

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

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Naomi Decker, and Edward Campbell. 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 7:35 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 gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, February 11, 2008

Motion: Vice Chairman Shambaugh approved the minutes of the Board of Supervisors December 20, 2007 regular meeting as submitted. **Seconded** by Chairman Lerew. The motion carried unanimously with Supervisor Decker noting the exception of the Pearlman Subdivision.

APPROVAL AND PAYMENT OF BILLS

Supervisor Decker noted the check for Members 1st Federal Credit Union and that the discussion last month was for a credit card. Vice Chairman Shambaugh explained that in order for the Township to get a credit card social security numbers would be needed. The Township opened an interest bearing account and will get a card which is similar to a debt card with the maximum amount being \$500.00. Solicitor MacNeal noted that the motion last month will cover this type of card and no new motion is needed.

Motion: Supervisor Decker made a motion to pay all the bills. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

TREASURER'S REPORT

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

ORGANIZATION REPORTS

1. Police – Chairman Lerew noted that the report has been submitted and was also noted that Chief Segatti from Northern York Regional Police has suggested that the Township put more hours on as there has been an increase of 34% with January this year from January last year. It was suggested that the Township keep an eye on this.

2. Fire – There was no one present from Citizens Hose Co. Mr. Blouch from Franklinton Fire Company was present, presented a plaque to the Township from their banquet, and gave the following report: there were 14 calls in Franklin Township during the month of February. Mr. Blouch also gave an update on upcoming events

3. EMS – Ms. Traci Cook presented the EMS report. There were 23 calls in Franklin Township with a breakdown of 19 medical, 2 fires, and 2 MVA. Ms. Cook reported that next month she will present a breakdown on the MVA with intersections. This can be done on a quarterly basis. New memberships will be going out in the mail soon. Research was done regarding putting on a second crew to cover the missed calls which may not be feasible at this time.

4. DAA - No report was given. It was suggested that Mr. Lewis Albert and Mr. Lynn Potts be contacted so the Township receives a report from them.

5. Emergency Management – Mr. Robert Yerger noted that there will be certification training through the Northern York County Emergency Task Force. The original date is being cancelled and probably will be re-established for April 19th. This training is being led by Jeff Joy of York County.

6. NYCRCP Transportation – Mr. Wayne Kober presented this report. On February 12th Mr. Kober met with Mr. LeClear along with Mark Hilson and Diane Price of Carroll Township. The discussion was about funding from DCED and Mr. LeClear also met with YCPC. The proposed amendment unlikely won't be matched unless there is local contribution of 20%.

On February 20th Mr. Kober met with the Adams County Planning Commission and received a letter of support which will be forwarded to YCPC. Mr. Kober will check with Latimore Township to see if they changed their mind. A letter of support was also received from the school district. In May PennDOT will decide if to fund this. Mr. Kober will check with Carroll Township to see if they are also interested in contributing money as last time they did contribute \$6,000. It was noted that the contribution amount should total \$10,000. to \$15,000 and with Carroll Township, Franklin Township, Dillsburg Borough, and Franklintown Borough all contributing this should help. Transportation and land use is what DCED likes. Mr. Kober recommends a total contribution of \$10,000.00 and he is looking for guidance from the Board.

Supervisor Decker stated that there was a serious debate at the first meeting at Carroll Township and Will Clark was asked to get some answers. Mr. Clark had sent an e-mail dated February 21st regarding the agreement. The agreement was worked over and it was questioned what could be added to the agreement. The County rule is to keep things consistent. There was some additional language but it is an agreement to work together with the other municipalities.

Supervisor Brown arrived at 8:09 p.m.

Supervisor Decker stated that the agreement is dangerous. York County first said you did not have to sign but now we have to if we want the funding. Supervisor Brown stated that the agreement will be before the Board by the end of April. Solicitor MacNeal stated if eligible for funding the Township will have a contract specifying what the Township would have to comply with and this will have to be reviewed. A contract signed is binding and the language should be reviewed. Some of the contract may be negotiated with DCED. It was noted that when PennDOT was established in 1970 it included Act 120 which requires an environmental study.

Mr. Ron Stevens stated that this is confusing with regard to taxes and that the Route 15 is a federal highway and asked what is the Township going for as local municipalities. Mr. Stevens asked if we have a federal or state champion. It was noted that the Supervisors need to set-up a workshop to discuss these issues and to have Representative Scott Perry attend. Mrs. Anne Miller stated that this study that Mr. Kober is proposing mandates the official map be used as provisions for this study of Route 15 and this is a form of eminent domain. Discussion ensued. The workshop should be scheduled before the Implementation Agreement is signed. This will need to be advertised. After discussion the date for the workshop was scheduled for March 27, 2008 beginning at 7:00 p.m. and a letter is to be sent to Representative Perry asking him to attend this meeting.

7. Ad-Hoc Committee – Supervisor Brown noted that the meeting last month was held on February 27th and the next meeting will be held tomorrow. Zoning changes were discussed at the last meeting. Supervisor Decker stated that the re-scheduled meeting was not advertised and that some of the members of the committee were not advised of this change. It was questioned if this was legally a meeting. Supervisor Decker questioned why Solicitor MacNeal and Engineer Knoebel have worked on the text amendment ordinance. Supervisor Decker asked who authorized the writing of these ordinances since it was not done at a Board meeting. Solicitor MacNeal noted at the January Supervisors meeting there was discussion on the additional changes and the Ad-Hoc Committee was to make recommendations and the previous text amendments is in draft form only. In November or December the Board authorized that the previous text amendments go to the County and at the January meeting there were additional issues discussed so it was decided to hold on the advertisement. Solicitor MacNeal stated that it was authorized to be sent to the County since they have a 30-day review period. Supervisor Decker stated that the Planning Commission needs to review this.

SUBDIVISION AND LAND DEVELOPMENT

1. Time Extensions

It was noted that there were three time extensions received for Lexington Fields, Sturbridge Place, and Williams' Townhouse Estates with all the extensions until September 30, 2008. These time extensions were discussed at the Planning Commission meeting.

Motion: Supervisor Campbell made a motion to accept the time extensions for Lexington Fields, Sturbridge Place, and Williams' Townhouse Estates until September 30, 2008. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Letter from Johnston & Associates, Sewer & Water Capacity

Engineer Knoebel noted that Mr. Johnston needs to be present to discuss this and that he may not be aware that Supervisors' meetings have been changed. This will be placed on next month's agenda.

3. Letter from Ken Garner, Ken-Lin Estates

Correspondence was received from Ken Garner regarding the 18-month maintenance agreement for Ken-Lin Drive which is due to expire on March 21, 2008 and is requesting that an inspection be done and if the improvements are in place that the release of monies held in escrow be released. Engineer Knoebel stated that if there is a problem that either the Secretary or Solicitor should notify the bonding company.

Motion: Vice Chairman Shambaugh made a motion to authorize KPI to do the inspection of Ken-Lin Drive and to have either the Secretary or Solicitor notify the bonding company of any problems. **Seconded** by Chairman Lerew. The motion carried with Supervisor Decker abstaining due to professional involvement.

REPORTS

Engineer

1. Capitol Hill Road Bridge

Engineer Knoebel gave an update and noted that PennDOT will approve the structure accuracy letter. Quote packages have been send out to contractors and the deadline is April 8, 2008 so this can be awarded at the April meeting. Supervisor Decker questioned a letter from KPI regarding additional funding for transportation. Engineer Knoebel state that the Ad-Hoc Committee has been reviewing the YCPC comments on the SALDO amendments and it is requested some changes to the traffic study requirements in the ordinance. KPI received a price from the traffic engineer they use and there is a possibility of splitting the cost with another municipality.

Solicitor

1. Zoning Amendments

Solicitor MacNeal explained the changes made since the last time the Board reviewed the amendments. Comments from YCPC have been received on the first amendments and it was suggested better to address the issues from YCPC since these comments will be addressed again in another submission. Supervisor Decker stated that the Supervisors should not discuss the steep slope this evening since there is a variance hearing on steep slopes coming up. Solicitor MacNeal asked what the goals of the Supervisors with steep slopes are. The amendments are worth some discussion.

Motion: Supervisor Decker made a motion to table the steep slope portion until after the March 17th meeting. **Seconded** by Supervisor Brown. There was discussion on the height of an accessory structure and some wording changes on definitions. It was noted that this should be sent to the Planning Commission first. Vice Chairman Shambaugh asked for discussion and noted that the Supervisors discussed for an hour what Supervisor Decker wanted to discuss but now not this. The motion carried with Vice Chairman Shambaugh and Supervisor Campbell voting no.

Supervisor Decker questioned #10 and #12 if this is the same thing. Solicitor MacNeal noted one was a permitted use and the other is a conditional use. Supervisor Brown noted that flag lots and cultural features should be defined. Supervisor Campbell noted that the definition seems fine and clear enough. There was discussion on cultural feature and what is that restricting in the definition of a flag lot. Supervisor Campbell stated that he is not comfortable with that and it should be eliminated in the flag lot. There was discussion on the distance between flag lots. Flag lots are still in the SALDO. It was suggested to omit the Natural or Cultural Feature from the amendments. Vice Chairman Shambaugh stated that only one flag lot should be allowed for each subdivision and should be used only with an odd shaped lot. Supervisor Campbell noted 1 flag lot per 20 lots and the distance of 400' should stay. Solicitor MacNeal stated that it should be in both the Zoning Ordinance and the SALDO.

Supervisor Brown noted that kennels were not discussed at Ad-Hoc and Solicitor MacNeal stated that YCPC does not like the definition and if this is changed it should be consistent with both the zoning and license ordinance.

Height requirements of 50' should be for Industrial. Supervisor Decker noted that YCPC commented about indoor commercial recreation facilities and that it was more of an institution use. Solicitor MacNeal noted to make sure it is included in something else. Museums should be allowed in any zoning district but in the Open Space or Residential it should be considered a conditional use. It was noted that there needs to be a definition of museum.

It was noted that this should be ready for the April 7th Planning Commission meeting. Supervisor Decker noted that Section 203.G.3.a in regards to unit layout and lot dimension requirements the County thought that was too much with the other zoning districts and with water and/or sewer. It was noted that 150' in Residential is too much but after discussion it will remain at 150'. Section 444.A regarding private clubs and the square footage was discussed and this will also remain at 15,000 s.f.

Solicitor MacNeal indicated that she will re-draft the text amendment for it to go to the Township Planning Commission for their recommendation. Solicitor MacNeal also asked for an Executive Session to discuss litigation.

Building Permit & Zoning Officer

Mr. Fahey's report is on file at the office. Mr. Fahey stated that he needs to update the Norton Security System on his wireless computer and the internet modem and router are not working as wireless. It was suggested that Mr. Fahey check with Comcast.

Mr. Fahey stated that copies are needed of the maps for steep slopes that were submitted for the Zoning Hearing Board. Engineer Knoebel indicated that he could make those copies for Mr. Fahey.

The Overcash property was discussed and this is still an open issue and there is public exposure. Mr. Fahey stated that he had already given Mr. Overcash a time limit to get the building into compliance. It was noted that Mr. Fahey establishes another time limit.

Mr. Fahey noted that he has met with the property owner on Chainsaw Road to discuss her illegal property and she was cooperative and is planning on going through the appeal process as Mr. Fahey described to her in detail. The property owner will allow an on-site inspection.

The Township received a complaint of garbage accumulating at the property at 162 Tuckahoe Road. Mr. Fahey stated that he is trying to get DEP involved with this as they did for a previous burn pit of mobile homes on Capitol Hill Road. This also needs a time line for clean-up and to know the type of trash being removed. With these types of complaints Mr. Fahey asked that the Township reconsider demolition permits being issued. There was discussion with this being done under the UCC and the letter from Labor & Industry that this is required.

Roadmaster

Vice Chairman Shambaugh noted that the Roadmaster has submitted his report.

1. 2008 Ford Super Duty F-550 DRW Quote

Vice Chairman Shambaugh noted that there are quotes for the new truck that is to be purchased that was budgeted for. After discussion the following motions were made.

Motion: Chairman Lerew made a motion to purchase the chassis Ford Super Duty F-550 DRW from Day Fleet Sales at a cost of \$34,286.00 and this will replace the Ford 2000 F-550. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

Motion: Vice Chairman Shambaugh made a motion to purchase the body, plow, spreader, controls, hydraulics, and pintle plate from IM Supplies at a cost of \$31,992.57. **Seconded** by Chairman Lerew. The motion carried unanimously.

Roadmaster Ocker noted that the 2002 Ford F-550 needs a hitch. The new truck should be received in August.

Motion: Vice Chairman Shambaugh made a motion to authorize the pintle hook as per quote for the 2002 F-550. **Seconded** by Supervisor Decker. The motion carried unanimously.

There was discussion on this being a close bid and the need to advertise. These should be a reserve bid and the truck is to get appraised first before going out on bid.

Motion: Supervisor Brown made a motion to authorize an appraisal on the truck and to advertise the truck for sale. **Seconded** by Supervisor Decker. The motion carried unanimously.

There was discussion on the purchasing of a skid loader and it was noted that would be done in May or June.

Park & Recreation

Supervisor Decker gave the following report. The highway department would like to purchase another mower deck so there is one for each park. It was noted that the terrain at Ponderosa Park is rougher than at Century Park. Park & Recreation will be keeping the same date for their meetings this year. Mr. Jim Maclay from Dillsburg Soccer reviewed the sketch plan from KPI and noted it looks very useful field and sees no problem and has offered a contribution for the grading. The Soccer Club will also help pay for the ChemLawn treatments and they will also be seeding to improve the field.

Dillsburg Baseball will be installing, at their cost, a higher fence at the Century Lane Park to protect the children in the play area and on the first base line. The next meeting will be the third Tuesday and could maybe at that time get additional information.

Supervisor Decker stated that she had received a sale catalog on playground equipment which is between \$3,000.00 and \$5,000.00 less per unit. There is \$59,937.00 in the recreation fund but there will be a need for some of the money for grading. Chairman Lerew asked about how soon the Township would get the go ahead and Engineer Knoebel noted that they need to receive quotes but maybe in a month. A letter will be sent to the residents in the Twin Hills development to get input on a diagram of the park which is approximately 5-acres. Supervisor Decker stated that she would like permission to contact the owner of the small strip of land to see if he would work with the Township on possibly purchasing that small strip, which is 1.820 acres, as it would make a nice addition to the park. It has 12' easement or right-of-way but there is not frontage and there is a garage and wells on the property.

Derby Farms subdivision plan there may be some changes so there is no point in any type of a recommendation at this time. It was suggested that whatever the Park & Recreation Board has recommended so far should go to the Planning Commission for their review. Supervisor Decker indicated that she will put this in writing.

There have been complaints regarding the use of field above Century Lane Park that it is being used as a golf course and hitting balls in the stone piles. This is not part of the park but it is land the Township owns. Solicitor MacNeal stated that the Township can put restrictions on the use or be considered in the park rules. There was discussion on posting the property with "No Trespassing" signs and Solicitor MacNeal indicated that she would get the proper wording.

OLD BUSINESS

1. DEP Letter

Supervisor Decker noted under old business the letter that was send to Mr. John Krueger of DEP if it could also be send to Thomas Fiddler who is the Deputy Secretary for Waste, Air & Radiation Management. Supervisor Decker stated that that is who Representative Perry sent his letter to.

2. Clean Up Day Quotes

The Township received 2 quotes for Clean-up Day of May 3, 2008 one from Waste Management and the other from York Waste Disposal. After reviewing the 2 quotes the following motion was made.

Motion: Vice Chairman Shambaugh made a motion to go with the York Waste Disposal proposal. **Seconded** by Chairman Lerew. The motion carried unanimously.

3. Township Building Expansion

It was noted that a workshop meeting should be scheduled in order for the Supervisors to discuss the expansion of the Township Building. After discussion the workshop meeting was scheduled for March 15, 2008 from 8:00 a.m. until 10:00 a.m. This will be advertised.

4. Consulting Traffic Engineer Proposals

Representatives from McMahon Associates. Ms. Jodie Evans and Mr. Joe Rudy were present. Engineer Knoebel asked if the Supervisors are going to consider formal interviews, which is the normal protocol. Mr. Rudy questioned what type of feedback the Supervisors are looking for. Engineer Knoebel described with the larger developments that have been submitted to the Township that traffic studies are needed. The Township could appoint a traffic engineer on an "as needed" basis. After discussion the interviews were scheduled for March 20, 2008 beginning at 7:00 p.m. with McMahon Associates and Trans Associates will be notified of the date and the time of 8:00 p.m. for their interview.

NEW BUSINESS

1. Petition to Add Tracts to Township Agricultural Security Area

Mr. G. Thomas Miller noted that on February 20, 2008 he had send to the Township a petition to incorporate 6 tracts into the Ag Security Area which is proposing 279-acres. This petition has been before the Township Planning Commission and the YCPC. The tracts are all owned by members of Mr. Miller's family. Tract 1 is at 53 Water Street and contains 110-acres, Tract 2 is located on

Hickory Road and contains 8-acres, Tract 3 is located at 120 Water Street and contains 2-acres, Tract 4 is located at 61 Lake Lea Drive and contains 134-acres, Tract 5 is located at 50 Lake Lea Drive and contains 2-acres, and Tract 6 is located on Hickory Road and contains 23-acres. Mr. Miller noted that some of these tracts are contiguous. Solicitor MacNeal stated that this will need to be advertised and posted and then the Township has to wait 15-days to see if anyone else would want to add-on to the Ag. Security Area. A public hearing is also needed. Solicitor MacNeal asked if the Township has an Ag. Security Area Committee. It was noted that there was and this will be checked into. The Ag. Security Area is reviewed every 7-years to see if the land owners want to continue to have their land in this. Solicitor MacNeal indicated that this should be reviewed by the Ag Advisory Committee.

Motion: Vice Chairman Shambaugh made a motion to authorize Solicitor MacNeal to proceed with whatever documents are needed. **Seconded** by Chairman Lerew. The motion carried unanimously.

CORRESPONDENCE

Supervisor Decker noted that there was a letter from the Department of Health regarding a meeting which is a conflict with the Ad-Hoc meeting. It is in regards to terrorism and diseases.

PUBLIC COMMENT

There was no comment from the public. Supervisor Campbell stated that with the workshop that has been scheduled for March 27th that we should let the other municipalities know since it is related to Route 15.

EXECUTIVE SESSION

The Board of Supervisors went into Executive Session at 10:54 p.m. to discuss the Sherwood Heights Litigation with no action to be taken.

ADJOURNMENT

The meeting was adjourned after the Executive Session.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary