Zoning Officer

1. Overcash Property

Mr. Fahey noted that he has sent letters to Overcash regarding the condemnation of this property and to a property on Chainsaw Road. The owner of the Overcash property, Bob Getts, has been in contact with Mr. Fahey and he was under the impression that his tenant had submitted drawings for plan review and a building permit. Mr. Getts pro-offered to have architectural drawings to the Township as soon as possible. Mr. Fahey is asking the Supervisors on how to proceed. It was asked if the Supervisors want to put any restrictions since this problem has been identified. Since this is a commercial building Mr. Fahey states that there will be a walk through with Labor & Industry at the next audit. Also any drawings submitted to the Township will need 2 stamped engineered drawings. Labor & Industry is called in when there is an accessibility dispute. Solicitor MacNeal noted that there are 2 types of condemnation, eminent domain and un-habitable. There is a condemnation procedure

that can be completed through the nuisance buildings ordinance that was adopted last year by the Township. Supervisor Decker asked what is the Township's liability and Solicitor MacNeal noted that the Township is protected since the property owner has been notified. Supervisor Campbell noted the time period is too close and that a second letter be sent to extend the deadline.

2. Chainsaw Road

Another issue is the illegal building and use activity at 136 Chainsaw Road. Mr. Fahey described the property as follows: an apartment above a detached garage, there have been many renovations. This owner is to provide tax information. The property has never been inspected. Mr. Fahey stated that he needs guidance from the Township Solicitor.

3. Text Amendments

It was noted that this has been addressed.

4. Snyder Property, 45 Union Church Road

Mr. Fahey addressed this as a text amendment. Mr. & Mrs. Snyder are questioning the maximum height permitted for an accessory structure on a residential property is only 20'. This was quoted from Article 2, Section 203 of the Township's zoning ordinance. Mr. & Mrs. Snyder are in the process of constructing a pole barn as a detached garage. The primary residence has a steep pitch of 24' and they would like to have the same height of the accessory structure. It was noted that agricultural buildings have a height of 50'. Solicitor MacNeal asked if this has been submitted to the Planning Commission for possible adoption in February. If not then the Township has to go back a step and this would need to go before the Planning Commission. Supervisor Campbell noted that this does make sense. It was noted that if the Snyder's would like to construct this soon they want to go for a Variance. It was noted that the roof would be 10x12 which would equal a 22' pitch. Solicitor MacNeal stated if the Planning Commission could compile a list of amendments the Township could either hold or proceed on the pending text amendments. Supervisor Brown noted that is a topic at the Ad-Hoc along with the panhandle.

5. Zoning Hearing Board

Mr. Fahey reminded the Supervisors of the upcoming Zoning Hearing Board meeting of January 21, 2008 and the Variance regarding the steep slope issue and that Engineer Knoebel is to be here. The second hearing will be Dr. Wiggin's on Scotch Pine Road on the same date.

6. Old Issues

Mr. Fahey noted that there is an ordinance regarding the inspection of mobile home parks which has never been enforced. The Carlisle Group from California bought WalMar Manor and contracted The Oklahoma Group to research the issues with the park and are asking Mr. Fahey about outstanding issues with the park. Supervisor Campbell stated that it seems like a title search and the Township is not legally obligated. The owner can send someone to look at the records. The bio-fuel is not a feasible issue.

Supervisor Campbell noted that there are large piles of debris behind Joseph's Machine Shop and asked if this was in the wetlands Engineer Knoebel asked if the Township wants KPI to look at it and that YCCD would also get involved. Engineer Knoebel was also asked to check if the storm water pond was involved in the dumping area.

The barn next to the old Etnoyer's lot has collapsed and the owner has sold it to the Amish. There was discussion if this would be a DEP problem.

Chairman Lerew noted that at the Harmony Bethel Church at Clear Springs Road a house has been torn down and that the basement should be filled-in. . It was suggested that a letter be sent to the owner.

Supervisor Campbell commented on the letter the Township received from Mr. Ron Stevens regarding Franklin Church Road and the water run-off. Supervisor Decker stated that the Township needs to contact PennDOT. The water run-off goes onto the road and freezes. A letter is to be sent to PennDOT regarding this situation and others in the Township with the same problem.

The property on Scotch Pine Road was discussed again. It was noted that road crew is to dig out the ditch to improve the situation. This would be done in the Township right-of-way. Roadmaster Ocker said it could be fixed with some pipe he has removed from another area.

Roadmaster

Vice Chairman Shambaugh noted that a copy of the Roadmaster's report has been submitted. New equipment that is to be purchased is in the starting phase. This report will be on file at the Township office.

Park & Recreation

Supervisor Decker indicated that there was no meeting but noted that she would like for this Board to go back to being a 5 member Board. It was noted that Mr. Ocker is no longer on the Park & Recreation Board but he will give information to the Board pertaining to the parks. A list of anything needed repaired or addressed will be given before the meetings.

Motion: Supervisor Decker made a motion to return the Park & Recreation Board to a 5 member Board. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Chairman Lerew noted that there has been work done on the senior citizens walking trail. There was discussion regarding playground equipment for the Twin Hills Development. Supervisor Decker noted she would have to look at the layout of the land, they need to take a good look before they just do something. It was noted that this area is around 3-acres but there is limited access. It was suggested to send out a letter to get feedback from the residents in Twin Hills.

OLD BUSINESS

Supervisor Decker discussed the DEP Ash Recycling Permit and that the Township received a letter from Scott Perry that he wrote to DEP. The ash for beneficial use is no longer used. Supervisor Decker noted that she has some concerns since the Michael Sunday property is for sale and questioned what is the impact with the stream and since there are no test wells. Solicitor MacNeal noted that this issue is under DEP jurisdiction. Solicitor MacNeal will write a letter.

NEW BUSINESS

1. Clean-Up Day

There was discussion on setting the date for this years Clean-up Day. It was noted that for the last couple of years it was set on the first Saturday in May. It was decided to keep that same date, which will be May 3, 2008. Trash haulers will be contacted to submit proposals. The hours for clean-up is from 8:00 a.m. until 2:00 p.m.

2. PSATS Convention, May 2008

The PSATS Convention will be held in May and in order to receive the discounted price for the registration fee, that needs to be paid by January 31st. The Supervisors were asked who was planning on attending and Supervisors Decker, Brown and Lerew indicated they are.

3. Concern - Asbestos

Supervisor Decker noted that she had received a call about asbestos in the Township. Solicitor MacNeal noted that there are OSHA requirements for handling of asbestor. Perhaps DEP or the County could be contacted for possible solutions. Supervisor Campbell recommended calling the local trash hauler for guidance.

CORRESPONDENCE

1. L.A.B.S., Cost of Analytical Services for 2008

Correspondence was received from L.A.B.S. regarding their fee schedule for water testing in 2008.

Motion: Supervisor Decker made a motion to approve and sign the proposal for L.A.B.S. to do our testing for 2008. **Seconded** by Chairman Lerew. The motion carried unanimously.

PUBLIC COMMENT

Mr. Ron Stevens

Mr. Stevens noted that he had received a warning on Brittany Lane for crossing the yellow line on an "S" curve and the Northern York Regional police officer held him up for 45 minutes. Mr. Stevens said he thought it was a waste a time and money to watch for speeders on Brittany Lane.

NYCSF

Supervisor Brown noted the events that are held at the community center. They have a successful youth night once a month, a dance once a month, and movies. All of these activities are held at the Old Middle School Sports & Learning Center which is in the lobby and gymnasium.

Planning Commission

Supervisor Decker noted that she appreciates Edward Campbell, Leroy Darr, and Allen Hoffman for serving on the Planning Commission and that they should receive a Certificate of Appreciation. It was also suggested to have plaques made and present them to those 3 members at a Board meeting. She also thanked Bob Yerger, Joshua Dourte, and Charles Bowers for their willingness to serve on the Planning Commission.

EXECUTIVE SESSION

The Board of Supervisors went to Executive Session to discuss pending litigation with no action.

Motion: Supervisor Decker made a motion to approval of the payment of the parking ticket for the Secretary received while recording plans for the Township. **Seconded** Chairman Lerew. The motion carried unanimously.

Chairman Lerew presented a report from the recycling center. The report is on file.

ADJOURNMENT

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary