

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
January 12, 2009**

**CALL TO ORDER**

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, and Edward Campbell. Also present were Engineer Timothy Knoebel, Solicitor Stacey MacNeal and Secretary Nancy Zentmeyer. The meeting was called to order at 7:02 p.m. The meeting was held 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.

**QUOTE OPENING FOR OLD SAFE**

The Township received one quote on the old safe from Mr. Robert King for the price of \$15.00.

**Motion:** Supervisor Decker made a motion to accept the quote from Mr. King at a price of \$15.00. **Seconded** by Chairman Lerew. The motion carried unanimously.

**APPROVAL OF MINUTES**

**1. Board of Supervisors Regular Meeting, December 8, 2008**

**Motion:** Supervisor Brown made a motion to approve the minutes of the December 8, 2008 Regular Meeting as submitted. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Decker abstaining.

**2. Board of Supervisors Reorganization Meeting, January 5, 2009**

**Motion:** Supervisor Decker made a motion to approve the minutes of the January 5, 2009 Reorganization Meeting as submitted. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

**APPROVAL AND PAYMENT OF BILLS**

Supervisor Decker questioned the bill under Recreation for Ponderosa Park in the amount of \$65,847.15. It was noted that at the Reorganization Meeting a bill was approved for \$71,401.85 for site improvements. After discussion it was noted that the check to Lobar should not be sent.

**Motion:** Vice Chairman Shambaugh made a motion to pay the bills as submitted on the bill list with the exception of Lobar Associates. **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 that in the report from October 22<sup>nd</sup> – November 18, 2008 there were 80 calls in 2007 and 91 calls in 2008. In the report from November 19<sup>th</sup> – December 16, 2008 there were 92 calls in 2007 and 82 calls in 2008. It was noted that as of January 1, 2009 Chief Segatti will be getting a 3.95% raise. The police report is on file at the Township office.

**2. Fire** – Franklinton Fire Co. reported that there were 14 calls in Franklin Township during the month of December. Chairman Lerew asked if the fire company could supply the Township with the number of accidents that occurred on Route 15 since there is a study being done.

Citizens' Hose Co. #1 noted that there were 4 incidents in the month of December with motor vehicle accidents at Route 15 and Cabin Hollow Road, Baltimore Road, Route 15 and Scotch Pine Road, and S. Mountain Road. There were total of 347 calls for the year. The year end report will be given at a later date. There was discussion on the new portable radios and getting everything worked out. There will also be new type of scanners. It was noted that the fire companies work well together.

**3. EMS** – a report was given by Nick, one of the full-time EMT's with Dillsburg and noted that Traci Cook will give the year end report next month. There were 17 calls during the month of December in Franklin Township.

**4. DAA** - Mr. Lynn Potts noted that he had nothing to report. The water tank for Apple Blossom was discussed and it was noted that it will be built.

**5. Emergency Management** – Robert Yerger noted that there is nothing major to report. The task force will be meeting the last Saturday in January for a drill component that was done last September.

**6. NYCRCP Transportation** – Supervisor Brown reported on 2 items. January 13, 2009 there will be a meeting at 1 pm at the Carroll Township Municipal Building on the Comprehensive Plan regarding the transportation amendment. Mr. Wayne Harper from York County drafted a concept paper. The consultant will also be in attendance of this meeting. The Traffic Safety Campaign for Route 15 will be held on January 29, 2009 at 7 pm at the Carroll Township Municipal Building to discuss education, enforcement and engineering.

**7. Ad-Hoc Committee** - Supervisor Brown noted that the committee will be meeting tomorrow evening and there will be another draft of the SALDO and will be going over comments from YCPC.

**8. Building Committee** - Robert Yerger noted that he has rough notes regarding space but needs more direction. After discussion a workshop meeting will be held with the Supervisors on what the Township wants to do. The workshop will be held on February 10, 2009 beginning at 7 pm.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Spring Drive Estates, Final Subdivision Plan**

Mr. Roger Watson was present to represent the plan. Engineer Knoebel noted that this plan is for 3 building lots with a 1 lot addition. The property is located in the Open Space zoning district on Chestnut Hill Road and Spring Drive. Engineer Knoebel reviewed his comments from January 9, 2009 as follows:

All subdivision related zoning comments have been addressed.

Subdivision Ordinance comments:

1. Property corner markers should be installed or bonded (406.a).
2. The owner's acknowledgement and related certifications by the Surveyor are required. Notarized acknowledgement of those properties receiving the additional land is also required (402.a.26).
3. The plan indicates that a fee-in-lieu of park and recreation areas will be provided (520). **Engineer Knoebel stated that comments 1 through 3 are typical.**
4. The sewage planning module has been approved by DEP. The plan which was approved as part of the planning module showed a groundwater easement on lot 2 which was for the benefit of lot 4. KPI had previously commented regarding the lack of specific requirements for this easement as it related to the lots and future deeds and restrictions. The current revised plan now does not include the groundwater easement. KPI understands via email that the DEP staff person indicates that the groundwater easement may not be necessary and that it may be removed. KPI has some concern regarding the reliance on the language in the email as to whether the easement should be removed since the approval letter from DEP does not address the easement. Overall if the DEP does not require the easement we would concur that it should be removed. This matter should be discussed and it should be determined if the email from DEP substantive enough to justify removal of the easement or if a more formal letter would be required.
5. It was previously discussed that the subdivider would be required to pay a fee-in-lieu of widening Chestnut Hill Road (which has a cartway width of 16.5'). The estimate of a fee in lieu of for road improvements considering a 1-foot widening at full depth, a 2-foot shoulder and 4-feet of drainage swale is an equivalent cost of \$8.50 per lineal foot. The subdivision has 742 feet of total frontage on Chestnut Hill Road therefore the recommended road improvement fee is \$6,307.00 (742 l.f. x \$8.50/l.f.) (505.d).

Engineer Knoebel reviewed comment #5 first as to the cost estimate for the road improvement. It was noted that the developer would either do the road improvements or put money in lieu of for improvements to be done in the future. In regards to comment #4 there was discussion on the process of submitting to DEP for lot 2 regarding the ground water easement. On the revised plan it showed no easement on lot 2. An e-mail from DEP indicating that the easement is not needed was sent but the Township should have a letter from DEP regarding this. Supervisor Decker asked if the easement was from drainage and Engineer Knoebel stated that it was for the nitrites. It was questioned why is it listed as "proposed lot". Solicitor MacNeal noted that the deeds of consolidation have been corrected. Supervisor Decker asked if a study was done on the wetlands and Mr. Watson noted that it was done. A note is on the plan that the applicant will pay the fees.

**Motion:** Vice Chairman Shambaugh made a motion to approve the Spring Drive Estates plan conditioned upon the 5 comments in the Engineer's letter of January 9, 2009 with comment #4 that the applicant either show the easement and put a note on the plan or a letter from DEP approving the module without the easement and comment #5 that the fee is paid. **Seconded** by Supervisor Campbell. Supervisor Decker asked if everything has been covered and it was so noted. The motion carried unanimously.

## **2. Baker & Deeds Subdivision Plan, Denial of Time Extension**

Engineer Knoebel noted this is related to last month's action on the time extension for this plan. Mr. Baker and his engineer, Chris Hoover, were present. It was noted that Solicitor MacNeal had written Mr. Baker, dated December 18, 2008 advising him of the denial of his plan. It was noted that the major issue delaying this plan is that there is no water available. Supervisor Campbell asked how long is it reasonable to keep this, a limit on how long to keep a plan alive. Chairman Lerew asked Mr. Baker if he is backing any drillings, for the possibility of another well. Engineer Knoebel noted the development behind Mr. Baker's property (Sturbridge Place) is in the same situation as they will need water also and since the properties adjoin the property owners could possibility work together. DAA will not extent the water lines through Franklinton Borough. Mr. Baker asked that his plan be reinstated. Solicitor MacNeal stated that the Board could take action with the first vote to reconsider their action from December and the applicant has 30-days to appeal. It was also noted that there are still open issues on the plan. Vice Chairman Shambaugh noted that he is not willing to change his decision. There was discussion regarding the zoning since this plan was submitted before zoning came into the Township. If the plan remains denied Mr. Baker would have to go to the Zoning Hearing Board for a Variance relief or get the area rezoned. Again Mr. Baker asked for an extension until the summer. Solicitor MacNeal noted that this is the third plan in the past 15 months that the Supervisors have denied.

Chairman Lerew asked if anyone would like to put a motion to withdraw the previous motion from December. There was no motion made therefore the plan remains denied.

## **3. Kensington East**

A representative for Mr. Fox's development questioned the bonding of the driveways. The plan was approved in October, 2008. Engineer Knoebel indicated that the driveways do not have adequate site distance unless there is grading work done. The driveway permits could be issued with conditions, then the work can be done and inspected. The applicant needs to show how there is adequate site distance. The bonding numbers are needed.

## **REPORTS**

### **Engineer**

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

Engineer Knoebel noted that a report on the bridge inspection has been submitted. Structural engineers did inspect the bridge and has determined that the bridge cannot be repaired to meet today's ratings. The bridge needs to be replaced and two alternatives were given. The bridge can either be maintained in its existing condition and provide erosion and control protection or replace it at a cost between \$50,000.00 and \$70,000.00. Engineer Knoebel noted that it would be the same process as was done with the Capitol Hill Road bridge. There was discussion on placing guide rails. If the bridge is replaced PennDOT would require guide rails. The cost is high to replace and the Township would have to go out on bid. Environmental permits would also be needed. The bridge is usable. It was suggested fixing the erosion problems and put a weight limit. Signs would need to be erected and an ordinance adopted. It was noted that school buses use Water Street and they should be notified. Supervisor Decker asked what about the liability is.

**Motion:** Vice Chairman Shambaugh made a motion to authorize KPI to do a weight limit study and to work with the Road master on the erosion prevention that needs to be done. **Seconded** by Chairman Lerew. Supervisor Decker stated that the Township needs a figure. Supervisor Campbell suggested adding to the motion that a letter be sent to the school. **Motion:** Vice Chairman Shambaugh amended his motion to include a letter be sent to the school district. **Seconded** by Chairman Lerew. The motion carried unanimously. It was noted that Mrs. Emlet could look for grants to help with the cost.

## **2. Ponderosa Park**

Engineer Knoebel gave a follow-up on 2 reports. A letter dated January 9, 2009 from KPI regarding the payment request. Lobar sent a letter on December 29, 2008 regarding the finalization of the work which was the end of December but because of the weather this cannot be completed. The Township gave until the end of April and Lobar is asking for an extension until April 30<sup>th</sup> for all the work. There was discussion on extending the work only until March 15<sup>th</sup> depending on the weather. YCCD has been to the site.

**Motion:** Vice Chairman Shambaugh made a motion to extend the work until March 15, 2009. **Seconded** by Chairman Lerew. The motion carried unanimously.

## **Solicitor**

### **1. Rowbottom Property**

Solicitor MacNeal reviewed the issues on the Rowbottom property. A civil complaint will be filed for the \$154.00 invoice which has not been paid. The Township cannot seek reimbursement with the zoning enforcement. Supervisor Campbell asked what is reimbursable. Solicitor MacNeal indicated that she will talk with Mrs. Emlet and provide a list. Regarding the junkyard issue a formal citation was issued in August from Mr. Fahey. There was a follow-up letter in October or November. A formal letter to clean-up the property was sent and the clean-up is to be done within 20 days and on the 21<sup>st</sup> day if nothing is done a civil complaint can be filed with the District Justice. It was noted to check with Mr. Fahey before doing this.

**Motion:** Supervisor Campbell made a motion to pursue the junk clean-up complaint after Mr. Fahey's review on additional action taken. **Seconded** by Supervisor Brown. Supervisor Decker questioned what junk is there and what law is on our books. There is a junkyard ordinance and Solicitor MacNeal noted that his neighbors are willing to testify and that Mr. Rowbottom is doing business as a junkyard. The motion carried unanimously,

The rock wall and stones in the swale is still an issue. In October Mr. Rowbottom was given 90-days to remove the stones from the swale. The wall deadline is today. There was discussion regarding the road crew to remove the rocks as this is an on-going issue. The Township is to do the work and then invoice Mr. Rowbottom for reimbursement. The road crew is also to remove the wall. Supervisor Decker questioned the removing of the wall and if the wall is only 1' in the Township's right-of-way would the Township be going onto Mr. Rowbottom's property?

**Motion:** Vice Chairman Shambaugh made a motion for the Township Engineer to send a survey crew to adequately mark the right-of-way and then by next month's meeting to be pushed onto

Rowbottom's property. Send a certified letter that a survey crew will be out and for this to be finalized by the next meeting. **Seconded** by Supervisor Campbell. The motion carried unanimously.

## **2. Michael Myers Invoice**

Solicitor MacNeal stated that she had notified Mr. Myers of payments to be paid to the Township but no payments have been made in awhile. It was suggested going to the District Justice but first it should be checked to see how much has been paid. Supervisor Decker indicated that the Township needs to give more time. It was suggested to send a letter to Mr. Myers with a payment plan.

**Motion:** Supervisor Campbell made a motion to wait until next month's meeting then take action. **Seconded** by Chairman Lerew. The motion carried unanimously.

## **Building Permit & Zoning Officer**

Mr. Fahey's report had been submitted but was not present.

## **Road master**

Vice Chairman Shambaugh noted that the Road master's report is on file at the Township office. The Township is good on the road salt.

## **Park & Recreation**

### **1. Associated Products, Request for Quote**

A quote was received from Associates Products on portable restrooms for 2009. It was noted that there is something set up with the Soccer Club. It was suggested to see if there are other companies the Township can get quotes from. No action was taken.

### **2. Park & Recreation Board Vacancy**

It was noted that there is a vacancy on the Park & Recreation Board. Mr. Kenton Emlet has moved out of the Township. This should go to the next Park & Recreation Board meeting. An ad will be placed in the Banner and it will be posted on the cable channel and website.

## **OLD BUSINESS**

### **1. Bob Shelly, Building Inspector Reappointment**

**Motion:** Vice Chairman Shambaugh made a motion to reappoint Bob Shelly as the UCC Building Inspector at the current fees. **Seconded** by Supervisor Campbell. The motion carried unanimously.

### **2. Lynn Potts, DAA Reappointment**

**Motion:** Vice Chairman Shambaugh made a motion to approve the reappointment of Mr. Lynn Potts as the representative to the DAA. **Seconded** by Supervisor Brown. The motion carried unanimously.

### **3. Trans Associates, Traffic Engineer Reappointment**

**Motion:** Vice Chairman Shambaugh made a motion to reappoint Trans Associates as the Township's traffic engineer at the rates in the proposal. **Seconded** by Supervisor Brown. The motion carried unanimously.

## **NEW BUSINESS**

### **1. Clean-Up Day**

A date needs to be set for clean-up day. It was noted in previous years it has been scheduled on the first Saturday in May. For 2009 the date was set for May 2<sup>nd</sup>.

### **2. PSATS Convention 2009**

This is just a reminder to let the Township Secretary know who will be attending this convention and if there are any seminars they wish to attend.

### **3. Consideration of Amending Fee Schedule**

Vice Chairman Shambaugh did a fee comparison with surrounding municipalities and asked if the Supervisors are interested in changing some of their fees. There was discussion on the driveway permit being increased to \$25.00, a per lot fee on a subdivision plan, and an increase in the Zoning Hearing Board fee of \$500.00. Solicitor MacNeal noted that the fee for a Conditional Use hearing is \$350.00.

**Motion:** Supervisor Brown made a motion to increase the driveway permits to \$25.00 and the Zoning Hearing Board fee to \$500.00. **Seconded** by Vice Chairman Shambaugh. The motion carried unanimously.

## **CORRESPONDENCE**

### **1. PA DCED – Peer to Peer Technical Assistance Articles of Agreement**

This agreement was previously approved for Chairman Lerew to sign and Solicitor MacNeal has reviewed this and has no issues.

**Motion:** Vice Chairman Shambaugh made a motion to authorize the Chairman to sign this agreement. Supervisor Decker questioned the agreement and it was noted that this is for the consultant to review the police contract with the end result a report from the consultant to let the Township know whether this is a good idea. This does not cost anything. The current police contract is in effect until 2011. This is preliminary and it will show what is good for the Township. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Decker opposing.

### **2. YCPC – Local Government Advisory Committee Representative**

It was noted that Supervisor Decker is currently the representative for Franklin Township. It was noted that she will continue to be the representative.

## **PUBLIC COMMENT**

Mr. Clyde Flohr noted that this is election year for the tax collector and he was asking about the compensation. Solicitor MacNeal suggested checking the ordinances and resolutions but noted it is currently 5%. This was tabled until the next meeting.

## **EXECUTIVE SESSION**

Solicitor MacNeal asked for an Executive Session for consideration of Special Counsel. The Supervisors recessed the meeting at 9:26 p.m. and went into Executive Session.

The meeting was reconvened at 9:50 p.m. with the following motion being made.

**Motion:** Supervisor Campbell made a motion to appoint Post & Snell as special counsel and review current contract rates as noted in their letter. **Seconded** by Supervisor Brown. The motion carried with Supervisor Decker opposing.

**ADJOURNMENT**

**Motion:** Supervisor Brown made a motion to adjourn the meeting at 9:51 p.m. **Seconded** by Supervisor Campbell. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary