

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
December 14, 2009**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown and Edward Campbell. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, Treasurer Phyllis Emler, and Secretary Nancy Zentmeyer. The meeting was called to order at 7:03 p.m. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, York County, PA. Guests and visitors are on the attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

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

Chairman Lerew noted a meeting was held on December 9, 2009 to discuss pending litigation.

APPROVAL OF MINUTES

Solicitor MacNeal noted that there are 2 minor revisions to the November 9 minutes on page 4 under Solicitor, Executive Session and page 5 Executive Session that the purpose for the Executive Session was for pending litigation and collective bargaining issues.

Motion: Supervisor Brown made a motion to approve the amended minutes of the Regular Meeting of November 9, 2009. **Seconded** by Supervisor Campbell. The motion carried.

Supervisor Campbell asked if the Township has a transcript of the Conditional Use Hearing. It was so noted that the Township has the original.

Motion: Chairman Lerew made a motion to approve the minutes of the Conditional Use Hearing of November 19, 2009 as submitted. **Seconded** by Supervisor Brown. The motion carried.

APPROVAL & PAYMENT OF BILLS

Supervisor Campbell asked about the Members 1st bill and it was noted that it is for the credit cards. There was discussion on the \$2,900.00 for Lobar under the Park & Recreation Fund which is being paid. The Township will be receiving correspondence from the York County Conservation District on the E&S.

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

TREASURER'S REPORT

1. Banking

Mrs. Emler had given the Supervisors information from Members 1st FCU and from M&T Bank. There was discussion on either moving the accounts to Members 1st or have the accounts remain at M&T Bank. Mrs. Emler also reviewed Act 72 which requires that everything the bank has above \$250,000.00 for each account they have to have a pool of money at least 100% of that amount. It was noted that the Township would get

more interest with Members 1st FCU and there is no cost to the Township to switch over the accounts. It was noted that payroll can be done through Members 1st along with the taxes.

Motion: Supervisor Campbell made a motion to transfer the Township's accounts to Members 1st FCU. **Seconded** by Chairman Lerew. The motion carried.

2. Trash Haulers with Recycling

Information had been supplied to the Supervisors regarding the Township going with one trash hauler which would also include curb side recycling. The Supervisors want to get this information out to the residents. The cost would be about the same as what residents are currently paying but it would include recycling and bulk item curb pick-up. It was noted that this would be a benefit to the community. It was also noted that surrounding municipalities have the one the trash hauler with recycling. This would have to go out on bid and there was discussion on a multi-year bid which is usually 3 years but can be done with extensions, but it depends on the contract. Recycling would have to be mandatory so the Township would be able to get grants from the State.

3. Telephone Quotes

Mrs. Emlet noted that quotes had been received from Line Systems and Comcast regarding telephone service. It was noted that Line Systems is a little less expensive. After discussion it was noted that this will be looked at again next year.

4. Adoption of 2010 Budget

Motion: Supervisor Brown made a motion to adopt the 2010 Budget as advertised. **Seconded** by Supervisor Campbell. The motion carried. It was noted there was no tax increase and that Franklin Township has the lowest millage property tax, the minimum Earned Income Tax and no EMS tax.

5. Renewal of CD

Motion: Supervisor Campbell made a motion to renew the CD for 6 months with Members 1st. **Seconded** by Chairman Lerew. Supervisor Brown questioned a 7 month CD. The motion carried.

6. Treasurer's Report

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

ORGANIZATION REPORTS

Police – Chairman Lerew noted that the November police report will be on file at the Township office. It was noted that last month a resident of the Township reported finding a bullet in their front door. Chairman Lerew stated that the police did check on this and the bullet was removed.

Fire - Tony Baker, Deputy Chief from Citizens Hose Co. #1 presented his report as follows: there were 2 calls in Franklin Township during the month of November which brings the total number of calls this year to 36. Mr. Baker noted that the fire company is getting ready for the pickle drop. Mr. Wayne Kober addressed the meeting at this time regarding the Route 15 Study meeting to be held December 16 at Citizens Hose from 6-8 p.m.

Michael Whitzel from Franklinton Fire Co. presented his report. There were 14 calls in Franklin Township during the month of November. There was discussion regarding land development plans, the Route 15 Study

and concern with response time to this side of Route 15 is limited. Engineer Knoebel explained with the new SALDO and land development plans the applicant is responsible for getting them to the departments for their review. On January 10, 2010 there will be a roast beef dinner served at the fire station. Mr. Kober noted with new developments coming into the area and the age of the equipment the fire companies have that an ordinance be passed regarding fees to the applicants for these services. It was noted that this cannot be done.

Vice Chairman Shambaugh arrived at the meeting at 8:00 p.m.

EMS - Brad Glenn reviewed the EMS report. There were 22 calls in Franklin Township during the month of November with the breakdown as follows: 19 medical, 1 accident, 1 fire, and 1 stand-by. EMS should also be involved in the review period of the new development plans.

DAA - There was no one present but a copy of their minutes was in each agenda packet.

Emergency Management - There was nothing to report at this time.

NYCRCP Transportation - Supervisor Brown noted that there is a public meeting to present the development status of the Northern York County Region Comprehensive Plan Transportation Amendment scheduled for December 16 at Citizens Hose Co. #1 from 6-8 p.m. This will be an open house format. The Study is to be completed in May 2010. There are concerns with shutting off certain portions of Route 15 and overpasses in certain areas. There are near term to long term solutions. In order to go to a Metro York County meeting a person must be an elected official to speak. Also discussed were developments with traffic impact fees arrangement to pay to fix these intersections. Solicitor MacNeal questioned if this could include State roads and this will be checked into. Mr. Ron Stevens noted that Route 15 is a federal highway which is maintained by the State. It was suggested to get federal funding and to contact our representatives for help.

Building Committee – Mr. Yerger gave a brief update. On November 17 a meeting was held and it was noted that in January a meeting will be scheduled to discuss bond rates and numbers. A quote on the furnace has been received regarding the first bay in the garage area but nothing has been received for the roof and insulation.

SUBDIVISION AND LAND DEVELOPMENT

1. David & Diane Heikes Subdivision Plan

Engineer Knoebel noted that from KPI's letter dated April 30 the comments that need to be met are the property corners, recreation fees, and the sewage planning module approval from DEP. The Township did receive approval from DEP. It was noted that the property corners have been marked but the recreation fees need to be paid.

Motion: Vice Chairman Shambaugh made a motion to approve the David & Diane Heikes Subdivision Plan subject to the unresolved comments from KPI's letter of April 30. **Seconded** by Supervisor Campbell. At this time Mr. Heikes discussed the recreation fee of \$1,000.00 for each lot and noted that he is not selling the lot but turning it over to his son. Mr. Heikes noted that he pays the taxes on the land and felt the recreation fee was not necessary. It was noted that it would only be one recreation fee that would need to be paid. Mr. Heikes also noted that he owes \$1,200.00 for the nitrate study review which he feels is out of line. The motion carried with denial of the request not to pay the recreation fee.

2. William Kough Sewage Planning Exemption & Waiver from Recreation Fees

Engineer Knoebel noted that the sewage exemption has been received for this subdivision plan. The location of this property is at the intersection of County Line Road and Scotch Pine Road. There are 3 lots with lot 2 containing the existing house, lot 1 to the south and lot 3 being on both sides of the road. These are large lot sizes (10+ acres each) and are in the Clean and Green. There are replacement sites.

Motion: Vice Chairman Shambaugh made a motion to move the sewage planning exemption for William Kough to DEP. **Seconded** by Chairman Lerew. The motion carried. Supervisor Campbell noted that lot 3 is being split and is an odd configuration. There is language in the ordinance for irregular shaped lots. Solicitor MacNeal noted with all the testing for lot 3 there should be a note on the plan to clarify. Discussion ensued regarding lot 3 and Supervisor Campbell feels the Township is creating a problem. It was noted that the Planning Commission should discuss this.

Motion: Supervisor Campbell made a motion to deny the waiver request regarding the recreation fees on the Kough Subdivision. **Seconded** by Vice Chairman Shambaugh. The motion carried.

3. DASC Waiver from Filing Fee

It was noted that this plan has been submitted to the Township, York County Planning Commission and the County Conservation District.

Motion: Vice Chairman Shambaugh made a motion to waive the filing fee for DSAC. Supervisor Campbell noted that that is not a compelling reason to waive this fee. DASC is non-profit the same as churches, the Helen Krause organization and they had to pay fees to the Township. Vice Chairman Shambaugh withdrew his motion.

Motion: Supervisor Brown made a motion to deny the waiver request for the filing fees from DASC. **Seconded** by Supervisor Campbell. The motion carried.

Mr. Kober questioned the restroom facilities and the mowing being done. Mr. Kober indicated there is stream damage by the way it is maintained.

REPORTS

Engineer

1. Chain Saw Road

Engineer Knoebel noted that this was discussed at the last meeting and the one driveway in question is at the end of the road. A meeting was held on November 18, 2009 with the owners of 197, 203, and 205 Chain Saw Road. These property owners collectively share use of a driveway as access to their residences. Engineer Knoebel noted that the property owners have agreed to do what was asked of them with some of the work to be done this year. The property owners have agreed to the following: 1) to attempt to grade the portion of the road to drain more of the runoff into the existing trap, 2) to work to make the trap larger and continue to maintain the trap, 3) to begin obtaining prices from contractors for the stabilization of the lower portion of the driveway from Chain Saw Road to the point of the first trap, 4) and to pave or stabilize the lower portion of the driveway and to install a diversion berm to divert water from the upslope portion of the driveway to the trap.

It was suggested to set a date of May 1 when all of the work should be completed with periodic inspections to be performed. Items 1 – 3 are to be performed this year and item 4 in 2010. Supervisor Campbell indicated

that a date should be set for the work in items 1 – 3 and a date of January 15 was decided. Engineer Knoebel will send a letter to the property owners.

Mr. Kober questioned a maintenance agreement and Solicitor MacNeal indicated that the Township cannot force them into an agreement at this time.

2. Foxwood Estates Bond Release Request

Engineer Knoebel noted that a letter was received requesting the release of the Letter of Credit for Foxwood Estates in the amount of \$51,117.00. An inspection was performed on the improvements and reviewed the as-built plans for the storm water management facilities. All related work has been completed although Engineer Knoebel noted that neither he nor the road master was contacted to inspect the repair on Stonehead Road. It is recommended that the Township release the remaining financial surety currently held (\$51,117.00) subject and subsequent to receipt of the required maintenance bond in the amount of \$18,249.00 for a minimum of 18-months.

Motion: Supervisor Campbell made a motion to release the Letter of Credit in the amount of \$51,117.00 and to obtain a maintenance bond in the amount of \$18,249.00 for the Foxwood Estates. **Seconded** by Vice Chairman Shambaugh. Mr. Kober noted he has a problem with the small section of road way that was repaired and the maintenance bond. The motion carried.

Solicitor

1. Conditional Use Decision – Brookshire Mobile Home Park

Solicitor MacNeal noted that the Township received a letter from the applicants dated December 12, 2009 granting an extension of time until February 17, 2010 for further deliberation and Solicitor MacNeal recommended the time extension.

Motion: Vice Chairman Shambaugh made a motion to table action on the Conditional Use application. **Seconded** by Chairman Lerew. Mr. Kober questioned this extension. The motion carried.

2. Executive Session

Solicitor MacNeal requested an executive session to discuss pending litigation.

Road master

Vice Chairman Shambaugh noted that the Road master had submitted his report and it will be on file at the Township office.

Building Permit & Zoning Officer

1. Chain Saw Road

Mr. Fahey indicated that a resident is interested in purchasing the recreation area along Chain Saw Road which is 1.078 acres and adjoins his property. It was noted that this needs to be research the documentation to see if this can be done. If this is available the Township would still have to go through the bid process. Solicitor MacNeal stated that she would look into this.

2. Permits

Mr. Fahey asked if the Supervisors would consider changing law the so the contractor should be responsible for all the permits. Solicitor MacNeal noted that each different ordinance would need to be looked at.

3. Tuckahoe Road

There is a dispute between neighbors with one building over the other's property line. There is also building activity that has not been permitted. Since there was not septic approval for the additional building it was suggested to send the S.E.O. out to look at the property and if needed have a police officer go with the S.E.O. to the site. It was also noted that this is a civil issue and setback issue.

4. Sign Issue

The sign issue for the motorcycle shop on Franklin Church Road, the owner has offered to lower the business sign to almost half its original height and to remove the lighting fixtures as a condition of keeping the sign at its present location. Mr. Fahey is to get a copy of the sign permit to Solicitor MacNeal.

5. Fox Junkyard

Mr. Fahey questioned the status of Fox's junkyard on Whiskey Springs Road. Solicitor MacNeal noted that she will contact the estate attorney.

6. Kings Kids Camp

It was noted that a land development plan was submitted for this property to Mr. Fahey and YCCD is reviewing the E&S plan. It was noted that a formal land development plan needs to be submitted to the Township. It was noted that this is another issue for Solicitor MacNeal and she will be sending another letter.

7. Fee Schedule

There was discussion regarding the fee schedule for UCC and non-UCC permits. It was noted that this should be done by a Resolution which could be done at the Supervisors reorganization meeting and that Mr. Fahey should get the fee schedule from Bob Shelly.

8. Zoning Hearing Board

Mr. Fahey noted that new forms have been created for the Zoning Hearing Board application.

9. 14 Capitol Hill Road

Mr. Fahey noted that the owner of this property disputed his decision regarding occasional indoor retail and storage of antiques with an outside car sales lot. Mr. Fahey noted that a hearing is needed because of the language that refers to substantial outside changes.

Parks & Recreation

1. Appointment of Geraldine Novesal

Chairman Lerew noted that the Park & Recreation Board did approve the appointment of Geri Novesal to the Board.

Motion: Supervisor Brown made a motion to appoint Mrs. Novesal to the Park & Recreation Board.
Seconded by Vice Chairman Shambaugh. The motion carried.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

1. Copier Quotes

There was discussion on the copier quotes. The Supervisors indicated that the quote from Ricoh looks the best but there were questions on the cost to set-up and the server requirements. It was that this will be checked into and this will be discussed next month.

2. Animal Services Agreement – Humane Society / SPCA

It was noted that the Township has gone with the Humane Society the last several years and the cost has remained the same.

Motion: Supervisor Campbell made a motion to go with the Humane Society for 2010 at a cost of \$2,075.86. **Seconded** by Chairman Lerew. The motion carried.

3. Mobile Home Licensing

It was noted that this ordinance was removed and it may want to be revisited again and also with an on-site manager.

4. Lewis Albert – DAA Term

It was noted that Mr. Albert's term expires and that he needs to be reappointed.

Motion: Supervisor Brown made a motion to reappoint Mr. Lewis Albert to DAA. **Seconded** by Chairman Lerew. The motion carried.

CORRESPONDENCE

1. Donald Lerew, Jr. – Resignation from Board of Auditors

The Township received a letter from Mr. Lerew resigning from the Board of Auditors.

Motion: Vice Chairman Shambaugh made a motion to accept Donald Lerew Jr.'s letter of resignation. **Seconded** by Chairman Lerew. The motion carried.

2. Reorganization Meeting – January 4, 2010

After discussion it was noted that the reorganization meeting will be held at 8:15 a.m.

3. Township Building

There was discussion regarding setting up a meeting with a CPA to discuss the different types of financing for the township building. A tentative time and date was set for 6:30 p.m. before the next Supervisors' meeting of January 11, 2010.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

The Board went into executive session at 10:27 p.m.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary