

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
May 12, 2008**

CALL TO ORDER

Present were Supervisors Donald Lerew, Gary Brown, Naomi Decker, and Edward Campbell. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, and Secretary Nancy Zentmeyer. Mrs. Roxy Cressler, court stenographer, was present for the Conditional Use hearing. Visitors are on the attached sign-in sheet. The meeting was called to order at 7:18 p.m. for a Conditional Use Hearing for Steven Leer at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

CONDITIONAL USE HEARING FOR STEPHEN LEER, CASE #08-01

Mr. Brian Fahey, Zoning Officer was sworn in to give testimony. It was noted that Mr. Leer would like to construct a pole barn at 189 Locust Grove Road at a size of approximately 2,880 s.f. Solicitor MacNeal clarified that the Supervisors should either approve or deny this Conditional Use application as per Section 603.A (Criteria) of the Franklin Township Zoning Ordinance but that the Supervisors can also set conditions on an approval. Solicitor MacNeal asked Mr. Fahey if this Conditional Use has been properly advertised and the property posted. It was so noted. Mr. Fahey noted that he is not here to contest the application nor has he any problem with this.

Mr. Stephen Leer was sworn in to give testimony. Mr. Leer currently resides at 111 Welty Avenue in Dillsburg but is planning to move into the 189 Locust Grove Road address. The accessory building will be for the storage of a motor home and some equipment to help maintain the property. The building will be a Morton Metal Building and will be similar in color. Solicitor MacNeal noted that the packet consists of 6 pages which includes the building permit application, an application for zoning and 2 plot plans which is considered Exhibit #1.

Supervisor Campbell asked if this building will be used just for storage. Mr. Leer indicated that the building will have electric but there will be no water and it will not be used for business, just for personal use. It was noted that it would brown and beige in color. Chairman Lerew questioned if other buildings in this area are the same size as Mr. Leer is proposing. It was noted that the barn is around this size but across the street there are riding stables which are much larger in size.

Mr. Jeff Getty, 161 Locust Grove Road questioned if there would be modifications to the driveway and if so what will they be. Mr. Leer indicated that there will be a stone driveway which will come off the garage driveway.

Solicitor MacNeal asked if anyone in the audience wished to give testimony and it was noted that there were none. It was also noted that the Board of Supervisors had no further questions. The testimony was closed. Supervisor Campbell suggested that if this Conditional Use is granted that there be a condition that it is for private use only and not for a business at any point in the future. Chairman Lerew asked about the storm water issue and would this be done with a land development plan. Mr. Fahey noted

that no plan is required. Supervisor Decker noted that the water drainage should remain on the property and the possibility of having grading done to accomplish this.

Motion: Chairman Lerew made a motion to allow the Conditional Use for Stephen Leer with the 2 conditions of the building being for private use only and that storm water management is done on the building. **Seconded** by Supervisor Campbell. The motion carried unanimously. The hearing was closed.

Solicitor MacNeal noted that on the agenda there are 2 other Conditional Use applications that need to set a date. Mr. Fahey noted that there is another Conditional Use for Mr. Tim Rowbottom which has been paid for but the Township still needs the plans. After discussion the 2 Conditional Use applications will be heard at 6:30 p.m. at the next Supervisors meeting of June 9, 2008. Solicitor MacNeal also noted that the zoning text amendments will be heard next month. Supervisor Brown also noted that the Implementation Agreement will be heard next month.

PLEDGE OF ALLEGIANCE AND PRAYER

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

AGRICULTURAL SECURITY AREA PETITION HEARING

Mr. G. Thomas Miller presented the petition to add land to the Agricultural Security Area. There is approximately 270-acres being submitted which are owned by his wife and children. There are 6 tracts with the following descriptions: Tract #1 is located at 53 Water Street and consists of 110-acres +/- of which 80-acres are under cultivation for crops of corn and soybeans; Tract #2 is located on Hickory Road and consists of 8-acres +/- which are under cultivation along with tract #1; Tract #3 is located at 120 Water Street and consists of 2-acres +/- and is also under cultivation along with tract #1; Tract #4 is located at 61 Lake Lea Drive and consists of 134-acres +/- and except for residence and barn is under cultivation which is contiguous with tracts #1 and #3; Tract #5 is located at 50 Lake Lea Drive and consists of 2-acres +/- and is contiguous with tracts #1 and #4 and will be under cultivation; and Tract #6 is located on Hickory Road and consists of 23-acres and is contiguous with tract #1 and is entirely under cultivation. All lands are agricultural with some wooded land. 95% of the land is viable agricultural land with common ownership.

Chairman Lerew noted that the YCPC addressed tax parcel #28C as incorrect and it should be #28. Mr. Miller noted that this will be corrected. There were no concerns from the Board of Supervisors or no comments from the public.

Motion: Chairman Lerew made a motion to approve the petition to add lands to the Agricultural Security Area. **Seconded** by Supervisor Brown. The motion carried unanimously.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, April 14, 2008

Motion: Supervisor Campbell approved the minutes of the Board of Supervisors regular meeting as submitted. **Seconded** by Chairman Lerew. The motion carried unanimously with Supervisor Decker abstaining.

APPROVAL AND PAYMENT OF BILLS

Supervisor Brown questioned the following bills under the Recreation Fund. Leer Electric which was for electrical work performed at the one pavilion at Century Lane Park and Zeager which was mulch for the playground equipment.

Motion: Supervisor Brown made a motion to approval the payment of the bills as submitted. **Seconded** by Supervisor Decker. The motion carried unanimously.

TREASURER'S REPORT

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

Treasurer Emlet had also submitted as part of her Treasurer's Report a memorandum requesting discussion and/or direction. The CD has been renewed for an additional 6-month period but the interest rate has dropped from 4.480% to 2.27%. It was noted that the interest rate has dropped with all of the money management accounts but the cash flow is fine. The Supervisors may want to consider renewing the CD in October. There is an escrow account for Verizon that the Township Auditors have recommended the amount of \$3,100.00 be returned. There has been an attempt made to return the money but the check was returned to the Township. Former Solicitor Schorpp informed the Board that in order for this money to be deposited in Franklin Township's general fund Verizon must confirm in writing that it intends to make a gift of these funds to the Township. Solicitor MacNeal suggested that another letter be sent to Verizon or try to get in touch with a contact person. The money was originally under GTE. There are several outstanding invoices and it was noted that Mrs. Emlet should send a letter before the July Supervisors meeting so the Township will be informed of who did not respond. Under item #1 the \$5,000.00 for NCRCP is a new line item in the budget and for the recreation program of \$50.00 per child is to come out of the general fund.

Joseph's Machine Shop

Engineer Knoebel gave a review of this property. There are wetlands and Mr. Pigliacompo was placing fill at the rear of his property. The Board of Supervisors directed KPI to check into this. A letter was sent to the owner asking for a sketch with the showing of the wetlands and storm water plan. This fill is in addition to what was approved on the land development plan. Mr. Pigliacompo was inquiring about the invoices he received. Mr. Pigliacompo is in the process of getting a plan. Supervisor Campbell questioned with sending the engineer to investigate and the cost that is involved. Engineer Knoebel noted that the Supervisors did direct that no more fill is to be placed on this property. Mr. Fahey indicated that he has received complaints about the fill and asked if the County Conservation District was aware of this. Mr. Fahey will contact YCCD. After discussion it was noted that Mr. Pigliacompo does not have to pay the 2 invoices but once a plan is submitted and reviewed there will be a cost.

ORGANIZATION REPORTS

1. Police – Chairman Lerew noted in the police report that the year to date for 2007 was 266 calls and the year to date for 2008 was 301 which is an increase of 35 calls. NYCRP also serves Dover Township, Dover Borough, Manchester Township, Paradise Township, Conewago Township, North York Borough, and Jackson Township. The police report is on file at the Township office.

2. Fire – Mr. Dick Blouch from Franklinton Fire Company noted in April there were 14 calls in Franklin Township. Mr. Blouch noted that another person has died on Route 15 and he indicated that it is almost impossible to make a left turn onto Route 15 and it has been like this for the past 20 years. Chairman Lerew asked if Franklinton Water Authority has drilled for more wells. It was noted that this has been done and they did find water which will be for the Conway development in Franklinton since the developer had put up the money. It was noted that there was no one from Citizens Hose. Mr. Ron Stevens stated that Route 15 could be patrolled by the State Police and questioned who has the jurisdiction. Solicitor MacNeal noted that there should be a mutual aid agreement.

3. EMS – There were 16 calls in Franklin Township during the month of April with 14 being medical, 1 fire, and 1 motor vehicle accident. EMS week will be held next week and EMS personnel will be going to schools and daycare centers. The membership drive is still in progress.

4. DAA - The minutes and correspondence from the Authority's Engineer was submitted. There was discussion regarding a right-of-way for the water tank in the Apple Blossom Estates development. Access to the water tank was designed to go through the Sherwood Heights development but that plan has been denied by the Township. Apple Blossom cannot move forward without a feasible plan for the water tank access. At this time residents from Sherwood Forest expressed concern about people riding 4-wheelers and dirt bikes on the Knisley Estate. It was noted that they are tearing up the property. It was recommended that the Township notify the property owners about this situation.

5. Emergency Management – Mr. Robert Yerger gave a report that the emergency task force met the end of April and everything went well.

6. NYCRCP Transportation – Supervisor Brown gave a report since Mr. Kober was not in attendance. It was noted that Dillsburg Borough will be contributing \$1,500.00 towards the study. Mr. Kober and Mark Hilson from Carroll Township will be meeting on May 28th to prepare the DCED application. YCPC plans to put out an RFP for a consultant by the end of May. There was a meeting at Carroll Township regarding the Implementation Agreement and there were only a few changes made plus an ordinance that needs to be adopted. There is a conflict between the ordinance and the agreement which is in paragraph 12 regarding how the agreement is amended. After discussion it was decided to advertise and adopt at the next meeting. There was discussion regarding the agreement that it does not include the official map. Supervisor Decker stated that this agreement is a step in that direction. Supervisor Campbell noted that this document does not implement an official map. Supervisor Decker noted this is an all new ballgame and the County is strong arming the municipalities into signing. Supervisor Campbell indicated that he has not seen a study that an official map is needed. It was suggested that the Township get a written statement guaranteeing, from YCPC, that the use of an official map from the study will not happen. Supervisor Decker noted that the Township should know where this is going and that it is baggage we do not need. It was questioned if there are conditions on this money regarding the official map. Solicitor MacNeal indicated that she has not seen a contract on the grant for the use of YAMPO money. Solicitor MacNeal will send a letter to Will Clark regarding the concerns of an official map and that a contract is sent to her for review.

7. Ad-Hoc Committee

Supervisor Brown noted that the next Ad-Hoc Committee meeting will be held tomorrow May 13th at the Township Building.

SUBDIVISION AND LAND DEVELOPMENT

1. Dale & Carol Mengel, Final Minor Subdivision Plan

Engineer Knoebel reviewed this plan. The proposal is to subdivide an existing 4.76-acre tract (lot 3) for the purpose of lot additions (lots 3B & 3C) to two adjoining properties and as such no new building lots are being created. The property is located in the Open Space zoning district on Laurel Run Road. The engineering comments are as follows:

1. Property corner markers should be installed or bonded (406.a).
2. An owner's acknowledgement and related certificates 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).
3. Sewage planning approval (or non building waiver) is required (403).

Engineer Knoebel also noted that the Planning Commission reviewed this plan and recommended approval. The SEO has signed the non-building waiver and Engineer Knoebel indicated that he has no problem with the plan.

Motion: Supervisor Campbell made a motion to approve the Dale & Carol Mengel, Final Minor Subdivision Plan condition upon the 3 comments of the engineer's letter dated May 1, 2008. **Seconded** by Chairman Lerew. The motion carried unanimously.

Motion: Supervisor Campbell made a motion to approve the non-building waiver for the Dale & Carol Mengel, Final Minor Subdivision Plan. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Sylvan Stoner, Final Minor Subdivision Plan

Engineer Knoebel review this plan. The proposal is to subdivide an existing 52.95-acre tract (lot 1) for the purpose of a lot addition (lot 2 .33-acres) to the adjoining property and as such no new building lots are being created. The property is located at Scotch Pine Road and U.S. Route 15 and is within the Open Space zoning district. The engineering comments are as follows:

1. YCPC comments should be considered. In particular comment #1 should be addressed (103.c).
2. Property corner markers should be installed or bonded (406.a).
3. An owner's acknowledgement and related certifications by the surveyor are required to be executed on the final plan prior to recording. Acknowledgement of the property receiving the additional land should also be included on the plan (402.a.26).
4. Sewage planning approval (or non-building waiver) is required (403).

YCPC comment #1 is as follows:

1. The Township Zoning Officer should determine whether the setbacks shown for the Myrick property are drawn correctly, based on the definitions of front, side, and rear yards given in Section 424.

Engineer Knoebel noted that the Planning Commission reviewed this plan and recommended approval. It was noted that the setbacks have been corrected.

Motion: Supervisor Brown made a motion to approve the non-building waiver for the Sylvan Stoner plan. **Seconded** by Chairman Lerew. The motion carried unanimously.

Motion: Supervisor Campbell made a motion to approve the Sylvan Stoner, Final Minor Subdivision Plan condition upon the 4 comments of the engineer's letter dated May 1, 2008. **Seconded** by Supervisor Brown. The motion carried unanimously.

3. Time Extensions – Derby Farms

Engineer Knoebel noted that last review of this plan was November 9, 2007. There was no time extension received but the Planning Commission did recommend the time extension if submitted. Engineer Knoebel indicated that the Supervisors could approve the plan with conditions or deny it. Engineer Knoebel noted that there are still important issues with this plan such as a traffic impact study, the sewer and water capacity, storm water management and there are a lot of open items. There was also discussion with the issues on the arrangement with Kings Kids Camp.

Motion: Supervisor Brown made a motion to deny the plan based on comments and failure to correct from the November 9, 2007 engineer's letter. **Seconded** by Chairman Lerew. The motion carried with Supervisor Decker abstaining because of legal issues. Solicitor MacNeal will write the letter notifying the applicant of this motion.

REPORTS

Engineer

1. Capitol Hill Road, Bridge Repair Quotes

Engineer Knoebel indicated that KPI had sent out quotes to 8 different contractors.

Under Component 1 – Maintenance & Repairs are the following quotes:

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| 1. | JR Construction, Ickesburg, PA | \$ 8,900.00 |
| 2. | H&H Excavating, Spring Grove, PA | \$22,749.00 |

Under Component 2 – Guiderail Installation

- | | | |
|----|----------------------------------|-------------|
| 1. | Collinson, Inc, Uwchlan, PA | \$ 6,890.04 |
| 2. | H&H Excavating, Spring Grove, PA | \$ 7,949.00 |
| 3. | L.S. Lee, Inc., York, PA | \$ 9,615.00 |

Solicitor MacNeal noted that under Component 1 – Maintenance & Repairs there should be 3 quotes. It was noted that last month there was one quote on Component 1. Solicitor MacNeal noted under Collinson, Inc. they did submit a list of terms and conditions which should be clarified. Engineer Knoebel noted that JR Construction is a Mennonite company and their insurance comes from the church which is accepted by the state of Pennsylvania.

Motion: Supervisor Brown made a motion to accept the JR Construction quote of \$8,900.00 for the maintenance and repair of the Capitol Hill Road Bridge subject that the Township is in receipt of their insurance. **Seconded** by Chairman Lerew. The motion carried unanimously.

Motion: Supervisor Brown made a motion to accept the Collinson, Inc. quote of \$6,890.04 for the guiderail installation condition upon that none of their conditions apply and receipt of their insurance. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Escrow Funds

Engineer Knoebel reviewed his memorandum of April 14, 2008. There are 3 escrow accounts that have been looked into and the concern of releasing the funds since there may be work needed to be complete. The Olivia Carpenter escrow fund was discussed and it was suggested not to release the remaining escrow. GTE was already discussed earlier. The Jerry Morrison escrow fund was discussed and it was noted that the monies can be released.

Motion: Supervisor Brown made a motion to release the escrow fund in the amount of \$648.88 for Jerry Morrison. **Seconded** by Chairman Lerew. The motion carried with Supervisor Decker abstaining.

Solicitor

Solicitor MacNeal confirmed the two Conditional Use hearings for June 9th beginning at 6:30 p.m. as previously discussed. The Zoning Officer will advertise and post the properties.

Building Permit & Zoning Office

1. Zoning Hearing Board Application

Mr. Fahey indicated that he has an application which consists of 31 pages and suggested that this is the one the Zoning Hearing Board members would like to use. Solicitor MacNeal noted that usually an application is between 5 and 10 pages. Solicitor MacNeal is to review the application after Mr. Fahey makes some changes. It was also noted that the same application should be used for a Conditional Use, Variance or Appeal and it is up to the Board of Supervisors which application is to be used. The Zoning Hearing Board will have to go with what the Supervisors agree to. Supervisor Campbell stated that 30 pages are too much.

2. Overcash Property

It was noted that a licensed architect has been working with the Overcash property and that the Township should have something within 1 to 2 weeks.

3. 136 Chain Saw Road Property

There is an illegal building at this property. There is an apartment above the garage. The owner indicated that she wants to pursue the Conditional Use, Variance and SEO challenges. It was discussed with her the cost and process.

4. Joseph's Machine Shop

This was discussed earlier and it was noted that Mr. Fahey will contact the York County Conservation District with regard to the fill that was placed on the property.

5. Tim Rowbottom

Mr. Rowbottom wishes to construct a 40' x 80' addition/garage to his house at 46 Chestnut Hill Road and then it would not be considered an accessory building. He also has 2 businesses advertised on a

sign and has 2 driveways. Mr. Rowbottom has submitted an application for a Conditional Use and has also paid the required fees. Since the Township has not received plans it is considered an incomplete submission.

6. Sherwood Forest – 304 Robin Hood Road

It was come to the attention of the Township that the property at 304 Robin Hood Road has high grass which is not being cut. There were residents from this development complaining and asking the Supervisors what can be done. The Township currently has not adopted the Property Maintenance Code. It was suggested adopting a weed ordinance. It was noted that the Township will send a letter to the property owner requesting that the high grass be cut.

7. Timber Ordinance

The Township did receive a couple of letters of complaints regarding the logging that is going on behind Sherwood Forest. The roads in this development are not intended for logging trucks and there are concerns of water run-off. The Township did receive a completed application for timbering notice. Under the definitions forestry is permitted in the Open Space zoning district. Engineer Knoebel suggested that an erosion and sediment control plan be done and that a letter from YCCD is issued to the Township. There was discussion on requesting some type of bonding or financial security. Engineer Knoebel noted that driveway ordinance has more requirements and suggested that someone from the Township meet with the contractor to discuss the concerns of the road, sight distances and traffic control. It was noted that this is a safety issue. One of the residents of Sherwood Forest indicated that there has been dumping of stones by the mine shaft.

It was noted that a local contractor, Bruce Longenecker has been blocking the road with his equipment in the Sherwood Forest development.

Roadmaster

1. Stone/Oil Bids, Authorization to Advertise

The Township would like to advertise for the stone/oil bids to be opened at next month's meeting. The current contracts will expire in mid-May.

Motion: Supervisor Brown made a motion to authorize the advertisement of the Stone/Oil bids. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. State Contract for Skid Loader

A memorandum was received from the Roadmaster regarding the purchase of a skid loader. An additional \$2,320.53 is needed to purchase this piece of equipment. The Roadmaster discussed this with the Treasurer and it was noted that there are some line items left over from last year's budget to handle the amount needed. It was noted that the loader will come with a tooth-bar and front-end bucket.

Motion: Chairman Lerew made a motion to purchase the skid loader at the price stated. Supervisor Campbell questioned what a day rental would be instead of buying this piece of equipment. It was noted that it could be between \$650.00 and \$700.00 a week. It was noted the additional money coming from the general fund. **Seconded** by Supervisor Campbell. The motion carried unanimously.

3. Clean-up Day

Chairman Lerew noted that the Township collected 333 loads. In 2007 the Township collected 321 and in 2006 330 loads were collected.

A copy of the Roadmaster's report is on file at the Township office.

Park & Recreation

Supervisor Decker noted that the road crew has been working on the bleachers which they installed on a concrete pad with 4" of 2A modified and 1" of stone dust being applied. The bleachers will be locked down. There was no meeting last month. Chairman Lerew noted that someone from Baseball was suppose to be here tonight to discuss the water going onto the ballfield and washing the Diamond Tex. It was suggested that a couple of truck loads of dirt from the other park be placed in that area to help with this problem. Supervisor Decker asked Engineer Knoebel about the report. Engineer Knoebel stated that he did have that information but will have Engineer Begis get in contact with Supervisor Decker.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

CORRESPONDENCE

1. East Brunswick Township

Correspondence was received from East Brunswick Township requesting municipalities to adopt the East Brunswick Sewage Sludge Ordinance. Supervisor Decker noted that this had happened in years past around Franklinton. Solicitor MacNeal noted a concern that the law is preempted by state law. Currently it is the ACRE law that is in effect. East Brunswick Township is asking for support but it was questioned whether or not they are asking for financial support or just to support their position. It was noted that the resolution could be re-worded. It was suggested that this be discussed at next month's meeting.

PUBLIC COMMENT

Mr. Ron Stevens, 175 Franklinton Road commented on the official map and asked if the Board of Supervisors has considered a study and get a feel what would be the results. Traffic lights are not solution. The previous study on Route 74 which was at a cost of \$115 million has been set aside. Mr. Stevens noted that it was a waste of money and time and that the state does not have the money. It was noted that the study is just updating the previous study. Mr. Fahey asked if the future growth areas are being considered.

EXECUTIVE SESSION

There is no executive session.

ADJOURNMENT

Motion: Supervisor Brown made a motion to adjourn the meeting at 10:57 p.m. **Seconded** by Supervisor Decker. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary