

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

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, and Edward Campbell. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, and Secretary Nancy Zentmeyer. Guests and visitors are on the attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

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

APPROVAL OF MINUTES

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Regular Meeting of September 14, 2009 as submitted. **Seconded** by Supervisor Campbell. The motion carried.

APPROVAL & PAYMENT OF BILLS

Motion: Supervisor Campbell made a motion to approve the payment of the bills as submitted. **Seconded** by Vice Chairman Shambaugh. The motion carried.

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.

ORGANIZATION REPORTS

Police – Chairman Lerew noted the main issue with police is that for police protection of 75 hours per week the Township is paying \$227,433.67 for 2009 and in 2010 the cost will be \$241,515.53 with the same man-hours.

Fire - Tony Baker from Citizens Hose Co. #1 gave the following report: for the month of September there were 4 calls in Franklin Township which brings the year to date of 28 calls and the total overall calls of 283. It was noted that the last sheet of the report gives the breakdown of calls.

Mike Whitzel of Franklinton Fire Co. handed out his report but had to leave to answer an emergency call. Both reports are on file at the Township office.

EMS - Traci Cook from the EMS gave the following report: for the month of September Franklin Township had a total of 28 calls with a total of 106 calls for the year. With regards to the motor vehicle accidents on Route 15 Ms. Cook will get the statistics. A new ambulance is being ordered at a cost of approximately \$138,000. A new uniform program is being established but the cost is not known. There were 10 people that had taken the intermediate trauma life support class with all individuals passed and are now state certified. The 2002 ambulance will be traded-in but the 2005 ambulance still has a 2 year warranty.

DAA - Mr. Albert submitted the draft September minutes which includes a connection permit report.

Emergency Management - Mr. Lauren Fleming was present. Supervisor Campbell questioned the boxes and if it should be done by Resolution. Solicitor MacNeal noted that the approval can be given tonight along with a Resolution which can be signed at a later date.

Motion: Supervisor Campbell made a motion to enact Resolution No. 8-2009 to adopt the fire boxes. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Mr. Fleming noted that with regards to the agreement between the EMA and the Boy Scouts that 38 scouts have completed training. The Boy Scouts had no comments regarding the Memorandum of Understanding and are in agreement with it.

Motion: Supervisor Campbell made a motion to approve the Memorandum of Understanding by and between Franklin Township and Boy Scout Troop 203 to help assist the EMA. **Seconded** by Chairman Lerew. The motion carried.

Mr. Fleming noted that the Board should appoint a Liaison and that he is willing to serve in this capacity.

Motion: Supervisor Campbell amended his motion to appointed Mr. Laurin Fleming as the Liaison. **Seconded** by Chairman Lerew. The motion carried.

Supervisor Campbell questioned Mr. Fleming on the flyers that were sent home from the school district regarding the swine flu vaccine. Mr. Fleming noted that emergency management is not involved in the vaccine.

Building Committee - The date for the next meeting was discussed and it was noted that Thursday, November 19, 2009 beginning at 7:00 p.m. will be the next date. Mr. Yerger will be notified of this date.

NYCRCP Transportation - Mr. Wayne Kober gave a report. On October 7 a meeting of the development committee met at the Carroll Township Municipal Building. The agenda of the meeting was reviewed with Section 3 – Existing Roadway Conditions with the draft report being corrected and there is a need to address intersections. Section 4 – Environmental Overview with the bog turtle being found in some areas along with 5 plants being on the endangered species list. The wetlands were also discussed. The Study Growth Rate was discussed with 2.75% being the short term and 1.7% being the long term. It was questioned if this should be backed up with a Resolution or motion to accept the rates. The draft Purpose and Needs was discussed and it was noted that this is the first draft but it still does not capture the needs. Gannett Fleming is looking at the needs and costs with interchanges and a look at the short, medium, and long terms. It was noted that the signage on Route 15 needs to be fixed right away as there are errors on some the signs. Mr. Kober stated that he made detailed comments to York County and he was notified this was inappropriate and that he should ask for a meeting and that he also needs to go through the development committee.

Mr. Kober suggested a briefing to the Board of Supervisors be presented to them so they have an understanding. Supervisor Campbell asked Mr. Kober what action is he looking for. It was noted to make a motion to agree with the growth rate. Mr. Kober asked for a half an hour at the next regular meeting if possible. Solicitor MacNeal advised the Supervisors that they still need to set a date for the Conditional Use application that is before them tonight and she expects this hearing to last at least one hour.

After discussion the following was decided: November 19, 2009 at 6:00 p.m. the presentation from York County on the development committee, at 6:30 p.m. the building committee meeting, and at 7:00 p.m. the Conditional Use hearing.

SUBDIVISION AND LAND DEVELOPMENT

1. Time Extension – David & Diane Heikes Subdivision Plan

Engineer Knoebel stated that a time extension has been received from Mr. & Mrs. Heikes until December 14, 2009. This is for the sewage planning module being reviewed by DEP.

Motion: Supervisor Campbell made a motion to accept the time extension for the Heikes' Subdivision Plan until December 14, 2009. **Seconded** by Chairman Lerew. Vice Chairman Shambaugh noted that the time extension letters need to state the purpose of the extension on the letter. The motion carried.

REPORTS

Engineer

Engineer Knoebel noted that he has nothing that needs action taken tonight.

Solicitor

1. Conditional Use Request – Set Date

Solicitor MacNeal noted that this conditional use is substantial with 179 units and that the Supervisors need to look at the Mobile Home Park criteria in the ordinance. This conditional use is on property that is currently in litigation. Solicitor MacNeal stressed the importance of properly posting the property and advertising. This application will be going to the Planning Commission at their November 2 meeting as they need to review this application and making a formal recommendation. It was noted that a letter be sent to the applicant noting the meetings with the Planning Commission and the Supervisors indicating that they attend. It was noted that Solicitor MacNeal will be guiding the Township through the procedures because of the nature and size of this request. Solicitor MacNeal will meet with Mr. Fahey and Engineer Knoebel to review the plan and application and to give a statement to the Planning Commission on what they should be doing with these applications. Solicitor MacNeal indicated that she will attend the November 2 Planning Commission meeting. There will be a report from Mr. Fahey giving a brief summary. The application and plan will also be submitted to the surrounding municipalities and school district.

Solicitor MacNeal noted 2 comments - #1 the Board of Supervisors will be a "quasi-judicial" capacity and they should not be talking to any of the parties; and #2 that she is here to help advise and if the conditional use is opposed the Township will need to hire a special counsel.

2. Executive Session

Solicitor MacNeal noted that she would like to have an executive session regarding litigation.

Building Permit & Zoning Officer

Mr. Fahey presented the following issues.

Kings Kids Camp – YCCD will start with enforcement actions against the camp. No plans have been submitted. An informal notice had been sent and after discussion it was decided to send a formal notice of violation which the Supervisors agreed.

The Helen Krause Animal Foundation will be going before the ZHB this month along with REMCON.

Other ZHB issues that need to go before the Board is the commercial composting business on Circle Drive and the auction house sign on Franklin Church Road. Neither has submitted their application and/or drawings.

The property at 413 Franklin Church Road the neighbors are complaining about the dumpster.

Vice Chairman Shambaugh had questions regarding Young's MHP regarding Lot #2 with a large trailer moved in encroaching on the setbacks. Mr. Fahey noted that he will check this out. Does the Township have a demolition permit for mobile homes and it was noted that the Township did not want to do demolition permits. How close can a driveway be to the property line and it was noted 3'.

Supervisor Campbell asked about the Leininger property and the businesses that are being conducted. This was brought up at the August meeting. Mr. Fahey noted that he and Engineer Knoebel have not looked at the plans but will do so.

Road master

Vice Chairman Shambaugh noted that the road master's report has been submitted. Engineer Knoebel noted that with the speed hump on By Pass Road that the road master is waiting for a good day. It was questioned the number of speed humps needed and the location. It was noted there should be 2 and to make it thirds.

Parks & Recreation

1. 200th Anniversary

Chairman Lerew stated that the 200th anniversary went well.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

1. Copier Quotes

It was noted that this will be discussed at next month's meeting.

2. SPCA – Animal Care & Housing Agreement

The Township still has not received the contract information from the Humane Society so this will also be discussed at next month's meeting.

3. West Shore Tax Bureau – Resolution Assigning Representatives – Delegate & Alternate

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 9-2009 to appoint Supervisor Campbell as the delegate and Vice Chairman Shambaugh as the alternate to the West Shore Tax Bureau and to adopt the 2010 Budget. **Seconded** by Chairman Lerew. The motion carried.

CORRESPONDENCE

There was no correspondence at this time.

PUBLIC COMMENT

Mr. Bob Eichelberger asked about the status of Chainsaw Road. Engineer Knoebel stated that he and the road master still need to talk to the 3 property owners that share the one driveway. It was noted that 2 of the property owners will talk and the other one they need to contact. Mr. Eichelberger asked if the Board has a "Plan B" if the owners do not comply. Solicitor MacNeal will review the ordinance for any enforcement measures. There should be some options by next month's meeting.

Vice Chairman Shambaugh asked the Secretary if she is interested in attending a seminar on Open Records. It was so noted.

Motion: Vice Chairman Shambaugh made a motion to authorize the Secretary to attend the Open Records seminar at PSATS on November 12, 2009. **Seconded** by Chairman Lerew. The motion carried.

Chairman Lerew noted that he wanted to go back to Park & Recreation and asked that the road crew remove the muddy ground on the running track by home base.

Vice Chairman Shambaugh suggested that the Park & Recreation Board work on getting maps of the parks. This will be forwarded to the Park & Recreation Board.

Mr. Kober asked that the Supervisors again consider the South Mountain Partnership as there is concern since with the Commonwealth Court regarding the Boyer case. It was suggested that the Supervisors look at their website and to look at what is there and the options. It was noted that this could be re-visited in January.

EXECUTIVE SESSION

The Board went into executive session at 9:17 p.m. with no action to be taken.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary