

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
November 10, 2008**

**CALL TO ORDER**

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, Naomi Decker and Edward Campbell. Also present were Engineer Timothy Knoebel, Solicitor Stacey MacNeal and Secretary Nancy Zentmeyer. Visitors are on the attached sign-in sheet. The meeting was called to order at 7:30 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, October 13, 2008**

**Motion:** Vice Chairman Shambaugh made a motion to approve the minutes of October 13, 2008 as submitted. **Seconded** by Supervisor Brown. Supervisor Decker noted on page 5 the motion at the bottom of the page should be corrected to read "is 1 foot over the right-of-way". The motion carried unanimously with the correction.

**APPROVAL AND PAYMENT OF BILLS**

Supervisor Brown questioned under the General Fund the Plastered Equipment Co. and it was noted it was for the John Deere repair.

**Motion:** Vice Chairman Shambaugh made a motion to pay the bills as submitted on the bill list. **Seconded** by Chairman Lerew. The motion carried.

**TREASURER'S REPORT**

**Motion:** Supervisor Decker made a motion to approve the Treasurer's Report as submitted. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

**1. Budget Meeting – Set Date**

**Motion:** Supervisor Campbell made a motion to advertise the next budget meeting of November 15, 2008 beginning at 9:00 a.m. and to include any other business. **Seconded** by Chairman Lerew. The motion carried unanimously.

**ORGANIZATION REPORTS**

**1. Police –** Chairman Lerew noted that Northern York Regional Police lost an officer while investigating a fatal accident in the Hickory Road on Route 15 area. Mr. Dennis Seymore addressed the Board regarding a petition that was signed by residents along Hickory Road. It was noted that this will be addressed during Public Comment. For the August report in 2007 there were 114 calls and in August 2008 there were 99 calls. For the September report in 2007 there were 104 calls and in September 2008 there were 95 calls, which indicates that calls are down. The police report will be on file at the Township office if anyone wishes to review this information.

**2. Fire** – There was no one present from Franklinton Fire Company. Mr. Tony Baker from Citizens Hose Co. #1 gave the following report: there were a total of 306 calls with 33 calls for Franklin Township year to date. There were 7 calls for the month of October in Franklin Township. The fire company had a good Farmers Fair. There was discussion regarding chimney fires and what can be done to prevent such fires, such as smoke detectors.

**3. EMS** – Ms. Traci Cook presented her report as follows: there were 15 calls in Franklin Township with 11 being medical and 4 motor vehicle accidents. It was noted that next Tuesday there is a meeting at 7:00 p.m. regarding Route 15 and there will be someone there to represent the EMS. Ms. Cook noted that the State Police are out on Route 15 fining drivers. EMS is currently looking at vendors for the new ambulance which will be replacing the 2002 ambulance. There are some new hires including an EMT/office person who will be there during the daylight hours.

**4. DAA** - No report at this time.

**5. Emergency Management** – EMA Center was activated at 10:30 a.m. on October 21, 2008 regarding the fatality accident with the police officer Route 15. Mr. Yerger also report that he had submitted a report on the activity of the drill that was held on September 27.

**6. NYCRCP Transportation** – Supervisor Brown noted that YCPC has approved the contract to go to the contractor but has not received it back yet. It was noted that Route 15 part of the Comprehensive Plan to make it safer.

**7. Ad-Hoc Committee** - Supervisor Brown noted that the Ad-Hoc meeting is tomorrow night. There is a draft of the SALDO and the committee members will be discussing any final items.

**8. Building Committee** - Mr. Yerger noted that letters were sent to the immediate stakeholders on September 24<sup>th</sup> requesting that responses be submitted by the end of October. Interviews will begin on Wednesday. There was an article in the recent newsletter and the Township is starting to receive comments. A workshop should be considered at the end of January with the Supervisors.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Letter from Johnston & Associates Re: Sewer and Water Capacity**

Mr. Eric Johnston from Johnston Associates and Mr. Sheldon Williams, Manager of the DAA were present to discuss the sewer and water capacity letters that are needed for preliminary plan approval. Mr. Johnston has been before the Board of Supervisors the last couple of months regarding this issue. Mr. Williams did provide for the Supervisors various documents and policies for looking at capacity requests. The developer will first come to DAA for a conference and then submit a feasibility report looking at the whole project and to identify major facilities. The Capacity Reservation Agreement and feasibility report are two documents that a developer needs. It was noted that the developer informs DAA what they need. DAA does not get into phases of development but responds to what is given and what is in the reservation capacity agreement. The Chesapeake Bay water issue works with the Nutrient Capacity Funding Agreement. An extension agreement also needs to be signed. If DAA does not have the signed agreements then it is not approved.

Supervisor Campbell noted that there is a stale mate with the current development plans regarding the preliminary plans and the reservation that needs to be paid. There are also fees quarterly for sewer and water capacity. Vice Chairman Shambaugh asked a state does DAA sign the modules and it was noted after the feasibility report and reservation agreement are submitted. A phased module would be accepted by both DAA and DEP. There were noted concerns about the planning module with the preliminary plan as that shows the entire development. There was discussion on phased plan approvals and the infrastructure with interconnecting phased developments. With a preliminary plan the developer could reserve capacity with the first phase of the development and then final plans with each additional phase of that development. A condition could be construction plans need approved before the final plan approval. It was noted that DAA is ok with a phased plan and DAA will require a nutrient agreement for the entire development with no payment until the final plan.

## **REPORTS**

### **Engineer**

#### **1. Water Street Bridge Inspection**

Engineer Knoebel stated that the structural engineer has not inspected this bridge but it will be done for next month's meeting.

#### **2. Quality Greenhouses Letter of Credit**

Engineer Knoebel noted that the original Letter of Credit was in the amount of \$232,434.00 and has been reduced to \$66,000.00. Based on a site inspection verifying required improvements have been completed it is recommended that the Letter of Credit for Quality Greenhouses be released.

**Motion:** Supervisor Brown made a motion to approve the release of the Letter of Credit in the amount of \$66,000.00 for Quality Greenhouses. **Seconded** by Supervisor Campbell. Vice Chairman Shambaugh asked for discussion regarding if a maintenance bond is needed. It was noted no maintenance bond is required. The motion carried unanimously.

#### **3. 2008 Ponderosa Park Site Improvements Contract**

Engineer Knoebel noted that several pieces of correspondence were sent. Engineer Knoebel reviewed the breakdown of where this project is at according to the November 6<sup>th</sup> report. The contractor was looking at some cost reductions for the Township as follows: item #1 is proposing a deduction of \$2,000.00 if the Township cuts the trees at grade level and removes the wood. Item #2 is proposing a deduction of \$6,151.00 if the Township allows them to follow the alternate grading plan proposed by the contractor and the contractor is proposing a deduction of \$2,000.00 for consideration of allow fill to be hauled to the site during this interim period.

Engineer Knoebel noted that first is to accept the cost reduction of \$10,151.00 off the contract subjecting it to the conditions of the November 6, 2008 report, take a draft of the plan so it is full size and the engineer for the contractor seal it and then KPI will sign it and make it an amendment to the contract documents. The plan will then be used in the field. The second item is the contractor's draft showed a rough slope which is not to exceed 1.5%.

**Motion:** Vice Chairman Shambaugh made a motion to accept the cost reduction of \$10,151.00 subject to conditions in the Engineer's report of November 6, 2008. **Seconded** by Chairman Lerew. The motion carried unanimously.

**Motion:** Vice Chairman Shambaugh made a motion to authorize the signature for the change order for the cost reduction. **Seconded** by Supervisor Brown. The motion carried unanimously.

**Motion:** Vice Chairman Shambaugh made a motion authorizing the signature of the agreement regarding the time line of 40 days to proceed. **Seconded** by Chairman Lerew. The motion carried unanimously.

Engineer Knoebel noted that the contractor is asking for extra time, until April 30, 2009 for seeding and it was noted that this does not need to be dealt with tonight. Chairman Lerew noted that the contractor might do some of the seeding this year yet.

**Motion:** Vice Chairman Shambaugh made a motion to approve the extension of time for the seeding into next Spring. **Seconded** by Chairman Lerew. The motion carried unanimously.

## **Solicitor**

### **1. PennDOT Bike Route Agreement**

Solicitor MacNeal noted that she had reviewed the PennDOT agreement. PennDOT will be responsible for the full cost, maintenance, and replacement of the signs but the Township bears the responsibility of any injury due to a defect in the roadway. It is a question whether or is this road safe to bike on. In the agreement #8 refers that the municipality shall comply with the Commonwealth's Non-discrimination/Sexual Harassment Policy which is usually with grant money received from PennDOT. It seems a little bit out of place in this agreement. There was discussion on this bike route going onto Hickory Road and then crossing Route 15 where the fatal accident recently occurred. It was so noted that the Township is not interested.

### **2. Conditional Use Hearing, Tim & Nina Rowbottom – Set Date**

### **3. Conditional Use Hearing, Gary Lebo – Set Date**

Solicitor MacNeal indicated that the Supervisors need to set a date for two conditional use hearings. The first applicant has two items, an accessory structure and granny flat and the second applicant only has one item, an accessory structure. It was noted that the first applicant was received on November 3<sup>rd</sup> and the second was received on November 7<sup>th</sup>. The Township does have 60-days to hold the hearings. After discussion it was noted that the hearings will begin at the next regular meeting of December 8th beginning at 6:30 p.m.

### **4. Miscellaneous Issues**

Solicitor MacNeal brought up a couple of collection issues. Mr. Rowbottom had requested a letter from the Engineer's office which Solicitor MacNeal has received and it will be sent to Mr. Rowbottom. Mr. Myers who owes \$435.00 has made his first payment to the Township and will be paying every month.

Solicitor MacNeal also noted that she had submitted to the insurance company a cost of over \$35,000.00 for the cost of the repair to the Capitol Hill Road Bridge which also included the rental of the barricades. The insurance company is willing to pay 85% of the costs. Solicitor MacNeal noted that replacement cost is usually not paid. Solicitor MacNeal will try to negotiate with the insurance company. There was discussion on taking the insurance company to court and what the cost would be.

Vice Chairman Shambaugh suggested that the Supervisors delay their decision to let Solicitor MacNeal negotiate some more with the insurance company.

## **5. Requesting Executive Session**

Solicitor MacNeal requested an executive session to discuss collective bargaining.

### **Building Permit & Zoning Officer**

Mr. Fahey presented his report. He noted that Russ Goodling will be paying his bill.

On the advice of the Supervisors he has established hours of operation which will be Monday and Tuesday from 5pm until 8pm and on Fridays from 6am until 6pm. This information is posted on the website and cable channel.

Mr. Fahey received some good advice on time management from Supervisor Campbell and it was noted that they will get together and discuss this.

Mr. Fahey noted that there was noise coming from Kaufman Motor Sports and he visited the site to request that this not be done at night.

Mr. Fahey stated that he has a question regarding the Overcash Property and that he had Solicitor MacNeal review 2 Enforcement Notices, these being on Cherry Lane and Chainsaw Road. Also discussed was the Rowbottom property with the wall being totally inside the right-of-way.

Mr. Fahey also discussed the line of sight on Spring Drive at the Quality Greenhouses location. It was discussed about putting a sign on the road that there is a curve ahead. Is this a hazard area? It was noted that the Road master should look at this.

### **Road master**

Vice Chairman Shambaugh noted that the report is on file at the Township office. Vice Chairman Shambaugh noted that a meeting is needed with the Road master and himself regarding Chain Saw Road and that he would get back to the Board once he has the results.

### **Park & Recreation**

Supervisor Decker noted that there is no report. It was noted that a key for Acting Chairman Gingrich should be given to him so he can open the Township office on their meeting nights.

### **OLD BUSINESS**

Supervisor Brown brought up the mobile home issue and Dominic Picarelli from KPI has drafted something regarding the Zoning, SALDO and licensing type information. Supervisor Brown stated that the licensing should not be in the SALDO. Solicitor MacNeal noted that the licensing should not be in the SALDO or Zoning Ordinances as there are different fines and penalties in a stand alone ordinance. It was suggested that Dominic from KPI should work on this. It was suggested that Solicitor MacNeal should do the licensing ordinance and that KPI will forward to the Solicitor what they have.

Supervisor Decker asked to go back to Park and Recreation. Mr. Gingrich had questioned about a survey for Twin Hills and as they need to know where the corner markers are? Supervisor Decker noted that there are 2 10' accesses to the area. Vice Chairman Shambaugh noted that he is not in favor of this survey at this point in regards to the budget. This project will be put on hold for now.

### **NEW BUSINESS**

#### **1. Seminar – How to Plan a Festival or Special Event**

**Motion:** Vice Chairman Shambaugh made a motion to approve the attendance of this seminar for the Township Secretary, any Park & Recreation Board member or Supervisors. **Seconded** by Supervisor Campbell. The motion carried unanimously.

#### **2. FEMA Flood Maps**

There was discussion on the new FEMA flood maps and the meeting to be held on December 1, 2008. There was discussion on the ordinance needing to be amended. The meeting is to be held at the Manchester Township Building from 2-4pm. It was noted that there should be someone from the office should attend this meeting. It was noted that the Township Secretary will attend this meeting.

### **CORRESPONDENCE**

There was not correspondence to discuss at this time.

### **PUBLIC COMMENT**

Mrs. Beverly Seymore presented the petition that was signed by area residents regarding Route 15 and Hickory Road. Mrs. Seymore read the petition and the changes they are suggesting as follows: 2/10 of a mile to be closed east of Hickory Road and a right turn only onto Hickory Road. It was noted that this petition will be forwarded to Senator Vance and Representative Perry. Mrs. Seymore addressed other concerns the residents have: 1) overgrowth of trees; 2) other dangerous intersections; 3) concerns from truckers; 4) taking Hickory Road is a shorter access to Route 15; and 5) the installation of warning lights. Mrs. Seymore asked that this petition be reviewed and acted on in a timely manner. Mr. Thomas Miller discussed the intersections and that the police needs to enforce this area. Also discussed was the doubling of fines and the enforcement of police along with strict traffic enforcement. Also discussed with the possibility of blinking lights. Chairman Lerew noted that this was talked about at the poles.

### **EXECUTIVE SESSION**

The Supervisors went into Executive Session with no action to be taken.

### **ADJOURNMENT**

**Motion:** Supervisor Brown made a motion to adjourn the meeting at 9:49 p.m. **Seconded** by Chairman Lerew. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary

