

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
March 9, 2009**

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, Edward Campbell and Naomi Decker. Also present were Engineer Timothy Knoebel, Solicitor Stacey MacNeal and Secretary Nancy Zentmeyer. The meeting was called to order at 7:04 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 gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, February 9, 2009

Supervisor Decker noted on page 4 under the Rowbottom motion at the end of the second line to add the word "them".

Motion: Supervisor Decker made a motion to approve the minutes of the February 9, 2009 Regular Meeting with the change. **Seconded** by Chairman Lerew. The motion carried with Supervisor Campbell abstaining.

2. Board of Supervisor Workshop Meeting, February 10, 2009

Motion: Supervisor Decker made a motion to approve the minutes of the February 10, 2009 Workshop Meeting as written. **Seconded** by Supervisor Brown. The motion carried with Supervisor Campbell abstaining.

APPROVAL AND PAYMENT OF BILLS

Supervisor Decker questioned the bill for French Creek Store in the general fund. Mrs. Emlet noted that will be paid out of the highway fund as it is safety materials the road master ordered. Chairman Lerew noted how high the electric bill is.

Motion: Supervisor Campbell made a motion to pay the bills as submitted. **Seconded** by Supervisor Brown. The motion carried with Supervisor Decker noting with the exception to Northern York Community Services in the amount of \$1,500.00.

TREASURER'S REPORT

There was discussion on the Township funds being covered by FDIC and Mrs. Emlet noted that the funds are completely covered.

Motion: Vice Chairman Shambaugh made a motion to accept the Treasurer's Report as submitted. **Seconded** by Chairman Lerew unanimously.

Mrs. Emlet informed the Supervisors that she had received a check from Verizon for money that was left in escrow. Verizon approved that the Township keep the money and put it in the recreation fund.

The Township Auditors has completed the audit for 2008. There was discussion on the letter that was to be sent to the auditors. Solicitor MacNeal indicated that she has written this letter on behalf of the Township.

ORGANIZATION REPORTS

1. Police – Chairman Lerew gave the report. In February 2008 the police had 138 calls in the Township and February 2009 there were 89 calls. The report is on file at the Township office. Chairman Lerew also noted that in the area of Route 15 from County Line Road to Glenwood Road there will be brush cutting during the week of March 9. There will also be work done on South Mountain Road from County Line Road to U.S. Route 15. The work will continue until July.

2. Fire – Tony Baker, Deputy Chief from Citizens Hose #1 presented his report. For the month of February there were 3 calls in the Township with a total of 23 calls for the month. There will be training for Haz-Mat. Supervisor Brown asked about the PSATS training at Carroll Township. It was noted that the training will take place at Station 64 on June 6. The fire company's banquet is scheduled for March 28.

Mike Whitzel from Frankintown Fire Co. presented his report. There were 31 call for the month with 7 being in the Township. There was a Haz-Mat incident of diesel fuel dripping on Water Street by S. Mountain Road. Mr. Whitzel is requesting the Township send a letter to the 911 call center for an extension on the boxes so they have enough time to review and update resources as needed. The extension request is for 60 to 90 days. The Supervisors agreed to an extension of 90 days with the Township Secretary to write a letter to the 911 center. The fire company's banquet is scheduled for March 21.

3. EMS – Josh Wolf was present to give the EMS report. There were 16 calls in Franklin Township for the month of February which brings it to a total of 32 calls for the year. Supervisor Decker thanked the EMS for their help as they were courteous and accommodating.

4. DAA - No one was present.

5. Emergency Management & Building Committee – Mr. Yerger stated at this time he would present the EMA and Building reports. With the EMA it was presented what Mr. Fleming and Mr. Yerger found at the townships they toured. Shrewsbury Township is in an older building where York Township is in a new township building. York Township has 1/3 of a floor for EM operations with 2 rooms and an elevated security system for the EOC facility. There was discussion on grants with obligations that have to be met for federal monies such as minimal criteria and the extent of training. Detailed accounting is also needed for the grant. The grants for 2009 have expired. Within the next week or two Mr. Yerger indicated that he will start working on the building report with adding onto the building off of the meeting room. There is a meeting next Wednesday with the Franklinton Fire Company and EMS at 7pm. There is a major issue for having a repeater system with the radio system in this area and to have the tower here which is necessary. It was asked if any of the Supervisors have any objections as this needs to be pursued. The next building meeting will be held in April.

6. NYCRCP Transportation – Supervisor Brown gave the transportation report. The Supervisors have authorized the additional funds to help make things happen but there is a rumor that the funds have been freed up. A meeting regarding Route 15 Safety will be held later on in the month to talk about some of the options.

7. Ad-Hoc Committee - Supervisor Brown noted that the Supervisors and some of the Ad-Hoc members met with the Planning Commission to review the draft SALDO. The revised SALDO has not been submitted yet. By next month Supervisor Brown stated he would like to see the authorization for the 45-day review period to start. It was suggested that the Supervisors again meet with the Planning Commission in April. If there are any legal issues this can be documented and forwarded to the Solicitor.

SUBDIVISION AND LAND DEVELOPMENT

1. David & Diane Heikes, Time Extension

Engineer Knoebel noted that this a minor plan with 3 lots that borders Hickory Road and Century Lane. A revised plan has been submitted. A time extension had been received until May 11, 2009.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension on the David & Diane Heikes plan until May 11, 2009. **Seconded** by Chairman Lerew. The motion carried unanimously.

2. Time Extensions for Lexington Fields, Sturbridge Place, and Williams' Townhouse Estates

Engineer Knoebel noted that the last comments on these plans are dated January 30, 2009. The Planning Commission is still reviewing these plans. Mr. Eric Johnston is requesting time extensions on the 3 plans until September 30, 2009. Mr. Johnston was present to represent these plans. Supervisor Campbell noted the following submittal dates of March 4, 2005, September 22, 2005 and April 18, 2006 which shows these plans are 3 and 4 years old. Supervisor Decker noted that there no sewage and water feasibility studies have been forwarded to DAA for these projects. The comments from KPI's letters were discussed. It was noted that with the sewage issue, which was discussed previously, what is going to get resolved between now and September. Mr. Johnston's goal is to reduce the comments and to just have outside agency approvals. The traffic study was amended for Lexington and Williams' Townhouse. Mr. Johnston noted that he has resubmitted plans last week for KPI to review. With those plans Mr. Johnston did submit the water and sewage feasibility studies. Sturbridge Place has spent over \$50,000.00 on well drilling. It was noted that Mr. Johnston wants the plans conditionally approved at final plan stage. There have been between 5 and 7 revisions done over the years. Supervisor Decker questioned the water and sewer capacity reservation and that this needs to be shown to the Supervisors and the approval of the studies. It was suggested to have safe guards on the plan to hold the township harmless. It was expressed that it needs to be shown of an approved feasibility study. Engineer Knoebel questioned whether they can submit the feasibility studies to DAA and get technical review. It was noted that this cannot be done. Mr. Johnston would like for the studies to be a condition of preliminary plan approval. Supervisor Decker questioned with major changes in a plan wouldn't the plan have to start over. This is addressing Lexington Fields since Derby Farms is now gone since there was an access road was eliminated between the 2 developments. How many changes to a plan before you have to start over? Supervisor Decker stated that since Derby Farms is no longer there that it is 1 big major change. Mr. Johnston has made changes because of

Derby Farms being denied. Solicitor MacNeal has not seen the plans. The access from Derby to Lexington was done once Derby was submitted to the Township. Mr. Johnston stated that that is good planning but since that plan is no longer he had removed that access. Solicitor MacNeal noted that that would not be a major issue.

Motion: Vice Chairman Shambaugh stated to not accept the time offer to September 30 on all three of the plans. **Seconded** by Supervisor Decker. Supervisor Campbell noted that the developer has made an effort to get the plans to this point, but what is going to change in order to be in the position to approve the plan and the conditional approval around the area of DAA has been discussed in order to proceed. Supervisor Brown stated he could get all except the third party approvals. Supervisor Campbell noted that he does not think anything that will change. The motion carried.

Vice Chairman Shambaugh suggested a 30-day extension to April 17. Mr. Johnston noted that he is trying to get the plan through the system and he has met with KPI to address their comments, but this is a large project. The By-Pass Road is another issue that needs to be dealt with. It was noted that this issue has been there all the time. It was suggested to talk about these plans month to month. Mr. Johnston accepted the time extension until April 17.

Motion: Vice Chairman Shambaugh made a motion to accept the offer of time extension until April 17, 2009. **Seconded** by Supervisor Campbell. . Supervisor Decker asked what does this prove? It is a best attempt to work with the developer, as these plans need to show action. A letter from DAA regarding the studies needs to be submitted. The motion carried with Supervisors Decker and Brown opposing.

REPORTS

Engineer

1. Payment Request for Ponderosa Park

Engineer Knoebel noted the work being done at Ponderosa Park is at grade except the topsoil. Testing will be done with the topsoil to see if there are any additives needed, seeding will be done and that should be completed by next month. The parking lot is at grade and to build the trail to the bridge. Lobar Associates is requesting a payment in the amount of \$26,127.00.

Motion: Vice Chairman Shambaugh made a motion to pay Lobar Associates \$26, 127.00 as requested. **Seconded** by Supervisor Brown. The motion carried unanimously.

2. Drainage Swale Inspection – Water Street & Lake Lea Drive

Engineer Knoebel noted that there is a water problem on Water Street at Lake Lea Drive with run-off and overflow of the drainage swale which is located on Ms. Coulsen's property. Engineer Knoebel indicated that a letter was sent to Ms. Coulsen on January 13, 2009 and this is to be referred to the Solicitor for review. Engineer Knoebel indicated that he has received a response from Attorney Miller who has an issue and suggested that the Solicitor also review this and advise. Supervisor Decker indicated that the drainage going down Water Street the ditch is very deep and it could be made safer. It was questioned if the Township could have a liability. Engineer Knoebel stated he did not know if there is enough right-of-way to move it off the road. It was noted that we cannot have the road flooding. Vice Chairman Shambaugh suggested having Solicitor MacNeal review the letter and review the site before moving on this. There was discussion on item #6 of Attorney Miller's letter regarding

the ongoing maintenance and the adjoining properties. It was suggested that the Township meet with the property owners and Vice Chairman Shambaugh disagreed. There was discussion with the caretaker. At next month's meeting it will be discussed how to proceed.

Solicitor

1. Ordinance No. 1-2009 – Tax Collector Compensation and Imposing Fees

Solicitor MacNeal had provided an ordinance for the tax collector was presented. There was discussion on the article about Carroll Township and changes made to their tax collector's pay. Solicitor MacNeal is recommending authorization to advertise the ordinance to formalize the compensation for the tax collector. In conjunction with the ordinance a Resolution should be adopted indicating the fees that were approved in December 2008.

Motion: Vice Chairman Shambaugh made a motion to advertise the ordinance for adoption. **Seconded** by Supervisor Campbell. The motion carried unanimously. Supervisor Decker asked if these fees can be changed. It was noted that they can by Resolution and can be done at any time. Supervisor Decker asked that the Township Secretary check with other municipalities to see what their tax collectors are being paid.

2. Rowbottom Property

Solicitor MacNeal gave an update on Mr. Rowbottom's property. Mr. Rowbottom did remove a portion of the wall that was in the right-of-way and then the road crew moved the rocks and repair of the swale was completed February 25. Mr. Rowbottom has been sent the invoice in the amount of \$1,87.21 for the work that was performed and if it is not paid within 30-days a lien will be placed on the property. A hearing is set for March 30 on the junk yard violation. For the zoning violation nothing has been set yet. The final issue is the second driveway where this property has not been transferred yet. Mr. Rowbottom is to be issued a citation for not applying for a permit. With the storm water if it becomes a hazardous issue it was suggested to have the engineer review this. The deeds for this second driveway may be recorded by the next meeting. The Township Secretary is to notify Solicitor MacNeal when the deeds have been recorded then the notice of violation can be sent. Supervisor Campbell asked if Mr. Rowbottom is aware that he needs a permit for the driveway. It was noted that he has been notified of the required permit.

3. Overcash-Goetz Property Sewage Issue

Solicitor MacNeal noted that action has been taken against the owner for the pumping of raw sewage. A complaint was received on February 16 and the SEO did a site inspection on February 27. A notice of violation will be sent citing on-lot septic and a dangerous building. The property was posted and it is recommended that Mr. Fahey post it as unfit for human habitation with a time frame for evacuation. Mr. Fahey has made some preliminary contacts to get the people out of the building. Vice Chairman Shambaugh asked if the SEO filed under the clean streams law. The next step is to post the buildings and to vacate within 48 or 72 hours. Supervisor Decker questioned if this is under Labor & Industry and it was noted with UCC it is grandfathered. Vice Chairman Shambaugh noted that the Township needs to get this sewage issue resolved as soon as possible. Mr. Fahey noted that the property needs to be vacated. Vice Chairman Shambaugh noted to call the County and get the Department of Health involved. This issue does not belong to us but to the Department of Health. The Township needs to post the property. Mr. Fahey noted that there are agencies to help relocate the tenants. It was noted

that this is not Mr. Fahey's job to relocate the tenants. Solicitor MacNeal, SEO Gil Picarelli and Mr. Fahey are working together.

4. Community Church Agreement

Solicitor MacNeal noted that the EMA has equipment at the church and she prepared a simple agreement between the Township and the church. Exhibit A, a list of the equipment, is needed from Mr. Fleming.

Motion: Vice Chairman Shambaugh made a motion to adopt the agreement with the church. Supervisor Campbell asked if the equipment is lost or damaged will our insurance carrier cover this. Vice Chairman Shambaugh withdrew his motion and this will be done at next month's meeting. It was also asked if the insurance carrier will cover the equipment being off property?

5. Advertisement for Ordinance Validity, Records Retention Policy

Solicitor MacNeal discussed the ordinance and noted that last July there was a statutory change with the MPC which deals with procedures to a validity challenge to an ordinance. The MPC for many years is that a validity challenge has to be brought within 30 days. Amendments to the MPC to address this issue. This is a protective ordinance to deal with due process and a way an ordinance cannot be challenged. It was also recommended for consideration once the SALDO is enacted for both the SALDO and Zoning Ordinances to have this protective ordinance and it is to be discussed further. Land Use ordinances are the most likely to have validity. It was suggested to do the Zoning now. The notice of ordinance would have to be advertised first.

Motion: Vice Chairman Shambaugh made a motion to authorize Solicitor MacNeal to advertise the notice of ordinance. **Seconded** by Supervisor Brown. The motion carried with Supervisor Decker opposing.

6. Tape Meetings, Right to Know Law

Solicitor MacNeal noted with the open records law tapes of meetings are now allowed and the Township has to make them available for inspection. With a written policy the Township would not keep the tapes any longer than necessary. It was recommended that the Township does not retain them and there should be a written policy.

Motion: Supervisor Campbell make a motion to recommend a written policy that the tapes are used for transcription and to destroy the tapes after the minutes have been approved. **Seconded** by Chairman Lerew. The motion carried unanimously.

7. Executive Session

Solicitor MacNeal stated that she would like to have a brief executive session for an update regarding the Boyer Land Use Appeal.

Road master

Vice Chairman Shambaugh presented the Road master's report. On Stone Head Road speed limit signs have been posted. With the Co-stars salt program the Township needs to keep an eye on the prices. The salt contract for 2009-2010 with Co-stars has been submitted and approved.

Building Permit & Zoning Officer

1. Township Seal

Mr. Fahey noted that he had talked with Peggie Williams about a Township seal. After she did some research the Township does not have a seal. With the 200th anniversary coming up it was suggested to think about having a contest.

2. Rowbottom Property

Mr. Fahey presented photographs of water run-off from the Rowbottom property. The water is dammed in by the 2 driveways. Supervisor Decker stated that he did not own this property when the work was done and it was noted that he does not own the property. Solicitor MacNeal stated this is a private property issue. Mr. Rowbottom never applied for a driveway permit. Mr. Fahey noted that he will be issuing a cease and desist order on any more construction. It was asked if the junk has been removed can the Township still go to the District Justice for reimbursement of prosecuting him. Solicitor MacNeal noted that the Township can still proceed with the District Justice.

3. Overcash Apartments

Mr. Fahey noted that the following issues at the apartments: system failed because of an over load, water is running consistently, there is mold on the walls, structural problems and there is minimal work being done. Mr. Fahey would like to get our building inspector, Bob Shelly, to inspect the buildings. Supervisor Campbell noted that the problem with the sewage is a site problem that needs to be resolved. The Township should just let the Health Department handle the other issues.

4. Complaint

Mr. Fahey noted that he has received a complaint of a person keeping numerous snakes, rodents, and lizards in his home which is a violation of the kennel ordinance. He noted that he is working with the owner and Children & Youth Services. Supervisor Campbell questioned if we are over stepping our bounds. Solicitor MacNeal indicated that Mr. Fahey is correct and is looking for the Supervisors to give him direction as the ordinance is extremely broad.

Park & Recreation

1. Dillsburg Area Soccer Club, Request to Use Township Fields for 2009 and Dillsburg Youth Baseball, Request to Use Township Fields for 2009

Chairman Lerew noted that these letters went before the Park & Recreation Board and they had no problem. For the Soccer Club there will be no Sunday games. The soccer field on top of the hill could be used for Sunday if needed. Dillsburg Baseball will also have no Sunday games and if the field conditions are not suitable they will not be used. The 2 organizations are to work out their schedules.

2. Dillsburg Soccer Club

Mr. Bill Cressler and Mr. Jim Maclay were present to discuss the proposed new fields. This has been reviewed with the Park & Recreation Board. They presented a site plan showing the different areas. This will be more detailed once it is approved. The area they are dealing with is 600' x 250'. There will be a slight taper off for water drainage. The grading and seeding will also be done by the Soccer Club. With the addition to these fields the Soccer Club can "rest" the other fields. It was noted that depending on the size of the fields will determine the number of fields and the possible overflow parking area. Mr. Cressler asked the preliminary feel of the terms before getting into the cost. The area is under 5-acres. The Soccer Club is looking at preliminary approval to work with Solicitor

MacNeal on the tentative agreement between the Township and the Soccer Club. Insurance will be provided and the fields will be kept trash free. It was noted that they have a similar agreement with Logan Park. The time period they are looking at is 25 years since the Soccer Club is paying the cost of developing these fields. The hillside could be used for overflow parking. Chairman Lerew asked how much these fields would cost and it was noted in excess of \$80,000.00. It was noted that they are looking at preliminary approval of the terms. It was suggested that a tentative agreement be given to the Supervisors so they can review it.

OLD BUSINESS

1. 200th Anniversary Celebration, Set Date

The Park & Recreation Board did not set a date but stated that they will help. It was suggested to place an advertisement in the Banner to see if we can get more volunteers. At the present time there is only one resident that has volunteer for the anniversary committee.

2. Dental & Vision Insurance

Ms. Kitty Campbell and Ms. Pam Coover from Gunn-Mowery were present to review the insurances with the Supervisors. Ms. Campbell noted that the Township renewed the health insurance with HealthAmerica for one more year. The cost difference between HealthAmerica and Geisinger was not sufficient enough to switch. The dental chart was reviewed. It was noted that previously with HealthAmerica the Township paid one premium for both health and dental insurance, but HealthAmerica has dropped the dental plan the Township had and went with an in-house dental program which does not include very much. The employees are without dental insurance this month. With the dental insurance company being proposed, United Concordia, it is required that the employer make a 30% contribution. All full time employees must participate or they can sign a waiver.

Motion: Vice Chairman Shambaugh made a motion to go with United Concordia, CFA with the Township paying 75% of the premium and the employees to pay 25%. **Seconded** by Supervisor Brown. The motion carried.

Ms. Campbell reviewed the chart for the vision insurance and noted that the employer does not have to contribute to the plan and this can be voluntary although all the employees do have to participate. After discussion it was noted that this will be acted on at next month's meeting. Ms. Campbell also stated that there is a program called "POP premium only plan" which takes the employee's contribution before taxes are taken out.

Motion: Supervisor Campbell made a motion that the Township file the paper work for the pre-tax deduction of the health insurance contribution. **Seconded** by Supervisor Brown. The motion carried.

3. Clean-Up Day Quotes

The Township had sent out quotes to 2 trash haulers but only received one quote for clean-up day. Solicitor MacNeal stated that the Township needs 3 quotes or document in the minutes who was contacted. This will be acted on at next month's meeting.

NEW BUSINESS

There was no new business at this time.

CORRESPONDENCE

1. Census Bureau, Use of Meeting Room

A request has been received from the census bureau for the use of the meeting room for training purposes. It was suggested that they look at the building to see if it would meet their needs. There is a concern if there is adequate space. It was questioned if this is training for the local areas.

PUBLIC COMMENT

Mr. Robert King, township employee, stated that at the park there are wet spots when mowing and with parking for sporting events it was suggested to move the fence line up. The Township does tape off around the sand mound.

EXECUTIVE SESSION

The Supervisors went into executive session at 10:07 p.m.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary