

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

**CALL TO ORDER**

Present were Supervisors Donald Lerew, John Shambaugh, and Edward Campbell. Also present were Solicitor Stacey MacNeal, Engineer Michael Begis, and Secretary Nancy Zentmeyer. Visitors are on the attached sign-in sheet. The meeting was called to order at 7:33 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 Vice Chairman Shambaugh gave the opening prayer.

**APPROVAL OF MINUTES**

**1. Board of Supervisors Regular Meeting, June 9, 2008**

**Motion:** Vice Chairman Shambaugh approved the minutes of the Board of Supervisors regular meeting of June 9, 2008 with the correction that he was not present for the Conditional Use hearings but was present for the Regular Meeting. **Seconded** by Supervisor Campbell. The motion carried unanimously.

**APPROVAL AND PAYMENT OF BILLS**

Chairman Lerew noted that they would take a moment to review the bill list. Supervisor Campbell questioned the bill under Recreation for \$2,000.00. It was noted that it was for a gazebo at Ponderosa Park.

**Motion:** Vice Chairman Shambaugh made a motion to approval the payment of the bills as submitted. **Seconded** by Chairman Lerew. The motion carried unanimously.

**TREASURER'S REPORT**

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

**1. Report on Past Due Invoices**

Treasurer Emler had given the Supervisors a memorandum updating the past due invoices. It was noted that there are still 4 outstanding invoices. Vice Chairman Shambaugh asked how over due are these invoices and it was noted more than one year.

**Motion:** Vice Chairman Shambaugh made a motion to authorize Solicitor MacNeal to send letters requesting payment. **Seconded** by Chairman Lerew. Supervisor Campbell asked Solicitor MacNeal if she has done this before and she noted with other municipalities she represents she has sent letters. The motion carried unanimously.

## **ORGANIZATION REPORTS**

**1. Police** – Chairman Lerew gave a brief review of the police report as follows: criminal investigations – 7; citations issued – 58; warning cards – 2; and faulty equipment cards – 1. The report will be on file at the Township office. It was noted that the police department is on the look out for speeding motorcycles. There was a meeting held June 17<sup>th</sup> at the Dillsburg Borough office regarding the regionalization of a police department to serve the northern part of the county. This is just in the discussion phase and the other municipalities interested are Carroll Township, Franklin Township, Franklinton Borough, Wellsville Borough, Monaghan Township, Warrington Township and Washington Township. There is a Letter of Intent that is needed in order to do a study. This does not lock the Township in but it is just to show interest. There was discussion on the location of the NYRPD and that it takes 25 minutes to get to the Township once they receive a call. The Township currently has approximately 3 years left on the current contract with NYRPD. Solicitor MacNeal noted that there is a union contract and a police regionalization contract. The police regionalization contract is unending and there would need to be a vote by 2/3's of the members and there are also notice provisions.

**Motion:** Vice Chairman Shambaugh made a motion to send the Letter of Intent. **Seconded** by Supervisor Campbell. The motion carried unanimously.

**2. Fire** – There were no reports from Franklinton Fire Company and Citizens Hose.

**3. EMS** – Traci Cook presented the following report: there were 15 calls in Franklin Township will 11 medical, 2 fires, and 2 missed calls. On the front of the report Ms. Cook gave the locations of motor vehicle accidents in the Township. The 2<sup>nd</sup> quarter financial report has been submitted. Ms. Cook noted that most accidents involving motorcycles are caused by automobiles. The laptops have been purchased with the help of a \$10,000. grant and they should get them by the end of the month. Ms. Cook also stated that house markers in this Township are very helpful.

**4. DAA** - Mr. Potts noted that the DAA had their regular meeting on June 17<sup>th</sup> and an agenda review meeting on July 11<sup>th</sup>. Mr. Potts gave a breakdown of the new connections. The Apple Blossom Estates application for the water tank is ready to be signed and forwarded to DEP.

**5. Emergency Management** – Mr. Robert Yerger noted that the Emergency Task Force will not meet until September. The EMA will be meeting next Monday night. For the building activity there is a grant that will pay 25% which will be explored and once information is received it will be shared with the Supervisors.

**6. NYCRCP Transportation** – In regards to the Implementation Agreement Solicitor MacNeal indicated that the ordinance has been advertised. Correspondence had been received from YCPC that an official map is not a requirement for the approved funding. Supervisor Campbell gave a brief review of what the Implementation Agreement is for. It is a system of rules to make updates to the comprehensive plan and gives procedures with making changes. Mr. Kober is proceeding with getting the grant and YCPC will be putting out requests for Consultants. The total amount in contributions from the municipalities participating in this agreement is \$29,000.00.

**Motion:** Vice Chairman Shambaugh made a motion to adopt Ordinance 2-2008 authorizing the entry into the Implementation Agreement. **Seconded** by Supervisor Campbell. The motion carried unanimously.

7. **Ad-Hoc Committee** - It was noted that there was no meeting in July.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Thomas & Janet Rudy, Subdivision & Land Development Plan, Sewage Planning Module**

Engineer Begis noted that the sewage planning module needs action to be submitted to DEP. It was noted that KPI was waiting for the hydrogeologic report which was received today and looks favorable. The SEO will sign the module once the report has been reviewed.

**Motion:** Vice Chairman Shambaugh made a motion to approve the sewage planning module for Thomas & Janet Rudy conditioned to the SEO signature. **Seconded** by Chairman Lerew. The motion carried unanimously.

### **2. Kensington East, Preliminary Subdivision & Land Development Plan, Waiver Request, Plan Approval or Time Extension**

Engineer Begis noted that the applicant is requesting a waiver on the minimum distance between panhandles. In the Zoning Ordinance the distance is 150' and in the SALDO it is 400' with the SALDO being more stringent. The Planning Commission recommended the panhandle waiver for a shared driveway between lots 10 & 11 to serve lots 18, 19, & 20. The Planning Commission would like to see the plan again if this waiver is granted. Supervisor Campbell noted that shared access drives have been discussed at Ad-Hoc Committee meetings. A cul-de-sac was previously looked at but could not meet the length requirements. The site distance has been checked.

**Motion:** Vice Chairman Shambaugh made a motion to grant the waiver request from Section 514 of the SALDO conditioned that the plan goes back to the Planning Commission showing the cross easements for lots 18, 19, & 20. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Supervisor Campbell noted that there are 12 lots on 80 acres of land which allows for the 4-acre density. The applicant will put a note on the plan that it cannot be further subdivided.

**Motion:** Vice Chairman Shambaugh made a motion to accept the time extension for the Kensington East Preliminary Subdivision & Land Development Plan until October 7, 2008. **Seconded** by Chairman Lerew. The carried unanimously.

Mr. Fahey noted that with comment #1 regarding steep slopes that he will be giving a zoning determination. He is ok with this and will put something in writing and get it to the applicant.

## **REPORTS**

### **Engineer**

Engineer Begis gave a report on the Capitol Hill Road bridge. They have received all of the bonding from both contractors but needs authorization to give the Notice to Proceed.

**Motion:** Vice Chairman Shambaugh made a motion to authorize KPI to send the “Notice to Proceed” letters to the contractors. **Seconded** by Supervisor Campbell. The motion carried unanimously.

It was noted that it will take 60 days to complete.

## **Solicitor**

### **1. Charitable Contribution Submission & Evaluation Process**

Solicitor MacNeal submitted information on the process of giving charitable contributions and noted that the Supervisors could use this as a starting point. Supervisor Campbell noted that he likes the thought process and this could be used during the budget meetings. It was suggested to change the date in #1. Vice Chairman Shambaugh noted #9 should also be for emergency situations. It was suggested that the Township contact the organizations regarding this process and to also receive a tax exempt letter or an IRS 501.C3 form. This information will be reviewed and the Supervisors will discuss any changes at a later date.

### **2. Michael Sunday Property**

Solicitor MacNeal noted that correspondence had been received from DEP in July. An inspection of the property was done and it indicated that there are no violations and DEP sees no need to initiate any action against Mr. Sunday or American Ash Recycling. Also correspondence was received from EPA.

### **3. Request for Executive Session**

Solicitor MacNeal indicated that she would like an Executive Session to discuss the 3 pending land use litigations.

Vice Chairman Shambaugh suggested that Mr. Fahey visit the site as there may a possible other business operating there and for the Township to get tax money from that business.

## **Building Permit & Zoning Officer**

### **1. Overcash Property**

It was noted that the existing building cannot be brought up to any commercial codes. There was discussion of possibly redoing the outside of the building and then it would be private storage. The building would be classified “U” under the UCC code. Mr. Fahey asked the Supervisors to re-identify the commercial wing of the building as residential. An alternative course of action would be to condemn the property. Mr. Fahey suggested the conversion to residential, that way at least the building would be refurbished.

### **2. Joseph’s Machine Shop**

Mr. Fahey noted that he has contacted the YCCD and requested that all correspondence between them, DEP, Army Corps of Engineers and Joseph’s Machine Shop be copied to the Township. It will be requested from those agencies.

### **3. Cherry Lane**

There is a home that is a double ranch house joined by a common garage. The home is considered a granny flat. The current homeowner is trying to sell the home and wanted Mr. Fahey to issue an occupancy permit for 2 residences on one property.

### **4. Clear Springs Road**

A complaint was received at the Township office regarding possible sewage running out onto the road. It was basement water being pumped. Vice Chairman Shambaugh noted that complaint was not signed and from now on the Township will not do anything if a complaint is not signed. There should be a policy.

### **5. Hickory Road**

Mr. Fahey noted that Mr. Cupko has hauled away a lot of junk from his property on Hickory Road.

### **Road master**

Vice Chairman Shambaugh noted the Road master's report is on file at the Township office. Correspondence had been received from PennDOT regarding the winter service agreement and the Township will be receiving a reimbursement.

### **Park & Recreation**

Mr. Ron Gingrich, a member of the Park & Recreation Board, noted the bill that previously was questioned was in the amount of \$1,975.00 for a gazebo which is in place by the senior citizens walk. It was indicated that small benches will be built and also a ramp for wheelchair accessibility.

Engineer Begis discussed the grading for Ponderosa Park and that the Township should secure bids on the proposed work. He had a plan showing the parking area, the proposed field and the existing field. The proposed field meets the requirements of a multi-use field. There will only be a backstop with no fencing.

**Motion:** Chairman Lerew made a motion to put Ponderosa Park up for bid to do the grading work on the field and to secure bids at the September Board of Supervisors meeting. **Seconded** by Supervisor Campbell. Vice Chairman Shambaugh noted that this does not match what is on the master plan. The motion carried unanimously.

### **1. Correspondence from Geoffrey Livingston Re: Century Park**

In Mr. Livingston's correspondence he addressed the flooding of the ball field. It was noted that this problem has been corrected. It was also suggested that recycling containers be added to the parks.

**Motion:** Vice Chairman Shambaugh made a motion that the road crew get recycling containers for the parks and that they are emptied by same. **Seconded** by Chairman Lerew. The motion carried unanimously.

### **OLD BUSINESS**

There was no old business.

## **NEW BUSINESS**

### **1. IRS Mileage Rate Increase**

The IRS has increased the mileage rate from 50.5 cents to 58.5 cents per mile

**Motion:** Vice Chairman Shambaugh made a motion to adopt the new mileage rate of 58.5 cents.  
**Seconded** by Supervisor Campbell. The motion carried unanimously.

## **CORRESPONDENCE**

### **1. Lynn Potts**

Correspondence was received from Mr. Lynn Potts regarding the road adoption of the extension of Tuckahoe Road by the Township. Mr. Potts is willing to give the Township a legal 50' right-of-way along the existing roadway. It was noted that the Boy Scouts will be submitting a request within the next month or so after they have talked with the other property owners.

### **2. Gypsy Moth**

Vice Chairman Shambaugh questioned the gypsy moth spraying. It was noted that the Township will be receiving a new invoice. Last month the Supervisors requested a list of land that was sprayed for gypsy moths and the total acreage. It was questioned when the deadline to submit for the 2009 spraying. It was noted that this will be looked into and information will be shared.

## **PUBLIC COMMENT**

### **1. Kathleen Misturak-Gingrich**

Mrs. Gingrich spoke regarding the Zoning Hearing Board and the Boyer Variance. She noted that there were several residents at the hearings who gave testimony against the Variance. The Boyer's did submit a Land Use Appeal based on the decision of the ZHB. Mrs. Gingrich stated that she filed a Notice of Intervention of Ronald and Kathleen Gingrich to the Prothonotary's office. Mrs. Gingrich requested that the Board of Supervisors do the same.

### **2. Clyde Flohr**

Mr. Flohr questioned the cost of the pavilions at the parks for residents and non-residents. Mr. Flohr stated that the tile by his driveway is eroding and asked if the road crew could take a look at it. Mr. Flohr noted that he is now doing the taxes on a computer and there is a lot of printing. He is getting ready to send out second notices and he needs a new printer. He is requesting that the Supervisors pay half of the cost. The printers he is looking at cost between \$250.00 and \$300.00. It was suggested that Mr. Flohr get information on the type of printer he needs. Mr. Ron Stevens noted that he would help to get the information and then contact the Township office.

### **3. LTAP**

Vice Chairman Shambaugh noted that LTAP is presenting a workshop on August 12<sup>th</sup> on road repair. There is no cost.

### **4. West Shore Tax Bureau**

Correspondence was received from the West Shore Tax Bureau regarding Act 32 of 2008 which has to do with tax collection and the changes to the Local Tax Enabling ACT. A meeting is scheduled for July 24<sup>th</sup> at 9:00 a.m. After discussion it was suggested that Treasurer Emlet should attend this meeting.

**Motion:** Chairman Lerew made a motion for Vice Chairman Shambaugh to attend the LTAP workshop. **Seconded** by Supervisor Campbell. The motion carried unanimously.

**EXECUTIVE SESSION**

An Executive Session was called at 9:14 p.m.

The meeting reconvened at 9:40 p.m.

**Motion:** Vice Chairman Shambaugh made a motion to authorize Solicitor MacNeal to file the Notice of Intervention regarding the Boyer Land Use Appeal and to defend the Township against the Boyer litigation. **Seconded** by Supervisor Campbell. The motion carried unanimously.

**ADJOURNMENT**

**Motion:** Supervisor Campbell made a motion to adjourn the meeting at 9:43 p.m. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary