

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

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown and Edward Campbell. Also present were Solicitor Stacey MacNeal, Acting Engineer Michael Begis, 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.

BID OPENING – 2000 FORD F-550 TRUCK

The Township received 4 bids for the 2000 Ford F-550 Truck as follows:

D. Fred Miller & Sons, East Berlin, PA	\$12,500.00
William H. Wessels, Dillsburg, PA	\$10,750.00
Leonard R. McLaughlin, Dillsburg, PA	\$14,856.00
Michael J. Westog, Bridgeton, NJ	\$ 7,650.00

Motion: Chairman Lerew made a motion to award the bid for the 2000 Ford F-550 Truck to Leonard McLaughlin at the bid price of \$14,856.00. **Seconded** by Supervisor Brown. The motion carried unanimously.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, March 10, 2008

Motion: Vice Chairman Shambaugh approved the minutes of the Board of Supervisors regular meeting as submitted. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Board of Supervisors Workshop Meeting, March 15, 2008.

Motion: Supervisor Brown made a motion to approve the minutes of the Board of Supervisors Workshop Meeting as submitted. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

3. Board of Supervisors Interviews Meeting, March 20, 2008

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Board of Supervisors Interviews Meeting as submitted. **Seconded** by Supervisor Brown. The motion carried with Supervisor Campbell abstaining since he did not attend that meeting.

APPROVAL AND PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to pay all the bills. Supervisor Brown questioned the Dillsburg Banner bill in the amount of \$431.00. It was noted that it was for the advertisement of several meetings. Supervisor Campbell questioned the water bills. One is for the

water cooler and the other is for having the water tested at the municipal building. **Seconded** by Supervisor Brown. The motion carried unanimously.

Certificate of Deposit Renewal

Mrs. Phyllis Emlet, Township Treasurer, presented to the Supervisors that the Certificate of Deposit needs to be renewed which is done every 6 months and is due next week. It was noted that the Township can touch the CD if needed but it would be with penalties. The CD is with M&T Bank.

Motion: Supervisor Brown made a motion to renew the Certificate of Deposit with M&T Bank. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Network Solutions

It was noted that this is for the domain name for the Township's website. The cost is \$99.95 for five years.

Motion: Supervisor Brown made a motion to renew the Township's domain name with Network Solutions at a cost \$99.95. **Seconded** by Chairman Lerew. The motion carried unanimously.

TREASURER'S REPORT

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

ORGANIZATION REPORTS

1. Police – Chairman Lerew noted in the police report that last month there was a 30% increase from a year ago but only a 15% increase from last year at this time. The police report is on file at the Township office.

2. Fire – It was noted that there was no one from Citizens Hose or Frankintown Fire Companies to give a report.

3. EMS – Traci Cook from Citizens Hose #1 EMS was present to give a report. There were a total of 16 calls in Franklin Township during the month of March. Bob Watts is no longer with the EMS and they have hired 8 new employees with 2 being full time. The membership drive has been mailed and will be working on obtaining new or changed addresses. There will be a class on May 1st to be certified for teaching CPR. Previously it was discussed about having a class at the Township on CPR. They are working on a re-chassis project for the 2002 ambulance. EMS week will be held the 3rd week in May. Supervisor Brown suggested a CPR class be done through the community center. The class would be between 2 – 4 hours.

4. DAA - Mr. Lynn Potts was present to give a report. Mr. Potts noted that either he or Mr. Albert will try to be at the Supervisors meetings to give a report. If neither is available a report will be submitted to the Township Secretary. The regular meetings are held the 3rd Tuesday of each month. There has been much discussion on the Chesapeake Bay issue regarding the state's action. Mr. Potts noted that he is very impressed by the DAA and they are doing the best they can. The water tank for Apple Blossom Estates has not been approved yet. The authority has taken the position with the

Chesapeake Bay issue and this will be passed on to new developers to pay for the upgrade of the treatment plant.

5. Emergency Management – Mr. Robert Yerger noted that there are no new events. The York County Emergency Task Force will be meeting on Saturday, April 26th at the Carroll Township Municipal Building.

6. NYCRCP Transportation – Mr. Wayne Kober was present to give a report. He thanked the Supervisors for sponsoring the March 27th workshop meeting. Funding is the most important issue. \$116,000.00 has been approved by PennDOT and an additional \$29,000.00 or 20% match is needed. There was discussion regarding DCED and their willingness to provide these funds at about 50% which would indicate an additional \$15,000.00 is needed. Adams County Planning Commission is willing to contribute \$5,000.00 and this money can be used to match the transportation. With this donation only \$10,000.00 to \$11,000.00 is needed. There was discussion on block grants by population. Mr. Kober noted that there are approximately 5,000 residents in Franklin and Carroll Townships, 2,000 residents in Dillsburg and 500+ in Franklinton. Franklin and Carroll Townships will be the municipalities most effective. There was discussion on Franklin Township setting aside \$4,000.00 or \$5,000.00. It was noted that Huntington and Latimore Townships may make a commitment. The application is to be submitted in June.

Motion: Vice Chairman Shambaugh made a motion to authorize up to \$5,000.00 for the study. **Seconded** by Chairman Lerew. The motion carried unanimously.

Supervisor Campbell recognized Mr. Kober for the amount of work that he has done.

7. Ad-Hoc Committee – Supervisor Brown gave the following report on the Ad-Hoc Committee meeting. On April 29, 2008 a meeting will be held at the Carroll Township Municipal Building beginning at 7:00 p.m. regarding the Implementation Agreement with Transportation. It was suggested that at this meeting there may be a vote to approve the agreement. The agreement was sent to Solicitor MacNeal for review in which she provided comments as follows:

1. Note that if a development is for 6 or more lots within 500' the municipality is asked to provide a copy of the plan to the neighboring municipalities. However, if the development is for 10 or more lots and within 300' then it is mandatory to provide copies to all participating municipalities. It was questioned if this correct, is this going to be difficult to administer, and i.e. staff remembering the different distances and plan sizes?
2. The Township should note that the requirement for provisions of copies for "Significant Plans" should be included in the SALDO, as the Agreement states that the municipalities shall "require the developer to distribute copies". This requirement must be done through the SALDO.
3. The inclusion of the trip generation estimate as a determination as to whether the plan is of "regional significance" may be difficult to administer. The Agreement requires copies of regionally significant plans to be distributed within 14 days; however, the municipalities frequently do not receive trip generation information until some time after plan submission.
4. Paragraph 10 is confusing and may need more background.

Supervisor Campbell noted that Randy Beck from YCPC was comfortable with the wording. There was discussion on advertising this meeting in the Dillsburg Banner for April 17th. It was also noted that this could be tabled until the next Supervisors meeting.

Supervisor Brown noted that with the zoning text amendments he does have some comments regarding the square footage of accessory buildings, the moving of approvals of plans from preliminary to final to allow changes to be made with the sewage capacity. Also discussed was that plans are being dragged out at the preliminary plan stage and they need to get the plans finished. Vice Chairman Shambaugh pointed out that the problem is with the Chesapeake Bay and the DAA policy issue. Also discussed was the phasing of plans and meeting the developers half way.

Solicitor MacNeal noted that there are legal cases. There was discussion on preliminary plans vs. final plans with the sewer and water capacity being available or not.

Supervisor Brown noted that the issues involved is not only with water and sewer but with third party approvals. A lot of work needs to be done. The developers are the ones taking the risk.

Supervisor Brown noted that the Ad-Hoc Committee will be working on finishing Article IV. There was discussion and it was noted that the Planning Commission should deal with the statement about dynamic display for signs along the roads.

SUBDIVISION AND LAND DEVELOPMENT

1. Letter from Eric Johnston, Sewer & Water Capacity

Mr. Johnston was not present and there was no discussion. It was noted that this is being reviewed with the SALDO.

2. Albert & Janet Glenn, Sewage Planning Exemption & Plan Approval

Engineer Begis noted that the sewage planning exemption was signed today by the SEO and a motion is needed for this to be forwarded to DEP.

Motion: Vice Chairman Shambaugh made a motion to approve the Sewage Planning Exemption and it be forwarded to DEP. **Seconded** by Chairman Lerew. The motion carried unanimously.

Engineer Begis noted that this plan was recommended for approval by the Planning Commission at their April meeting. Engineer Begis reviewed the comments on this plan. There was discussion on the following: 1) a cross easement is required due to the shared access between lot #'s 1 & 2; 2) sewage planning approval is required which has been done; 3) monuments and markers should be set or bonded; 4) owner's acknowledgement and related certifications by the surveyor are required to be executed on the final plan prior to recording; and 5) deeds of consolidation are required to be submitted for lots 1 & 2 for review and approve by both the engineer and solicitor.

Motion: Vice Chairman Shambaugh made a motion of conditional approval for the Albert & Janet Glenn Final Minor Subdivision Plan with the following conditions: a cross easement is required due to the shared access between lots 1 & 2; sewage planning approval is required; monuments and markers should be set or bonded; and the owner's acknowledgement and related certifications by the

surveyor are required to be executed on the final plan before recording. **Seconded** by Supervisor Campbell. The motion carried unanimously.

3. Miller's Crossing, Sewage Planning Exemption, Waiver Request & Plan Approval

A sewage planning exemption has been submitted and this can be forwarded to DEP.

Motion: Vice Chairman Shambaugh made a motion to forward the sewage planning exemption onto the DEP. **Seconded** by Supervisor Campbell. The motion carried unanimously.

A waiver request has been submitted in regards to Section 303.b preliminary plan submission.

Motion: Vice Chairman Shambaugh made a motion to grant the waiver request from Section 303.b for preliminary plan of Miller's Crossing. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Engineer Begis noted that this plan was recommended for approval at the April Planning Commission meeting. Engineer Begis reviewed the comments on this plan as follows: 1) density should be provided in dwelling units per acre (202.F.1.a); 2) a typical driveway detail should be provided on the plan. This should include but not be limited to the provision of a swale or culvert as directed by the road master and for paving from the intersection of the Township road to the right-of-way (308); 3) the plan must be submitted as a preliminary plan. If the applicant intends to request a waiver from this requirement a formal request should be placed on the plan (303.b); 4) YCPC comments should be considered (103.c); 5) property corner markers should be installed or bonded (406.a); 6) all revised plans must provide a revision date.; 7) an owner's acknowledgement and related certifications by the surveyor are required to be executed on the final plan prior to recording. Acknowledgement of those properties receiving the additional land should also be included on the plan (402.a.26); 8) sewage planning or exemption approval is required (403); 9) general note #12 should be revised so that it is clear that each lot will require a storm water management and grading plan prior to issuance of a building permit. In addition a conceptual storm water management plan (without design detail) should be considered in order to demonstrate that storm water management can be adequately provided for the overall plan (402.b.9); 10) deeds to consolidation are required to be submitted for lots 1 and 3 for review and approval by both the engineer and solicitor (312.a.6); 11) a fee-in-lieu of park and recreation is required. This should be specifically noted on the plan; and 12) the portion of the site that is part of the pending Albert Glenn Subdivision should be shown as being proposed and pending and the proposed Glenn plan should be referenced (402).

There was discussion on the general note #12. Solicitor MacNeal indicated that it should be added that the Glenn plan provide the fee-in-lieu of recreation for Lot #2 and make it a condition of the plan, with comment #2 that the road master should look at this and Vice Chairman Shambaugh noted that should be on the plan in note form.

Mr. Kober, a township resident, questioned the in-lieu of fee for recreation in this area. Mr. Kober suggested to provide recreation in this area, but to provide land the applicant would have to re-engineer the plan.

Motion: Vice Chairman Shambaugh made a motion to approve the Miller's Crossing Subdivision Plan with comments #2, #5, #7, #8, #10, and #11. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Motion: Vice Chairman Shambaugh made a motion to also attach the condition of a fee-in-lieu of park and recreation is required to the Albert Glenn Subdivision Plan. **Seconded** by Supervisor Campbell. The motion carried unanimously.

4. Time Extensions

Appalachian Tennis Club

Vice Chairman Shambaugh noted a letter was received from the applicants withdrawing the plan. Chairman Lerew noted that they did meet with the Park & Recreation Board about any available land for tennis courts. It was noted that there is nothing at this time. Mr. Fahey questioned the land behind Twin Hills to have outdoor courts with a bubble that would be used during the winter months. It was noted that a playground at Twin Hills is more generally used. This will be deferred to the park and recreation committee.

REPORTS

Engineer

1. Capitol Hill Road, Bridge Repair Quotes

Engineer Begis indicated that KPI only received one quote, from Rogele, Inc., on the repairs for the bridge on Capitol Hill Road. It is KPI's recommendation that the Township rejects the quotation and authorizes reissuing the requests for quotations. Vice Chairman Shambaugh suggested that this be advertised and asked what the cost would be.

Motion: Vice Chairman Shambaugh made a motion to reject the bid on the Capitol Hill Road Bridge repair and to authorize KPI to revise and send out for quotes. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Escrow Funds

Engineer Begis reviewed the memorandum dated April 14, 2008 regarding the escrow funds. It was suggested that this be discussed next month with Engineer Knoebel.

Motion: Vice Chairman Shambaugh made a motion to table and review the escrow funds at the next Board of Supervisors meeting. **Seconded** by Supervisor Brown. The motion carried unanimously.

Solicitor

1. Conditional Use Hearing, Stephen Leer

Solicitor MacNeal indicated that a Conditional Use Hearing needs to be scheduled to hear the request from Stephen Leer in order to construct an accessory structure in the Open Space zone and which will be larger than the required 400 s.f. It was decided to schedule the hearing before the next Board of Supervisors meeting, May 12, 2008 beginning at 7:15 p.m. The Township Secretary was asked to see if the court stenographer for the Zoning Hearing Board is available.

2. Zoning Text Amendments

A review of the draft zoning text amendments were discussed. There was discussion with the size of accessory structures being increased to 1000 s.f. or less as permitted by right and to have an accessory structure 1000 s.f. or more by conditional use and to also have it align with the UCC. The wording was also discussed. The Residential zone would be 600 s.f. or less for accessory structures but all other zones would be the 1000 s.f. Flag lots were discussed on how they are measured with the 450' of another on the same side of the street, which is 3 lots widths, and that there should be a standard. Section 424.A regarding specific criteria on flag lots was amended with omitting "contiguous flag lots are not permitted" and putting in the statement of one flag lot per parent tract. Also discussed was additional language in any 5-year period or per parent lot. Also tracts that are in existence with putting both wording "only once every 5-years". It was noted that 450' is 3 lot widths. In Section 428.A specifying specific criteria for Historical, Educational and Cultural Attractions Solicitor MacNeal stated she created a new definition and omitted Museums. There was also some restrictive language on parking in Section 428.A.D which was deleted. There was discussion on some of the issues with parking.

Motion: Supervisor Brown made a motion to authorize a public hearing on the zoning text amendments at the June Board of Supervisors meeting. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

Solicitor MacNeal noted that she would update the pending litigation in Executive Session.

Building Permit & Zoning Office.

Mr. Fahey presented his report to the Board as follows. It was noted the square footage change in accessory structures from 400 s.f. to 1000 s.f. would be beneficial and this would eliminate conditional use hearings.

Certificates of Use for pre-existing businesses have been issued at no charge. It was suggested that this could be placed in the next newsletter but careful on how it is worded as the Township does not want to discourage people from coming forward. This is only for businesses that pre-date the zoning ordinance. It was suggested that this be drafted and should be brought before the Board.

Mr. Fahey noted that he was contacted by the county tax office to coordinate the Township's files. There were a few discoveries found from doing this.

The Overcash property is still a concern and nothing has been done as of this date. Mr. Overcash and Mr. Getts, the property owner, have been notified about the condition of the building. This has been an ongoing issue for 8 to 9 months. It was noted that a letter from Solicitor MacNeal could be written with a deadline. The letter is to also be sent to Mr. Getts. Mr. Fahey will coordinate this with Solicitor MacNeal. It was suggested that the property be posted.

Mr. Fahey received an un-solicited offer from Acoustical Measurements for recording loud noises in the Township.

Roadmaster

Vice Chairman Shambaugh noted that a copy of the Roadmaster's report has been submitted and that he does not have anything else to add at this time.

Chairman Lerew mentioned that clean up day will be held on Saturday, May 3rd with discussion on accepting computers.

Park & Recreation

With Supervisor Decker being absent from this meeting there was no report. It was noted that electric has been restored at pavilion 1 at the Century Lane Park.

OLD BUSINESS

1. Traffic Engineer

Chairman Lerew noted that the Township interviewed two firms for traffic engineer which were Trans Associates and McMahon Engineers. Vice Chairman Shambaugh noted that both firms are good engineers and are very capable.

Motion: Vice Chairman Shambaugh made a motion to appoint Trans Associates as the Township's transportation engineer. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Township Building Expansion

An RFP is being amended and Vice Chairman Shambaugh noted that he would send these out once that is completed. Chairman Lerew asked Solicitor MacNeal if the Township would choose an architect that is currently serving on the Planning Commission if there would be a problem. Solicitor MacNeal indicated that it should not be a problem but that it would have to be noted. There was discussion on the direction as far as municipal dead acts with financing.

Mr. Ron Stevens, a Township resident, asked what is in the RFP, who wrote it, and who agreed with the things needed. Also if there is a conflict of interest. Vice Chairman Shambaugh noted that the RFP is just getting general information in order to acquire an architect for the layout of what the Township needs.

It was noted that last year Mr. Lambert had asked for RFI. There was discussion on architects or firms to navigate through this process with sketches and to get a set of plans together. The architect would be doing the bids specifications but then they cannot bid on the project. Vice Chairman Shambaugh stated with the RFP being sent out the Supervisors will get information from architect firms willing to help with the expansion of the township building which will also include the square footage.

NEW BUSINESS

There was no new business to discuss at this time. Vice Chairman Shambaugh noted that he would like to discuss a personnel matter in the Executive Session.

CORRESPONDENCE

1. NYCSF, 2008 Summer Recreation Program

Supervisor Brown noted that the budget for 2006/2007 was distributed along with the projections for 2008. The foundation is operating on low wages which is less than \$20,000.00. Approximately 25%

to 30% is the summer program. They are currently short of funds but are having fund raisers. Supervisor Brown reviewed the events the foundation is having and noted that the youth game nights do bring in some income. Also discussed was the contributions from municipalities and when will they be receiving these monies. It was suggested to be discussed a next month's meeting.

A letter had been received requesting the Township to participate in paying half of the cost for the 2008 Summer Recreation Program which is a 6-week course with a cost of \$100.00 per child. Franklin Township did not participate in this program last year. The foundation also has scholarships for people in need.

Motion: Supervisor Brown made a motion that Franklin Township participate in the 2008 Summer Recreation Program with paying \$50.00 per child. **Seconded** by Vice Chairman Shambaugh. Chairman Lerew asked if there is a maximum in which the Township would pay out. Supervisor Campbell indicated that a lot of good things come out of the foundation but questioned how much does the Township participate in funds with other charitable organizations. The motion carried with Chairman Lerew, Vice Chairman Shambaugh, and Supervisor Campbell voting yes. Supervisor Brown abstained.

2. Dillsburg Borough Re: Police Regionalization

Chairman Lerew noted that the Township had received correspondence from Dillsburg Borough regarding a police regionalization meeting and that he had reviewed the police contracts dated October 18, 2005 in which Mr. Lambert had signed the agreements which when into effect December 31, 2006 and will now expire December 31, 2011. It was suggested that the Township should go to the meeting to see what they are talking about. There was discussion on entering into a collective bargaining agreement. The contracts would need to be reviewed in 2010.

PUBLIC COMMENT

Mr. Robert Yerger noted that with the EMS Task Force they would be interested if the Township went with a local police department that is on 24/7.

Mr. Thomas Miller suggested that the Township start to review the contracts in 2010 and to look carefully at the agreement. It was also suggested that the Township would get much better service if they were out with the NYCRPD.

Mr. Miller also asked about the meeting being held on April 29th and the working document that came out of the meeting from February 25th in regards to the implementation agreement. With regards to the transportation study Mr. Kober noted that the contribution should go by population then Franklin Township should be at 25% but the Township committed to 50%.

EXECUTIVE SESSION

An Executive Session was called at 10:12 p.m. with no action to be taken.

ADJOURNMENT

The meeting was adjourned.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary