

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
April 13, 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 7:02 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.

APPROVAL OF MINUTES

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

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the March 9, 2009 Regular Meeting as submitted. **Seconded** by Supervisor Campbell. The motion carried.

2. Board of Supervisor Special Meeting, April 3, 2009

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the April 3, 2009 Special Meeting as submitted. **Seconded** by Supervisor Brown. Engineer Knoebel commented that he had received a call from Supervisor Decker with a concern of the motion on the Kensington East plan and noted the detail to be added to the motion. The amended motion was noted as follows: "to remove the condition that the driveway installation be bonded with the addition of note 22 on sheet 2 of the plan and the addition of sheet 9 of the plan depicting adequate sight distance."

Motion: Vice Chairman Shambaugh amended his motion to show the clarified statement. **Seconded** by Supervisor Brown. The motion carried.

APPROVAL AND PAYMENT OF BILLS

Mrs. Phyllis Emlet, Treasurer, noted that a couple of bills were received today that need to be paid. They are for HealthAmerica in the amount of \$3,508.97 and United Concordia for \$163.35. These bills need to be paid in a timely manner. Supervisor Decker questioned the KPI bill that was for construction specification costs and Engineer Knoebel noted it is regarding information for the SALDO and a separate document. The Lobar bill under Recreation was questioned and this is not being paid. Supervisor Decker asked if there were any SEO bills received and it was noted that the Township did not receive any SEO bills.

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

TREASURER'S REPORT

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

1. Premium Only Plan for Insurance

Mrs. Emlet reviewed this plan with the Supervisors and that only 3 employees are eligible to participate but only one employee has elected to do so. The savings to the Township would only be \$30.00 per year but it would cost the Township \$285.00 to participate.

Motion: Supervisor Brown made a motion to not participate in the Premium Only Plan. **Seconded** by Vice Chairman Shambaugh. The motion carried.

ORGANIZATION REPORTS

1. Police – Chairman Lerew noted that the 2008 Annual Report has been submitted and is for review in the Township office.

2. Fire – There was no one present at this time.

3. EMS – There was no one present at this time.

4. DAA - No one was present.

5. Emergency Management – Mr. Yerger noted that the quarterly meeting of the regional task force will not be happening at this time and has not heard of another date.

6. NYCRCP Transportation – Supervisor Brown noted that there is a project kickoff meeting on April 14 at 9:00 a.m. at the Carroll Township building with one representative from each municipality, the contractor and YCPC. This is a kick off meeting to discuss the scope of work and how to involve the public. This meeting will also determine other meeting dates.

Mr. Wayne Kober noted that there will be a traffic safety campaign with most of the municipalities being represented. This is to focus on decreasing the number of accidents on Route 15 and for money available to pay for police overtime. The date for this is July 1, 2009. It was noted that the NYRPD is not interested in participating. The new logo from PennDOT is "Drive Safe PA" and this is to be placed on billboards. This would be a plastic film over the billboards so it can be taken down and re-used. Mr. Kober noted that he went to PennDOT to get funds for the graphics and artwork but PennDOT will not do this. Mr. Kober requested the Township to fund a billboard which would be a cost of approximately \$700.00 to \$1,000.00 depending on the size. It was noted that businesses could be contacted to help with the funding and the billboards showing their sponsorship. Supervisor Campbell questioned how effective would this be. Mr. Kober noted they are one of the most effective ways and that there could also be features in the Banner and/or other papers.

It was noted that NYRPD has placed their trailer which shows the speed of each driver on Route 15 in a couple of different places. Supervisor Brown noted that he is not happy with the police not wanting to participate but that the Township demand they be part of it as long as it does not increase the number of hours. There was discussion if the Township would pay for the NYRPD hours in court.

Supervisor Decker noted if money is received from the State there would be another different set of records that have to be kept. It was noted that 2008 had the lowest number of fatalities. Again it was discussed what would be on the billboard and how effective would the message be. There is support by the Board of Supervisors and Mr. Kober should present more information so this can be voted on.

Mr. Ron Stevens, Township resident, stated that Route 15 is a federal highway, maintained by PennDOT and that the State Police should be patrolling and the State should be paying. It was noted that York County is one of the largest counties to patrol. Supervisor Brown suggested to either send a letter to NYRPD to participate in this or document to the Township why they do not want to participate. Mr. Kober suggested that the Township ask for a special meeting. It was noted that this could be held at 6:30 p.m. before the next meeting.

7. Ad-Hoc Committee - Supervisor Brown stated that the Township is still waiting for the revised SALDO. Engineer Knoebel noted that there are adjustments due to the traffic section and they are waiting for the traffic engineer to complete his review.

8. Building Committee – Mr. Yerger noted that he went through the space allocations from the last meeting and he is developing a sketch which should be completed by Thursday with the objectives of moving the meeting room out, the technology and details on the storage room area which could hold approximately 14 file cabinets in a 11'x11' room. A meeting was held with the emergency operations center and he has agreed to answer any questions the Township may have. DCED could take care of a grant which would be an overall for emergency operations and not just Franklin Township. This meeting will be taking place within the next 2 weeks. Vice Chairman Shambaugh stated that the expansion is still far out for this to meet so soon. Mr. Yerger stated that he will be out of town and it was noted that the next building committee meeting should be scheduled after he returns in June.

Fire - Mr. Tony Baker from Citizens Hose presented his report. For the month of March there were 5 calls with a breakdown noted on page 2 of his report. Other items reported were the monthly chiefs meetings, a fundraiser on April 14 at the Texas Roadhouse in Lower Allen Township, a mock DUI on April 27 at the high school, on April 30 will be talking to boy scouts on what emergency responders do, and May 1 at S. Mountain Elementary School will be setting up the safety house, Lil Squirt and the bounce house for May Fair. It was noted that the memberships have gone out.

Mr. Mike Whitzel from Franklinton Fire Company presented his report. For the month of March there were 12 calls in Franklin Township. The fire company did get the 90-day extension for the boxes and in the near future would like to discuss some issues regarding public safety. Supervisor Decker suggested that he sit down with Mr. Laurin Fleming for a joint meeting. This could possibility be done at a worksession meeting. Mr. Whitzel also noted that the fire company has dinners every second Sunday of the month.

SUBDIVISION AND LAND DEVELOPMENT

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

Mr. Eric Johnston, engineer for the 3 plans was present. It was noted that time extensions had been submitted for each plan until May 31, 2009 as requested last month. The Planning Commission did review these plans and they were tabled pending issues that need to be addressed. Reports from KPI

dated April 2, 2009 were reviewed. Supervisor Campbell noted what would be helpful is to show the comments that are being resolved.

Engineer Knoebel noted the following plans with issues being addressed. Lexington Fields has waiver requests that were considered at the Planning Commission and the traffic studies that also include Williams' Townhouse Estates need to be addressed. KPI did get the water and sewer feasibility reports but the Township needs to get DAA's comments. Sturbridge Place the traffic study has been completed and the water and sewer feasibility studies were submitted to KPI but DAA needs to review the sewer and the water is being reviewed by Franklinton Water Authority. Supervisor Decker asked if any wells have been drilled and Engineer Knoebel noted this was done on the property with some testing being done. There was some testing with preliminary yields. Mr. Johnston noted that he went to DAA to talk with them and it was voted to reserve 5 EDU's for each development but, as discussed, could not reserve for all the lots. The reason for reserving these EDU's was to allow the process to begin. There was discussion that 25% of a development is required as per the MPC to reserve EDU's unless a waiver is granted. Supervisor Decker noted that there was previous discussion on doing these developments by phases.

There was a brief recess from 8:20 p.m. until 8:23 p.m.

It was noted that DAA will review these feasibility studies for the whole preliminary plan to get the process started. There would be a plan note that with only the 5 EDU's the Township is being held harmless. Lexington Fields and Sturbridge Place are being done and Williams' Townhouse Estates was being dropped off either today or tomorrow. The traffic engineer is reviewing the study with the proposed shut off of By Pass Road. Engineer Knoebel noted that there are issues with By Pass Road which is one of the major issues for the traffic study. Supervisor Decker noted she would like to talk with Sheldon Williams to understand this 5 EDU issue. Supervisor Campbell noted that progress is being made on these issues which are a step in the right direction.

Engineer Knoebel noted with Lexington Fields the Board should take a look at 2.a waiver request which is from the storm water management ordinance as follows: Ordinance 1-1997, Section 5.c.a.b(2) to allow the top or toe of slope of a storm water detention basin to be located within 15' of an adjacent property line. The Planning Commission was not comfortable with this waiver request as is it the perimeter of the property line or proposed lines of the site. This will impact the plan if this waiver is not granted. There was discussion on the isolation distance, separation to be impacted, and maintenance of equipment with the separation distance. It was suggested that Solicitor MacNeal review the definition. The homeowners association will be maintaining the ponds and fencing is to be put up. There was discussion of this being a safety issue and not in favor of granting this waiver. Engineer Knoebel noted that this needs to be resolved.

Motion: Vice Chairman Shambaugh made a motion to reject the extension offer for these 3 plans. **Seconded** by Supervisor Brown with discussion. Mr. Johnston questioned the motion as he is making progress on the comments. Supervisor Decker stated that she was confused and Engineer Knoebel noted with the extensions the Board would consider the plan next month. Supervisor Campbell noted that an effort has been made toward the plan but that the storm water detention is a problem which is an issue which has been outstanding for some time. Mr. Johnston noted if the Board does not grant the waiver he can still work on the plan. It was noted that the plan has been before the

Board for a long time and the sewer and water issue is a major concern. Engineer Knoebel noted that there are issues with By Pass Road and the cul-de-sac is too close to Route 194. There was public comment at the Planning Commission. Mr. Kober noted concerns with the traffic issues. With the 2 development entrances they are 1,000' apart. HOP's are needed for all 3 developments. It was noted that there would be approximately 2,000 cars going through Dillsburg along with Routes 194 and 74 as this is dealing with a serious problem with regards to Route 15. There was some consideration with Lexington Fields going out onto Glenwood and it was suggested a meeting with PennDOT. Supervisor Campbell noted with the intermunicipal agreement this should be passed to Carroll Township and Dillsburg Borough.

The motion carried with Supervisor Campbell opposing. Supervisor Decker noted that she did not know why the motion was made to reject. From day one the plan was incomplete and there have been major changes and the plan should have been withdrawn. With only the 5 EDU's being reserved as it should be 25% of the plan be submitted for reserved EDU's and for those reasons she rejects it.

Motion: Vice Chairman Shambaugh made a motion to reject the Lexington Fields plan based on no sewer planning module, the improved traffic impact study as noted in KPI's letter of April 2, 2009, and the HOP has not been acquired and he is open for discussion. **Seconded** by Supervisor Brown. It was pointed out that the request of extension is needed to act on the plan, but denying because of being incomplete there is a concern of trying to get things underway. Vice Chairman Shambaugh has asked for action. Mr. Johnston challenged the 25% of being in the minutes. Vice Chairman Shambaugh has concerns with By Pass Road and it as to be coordinated with approval of the plan and residents. Vice Chairman Shambaugh noted that he is not opposed with working with the developer. Supervisor Decker noted the challenge of 25% by Mr. Johnston and noted that this is playing a word game and the Board did discuss doing the plan in phases. Solicitor MacNeal noted that the Board has choices to recommend request and make a note, the storm water detention pond issue to reject the waiver, and the By Pass Road with the cul-de-sac issue as noted in KPI's letter of April 2, 2009, number 10.f and also referencing the sewer and water reports.

Motion: Vice Chairman Shambaugh amended his motion to include Solicitor MacNeal's comments and to include no letter was received from DAA for capacity of sewer and water, the vacation of By Pass Road and the cul-de-sac with the vacation of By Pass Road. **Seconded** by Supervisor Brown. Solicitor MacNeal noted that the waivers be identified, issue for rejection with the other waivers requested. Supervisor Campbell noted that with waivers 1.a and 1.b have been recommended previously. With regards to waiver 2.a the Supervisors would vote against it. The motion carried with Supervisor Campbell noting to discuss it more.

Motion: Vice Chairman Shambaugh made a motion to reject the preliminary plan of Sturbridge Place based on a planning module not being submitted, a capacity letter from Franklinton was not received, no HOP, and an improved traffic study as noted in the April 2, 2009 letter from KPI. **Seconded** by Supervisor Brown. Engineer Knoebel noted waiver request from Section 506.e was pointed out by the Township's traffic engineer but this has not been approved by PennDOT or the HOP.

Motion: Vice Chairman Shambaugh amended his motion to do without the traffic study but to include waiver requests from Section 506.e and 420.A.20 and 420.A.21 along with the internal streets

located less than 500' apart. **Seconded** by Supervisor Brown. It was noted that the Township is willing to work with the developer and to see a complete package before discussing these plans again. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to reject Williams' Townhouse Estates preliminary plan subject to the sewage planning module not being submitted, the traffic study not approved, waiver request 1.c of available sewer and water capacity, the buffering/screening, the vacating of By Pass Road, no HOP, the location of Winterberry Court do not meet Township requirements, and the downstream analysis of a swale be provided in area of DW-2 regarding storm water as noted in KPI's letter dated April 2, 2009. **Seconded** by Supervisor Brown. The motion carried.

REPORTS

Engineer

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

Engineer Knoebel noted this pertains to the Coulson property with a letter being sent to the property owner and a letter was received from Attorney Miller, dated February 6, 2009. This was forwarded to Solicitor MacNeal for a response which was dated April 9, 2009.

2. Chainsaw Road Drainage Inspection

Engineer Knoebel noted that there was drainage inspections of various driveways on Chainsaw Road and the details are addressed in his memorandum of April 13, 2009. The driveways were identified and it is recommended that the property owners do the corrections. Engineer Knoebel noted that he and the road master will meet with the property owners to discuss the corrections. The lower portions of the driveways need to be stabilized.

3. Ponderosa Park

Engineer Knoebel noted that the piles have been elevated off and seeding should take place this week. Supervisor Decker questioned the parking lot embankment and if there should be some type of swale so water cannot get onto the fields. It was noted that it is flat and any water will go into the ground. It was suggested that the park and recreation board keep an eye on it as stones will eventually become impacted and the parking lot would become impervious. A swale at the base to direct water could be dealt with. This was not part of the contract but can be addressed later.

Solicitor

1. Ordinance No. 1-2009 – Tax Collector Compensation and Imposing Fees & Resolution No. 3-2009

Solicitor MacNeal noted that this was advertised and it does not change the fees as previously voted on but that this for the record.

Motion: Vice Chairman Shambaugh made a motion to adopt Ordinance #1-2009 for imposing compensation for the tax collector and the imposition of fees. **Seconded** by Chairman Lerew. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution #3-2009 for fees paid to the tax collector for specified services. **Seconded** by Chairman Lerew. The motion carried.

2. Rowbottom Property

Solicitor MacNeal gave updates on the Rowbottom property. A hearing was held on March 30, 2009 on the junkyard ordinance. Mrs. Rowbottom was found not guilty but Mr. Rowbottom was found guilty. The subject fine was a \$1,000.00 but the district justice gave him a \$300.00 if he complies within 30 days. The collection action was filed of the \$154.00 invoice a judgment was granted and now the Township is waiting for the 30-days to expire. The zoning violations issues will be heard at the May hearing. The invoice for the right-of-way work done by the Township has passed and a lien is being prepared and filed tomorrow.

3. Advertisement for Ordinance Validity

Solicitor MacNeal noted that she is working on this and is ready to go.

4. Letter from David Fox Re: Salvage License

Solicitor MacNeal noted that a letter was received from Mr. David Fox requesting a time extension for the salvage license. Mr. Fox's father has recently passed away so the Township needs to know who will inherit the property. This property is 2 years behind in paying for the license and an arrangement was made that \$100.00 a month be paid until it is paid off. The estate needs to be open but Solicitor MacNeal indicated that Mr. Fox needs to apply for a license if he does inherit the property. This will be put on hold until the Township knows who the property will be transferred to.

5. Junkyard Ordinance Amendment

Solicitor MacNeal noted the wording of motor vehicles in this ordinance needs to be looked at as to what does it include. It was questioned if the Board wants to amend, broaden the definition with altering the language. It was noted that the Board would like to see some samples as there may be more than one change.

6. BOS e-mails

Solicitor MacNeal noted with the Right-to-Know law that e-mails are a part of public record. There was discussion on this being very broad and liberal and electronic records on personal computers. It was suggested to have individual e-mail accounts. This discussion is to make the Supervisors aware that document communication if requested could be made available. Also retention policies Solicitor MacNeal wants to make the Board aware of how retaining it and how to address these issues. It was suggested the Township contact their internet service provider to provide electronic records protection.

7. Background Checks

There was discussion on doing background checks and the policy would be for the Township to pay the fee. It was questioned if this would be for all volunteers with the hours of work and the type of volunteers. It was noted that this was a request from Mr. Laurin Fleming regarding the EMA's. Solicitor MacNeal noted that she will work on this as the Township wants to comply with the law. It was suggested this would be done for full-time employees and the EMA. Following the NIMS model that certain people working with EMA would have to have a background check. It was suggested to table this for now.

8. Boyer Property

Solicitor MacNeal noted that the Boyer zoning decision has been appealed to the Commonwealth Court.

Building Permit & Zoning Officer

1. Rowbottom Property

Mr. Fahey presented his report. The Glenwood Apartments septic issues have been taken care of. Mr. Fahey reported on the hearing with Rowbottom's with the boats and trailers not considered motor vehicles and they are not licensed for the road. There is to be no more processing of crushing vehicles. The spa business has not been expanded. The utility building is less than 1,000 square feet,

2. Chad James, 612 Range End Road

Mr. Fahey had previously sent Mr. James a letter of Notice of Violation in regards to the kennel ordinance. Children and Youth are no longer involved. Mr. Fahey noted that he would like to rescind this notice since the person who made the complaint did not sign a formal complaint. Solicitor MacNeal noted that when she looking at junkyard ordinances she will also look at kennel ordinances.

3. Kids King Camp

There is extensive work being done at the camp with the moving of earth. It was noted that Engineer Knoebel should inspect the work and once this done to send a letter. Mr. Fahey is in the process of contacting Tiffany Crum at the Conservation District to do an inspection also. There was discussion on if a land development plan is needed.

Road master

Vice Chairman Shambaugh presented the Road master's report. There was an article given regarding truck idling. Also information on grants for signs was given to Mrs. Emlet and the road master.

Park & Recreation

1. New Members

It was noted that the Park & Recreation Board has 2 new members: Mr. Eugene McBride and Mr. Gary Lebo.

Motion: Vice Chairman Shambaugh made a motion to appoint Mr. McBride and Mr. Lebo sit on the Park & Recreation Board. **Seconded** by Chairman Lerew. The motion carried.

2. 200th Anniversary

Mrs. Geri Novsal was present to update the Supervisors on the progress of planning this anniversary. She has talked with Franklinton Fire Company regarding having a food booth. For the children she would like to have a fire truck, police car, and ambulance. In the 2008 fall newsletter it gave the history of the Township and she would like to collect any family histories. Mrs. Novsal noted that she has done other fund raising events. Other events that she would like to do is find out who is the oldest resident of the Township, have an art contest to design a Township seal and pony rides. Mrs. Novsal indicated that she will be contacting the local merchants for donations

OLD BUSINESS

1. Vision Insurance

The Board of Supervisors reviewed the options for a vision plan for the employees. This is through Highmark Blue Shield. After discussion it was decided to go with Option #1 with the Township paying 75% of the premium and the employees to pay 25%.

Motion: Supervisor Brown made a motion to accept Option #1 with the Township paying 75% and the employees to pay 25%. **Seconded** by Chairman Lerew. The motion carried.

2. TruGreen Contract

Mr. Mike McCullar from TruGreen was present to answer any questions the Supervisor may have. Supervisor Campbell noted that the soccer club is willing to do more with Supervisor Decker noting that the soccer club does treat their fields. The contract is based on the square footage of an area. Mr. McCullar noted that he does have a map showing what TruGreen covers. This is to be tabled until the Township can get information from the soccer club on what fields they do treat.

NEW BUSINESS

1. 200th Anniversary

There was discussion on the time frame that the celebration will be held.

2. Mr. David Spriggs

Mr. Spriggs of By Pass Road noted that his is the only property remaining that has not been sold to Mr. Johnston's operation and he has concerns with the buffering. Also there is no definition of high intensity activity and he requested that this be defined. Another issue Mr. Spriggs has is there is a mega farmer doing a no till and when it rains his garage floods. He does not know who owns the property.

3. Mr. Robert Yerger

Mr. Yerger noted concerns on the Planning Commission making recommendations on waivers that are being requested on certain plans. Mr. Yerger had written a memo regarding these requests and he needs to understand why these waivers are given and is asking for understanding on what should be done with these waiver requests. Supervisor Campbell suggested a joint meeting with Planning Commission members and the Supervisors.

4. Township Resident, Chestnut Hill Road

A resident expressed her concern regarding the Rowbottom property and the junkyard he has. This resident noted that she has lived in this neighborhood for 19 years. With Mr. Rowbottom's conditional use hearing she had petitioned the neighborhood to stop his activities. She indicated that this is far from being over. It was noted that Mr. Fahey should document Mr. Rowbottom's activities.

CORRESPONDENCE

1. Northern York County School District – Rocky Ridge Road

The Township received correspondence from the school district regarding if there are any plans for improving Rocky Ridge Road. This road seems to be unsafe for school buses to turn onto Range End Road and S. Mountain Road. It was noted that there is not too much the Township can do but it was suggested that installing mirrors may help.

2. Request for Pheasant Propagation – Matthew Junkins

An application for pheasant propagation was received from Mr. Junkins. It indicates that he needs to include a township approval letter. It was noted that this is zoning issue and Mr. Fahey will send him a letter that this type of operation is permitted by a conditional use.

PUBLIC COMMENT

Mr. Ron Stevens questioned the Kensington East development sign indicating 2 to 30 acres as he thought it was a 4-acre minimum. It was noted that there is a 4-acre density and lot dimension requirements for the open space zone.

Supervisor Brown noted the following activities for May:

May 2 – Clean up day for the Township, a household hazardous waste collection at the Middle School, Hoops for Hopes at the New Hope Ministries, and the Community Center is having a yard sale.

May 9 – Pickle Chase

May 23 – Support Our Troops fundraiser.

Vice Chairman Shambaugh noted that there is training coming up with the PA Leadership Institute which is being held at PSATS on June 2 and 3.

Motion: Vice Chairman Shambaugh made a motion to allow all of the Supervisors to attend if they wish. **Seconded** by Supervisor Brown. The motion carried.

EXECUTIVE SESSION

There was no executive session.

ADJOURNMENT

Motion: Supervisor Campbell made a motion to adjourn the meeting at 11:07 p.m. **Seconded** by Supervisor Brown. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary