

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
May 11, 2009**

**MEETING WITH NORTHERN YORK REGIONAL POLICE DEPARTMENT – 6:38 P.M.**

A meeting was held between the Northern York Regional Police Department with Deputy Chief of Police Mark Bentzel and the Township Supervisors regarding the Route 15 Traffic Study. Mr. Wayne Kober noted that there were meetings held in November, December and January regarding the Route 15 safety campaign. They are working on getting coordinating patrolling on Route 15 and also getting information out to the public. The logo that is being proposed for along Route 15 is “Drive Safe on 15”. It was noted that they would like to get traffic to slow down coming into Dillsburg. Deputy Chief Bentzel noted that NYRPD would like to participate in the Smooth Operator program but this is the second time they denied Smooth Operator funds. It was stated that Route 15 has claimed a lot of lives including one of their officers. It was noted that NYRPD services 8 municipalities and with the overtime and court dates for all of the municipalities this creates some problems. Deputy Chief Bentzel reviewed the following data:

Franklin Township is contracted for 75 hours per week and it has been the same since 2001.

75 hours = 1.875 police officers.

75 hours is 3.89% of the budget.

In 2009 there are 1342 hours of court overtime for all municipalities.

3.89% of the 1342 hours = 52 hours of overtime or 1 hour per week.

After the first 18 weeks Franklin Township used 27 hours which is 9 hours more.

During 2008 Franklin Township used 88 hours of overtime.

Smooth operator will provide \$12,000.00 per year.

\$12,000.00 = about 240 hours of additional overtime enforcement.

This will generate about 700-800 citations.

About 20-30% will result in hearings = 150-225 hearings.

About 25% of the hearing will be on overtime with 80-100 hours of overtime at time and a half.

It was noted that speeding citations do create the most hearings. Franklin Township is already using more overtime and smooth operator will not pay for fuel cost or court overtime. The fines do come directly to the Township. It was noted that by April 20, 2009 261 speeding tickets have been written and in 2008 a total of 662 speeding tickets were issued. It was noted that Franklin Township needs to purchase more police time. Most of the tickets written are on Route 15. It was questioned if the Township came up with additional monies to cover the fuel costs and court overtime expenses if the police would consider that. It was noted that this would have to be taken back to the Chief Segatti and the Commission.

Mrs. Doris Nell complained about the police noting that she has been robbed many times and indicated that Chief Segatti does not care.

At this time, 7:25 p.m., there was a brief recess before the start of the regular meeting.

## **REGULAR MEETING**

### **CALL TO ORDER**

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, and Edward Campbell. Also present were Engineer Michael Begis, Solicitor Stacey MacNeal and Secretary Nancy Zentmeyer. The meeting was called to order at 7:32 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 Vice Chairman Shambaugh gave the opening prayer.

### **APPROVAL OF MINUTES**

#### **1. Board of Supervisors Regular Meeting, April 13, 2009**

**Motion:** Vice Chairman Shambaugh made a motion to approve the minutes of the April 13, 2009 Regular Meeting as submitted. **Seconded** by Chairman Lerew. The motion carried.

### **APPROVAL AND PAYMENT OF BILLS**

**Motion:** Vice Chairman Shambaugh made a motion to pay the bills as submitted. Mrs. Emlet stated that there are 2 checks that are not on the bill list, one is for clean-up date for York Waste for \$900.00 and the other is for United Concordia for \$199.00+. **Seconded** by Supervisor Brown. The motion carried.

### **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.

#### **1. Seminar Approval – Use of Prevailing Wage & Its Impact on Local Stimulus Spending**

#### **2. Seminar Approval – Assessing Your Financial Condition II**

**Motion:** Vice Chairman Shambaugh made a motion to approve Mrs. Emlet, the Township Secretary or any of the Supervisors to attend these seminars. **Seconded** by Chairman Lerew. The motion carried.

#### **3. Electronic Banking**

Mrs. Emlet noted that the advantage to this is to transfer funds into the Township accounts through the internet and there is no cost to the Township. It was noted that there should also be security on the system.

**Motion:** Supervisor Campbell made the motion to authorize Mrs. Emlet to set-up the process of internet transactions. **Seconded** by Supervisor Brown. The motion carried.

#### **4. Members 1<sup>st</sup> – Certificate Maturity Notice**

Mrs. Emlet presented the Supervisors with information on rates for a CD from other banking institutions as follows: Adams County – 6 months .90%, 7 months 1.40%; PNC – 6 months .90% 7 months 1.12%. Members 1<sup>st</sup> currently are – 7 months 2.25%, 15 months 2.50%. Rates were not received from M&T Bank.

**Motion:** Chairman Lerew made a motion to continue with Members 1<sup>st</sup> at the rate of 2.25% interest. **Seconded** by Supervisor Campbell. The motion carried.

## **ORGANIZATION REPORTS**

**1. Police** – Chairman Lerew gave the police report as follows: in 2008, year to date, there were 301 arrests and in 2009 there were 243 arrests year to date. This is a decrease of 58%. The report is on file at the Township office.

**2. Fire** – Mr. Tony Baker from Citizens Hose gave the following report: during the month of April there were 5 calls in the Township with a total of 15 year to date. There were 4 failed calls. On May 23, 2009 the fire company will participate in the Support the Troops event at the Sports and Learning Center. They will try and advertise set dates to do fire prevention in some of the developments. The plans are to use a Saturday morning and a specific intersection. This will be advertised in the Banner. The monthly chiefs meeting are still going strong. They attended a meeting in Manchester held by York County 911 in regards to issues with the new paging system and portables.

Mr. Mike Whitzer from Franklinton Fire Company presented his report for the month of April. There was an accident at the intersection of Clear Springs Road and Route 15. There were a total of 11 calls in the Township. The fire company participated in the mock DUI with using the new radios and also attended the South Mountain Mayfair. They are applying for 3 grants, 2 of which are federal will be for new airpacts and the other for a mini pumper. The other grant is for 4 new radios and 2 leaf blowers which is shared by the State and the company. The fire company has purchased the accountability with badges which are a form of identification. The fund drive letter is out and on June 14 they will be having a roast beef dinner at a cost of \$8.00 per person.

**3. EMS** – It was noted that Traci Cook will not be here tonight.

**4. DAA** - There was no one present to give a report.

**5. Emergency Management** – Mr. Laurin Fleming was present. He addressed the pandemic problem which usually starts in the spring/summer and then comes back in the fall. A plan is being formed locally and the point of distribution would be at one of the schools. The information Mr. Fleming is receiving is poor. Cert class is going on with about 5 Township residents attending and there are 5 others planning to enroll in the EMA. The dry hydrants information should be within a month. The regular meeting being held on the 20<sup>th</sup> they will be doing a drill. Mr. Yerger noted that the distribution of the vaccine will be at the high school and security will be a major issue. The condition of the fire company's equipment is needed and there is a lot of time being put into this and their staff is reducing. Mr. Whitzer noted that the boxes are almost complete and he will be meeting with Mr. Fleming and then would like to schedule a meeting with the Supervisors, possibility in an executive session.

**6. NYCRCP Transportation** – Supervisor Brown noted that this goes beyond York County as it covers some of Adams County. At the April 14 meeting there was discussion on plans of the contract. The next meeting will be held June 24 at the Carroll Township Building beginning at 1:00 p.m. The survey will be the next item and this could be put on the website and cable channel. The survey has 14

questions and it would only take 5 minutes to complete. Mr. Kober noted that message on the billboards will be "Drive Safe on 15". Between July and December there are planned 3 coordinated patrols. The cost was discussed again. Supervisor Brown noted that the Supervisors need to make a decision on the billboards either now or at the next Supervisors meeting. DCED did approve the grant so the Township will not have to pay any additional costs. Supervisor Campbell noted with authorizing the maximum amount will this really change drivers driving behavior. The Township will pay for the cost of producing the sign but not for the installation. There will be a press conference in July. Mr. Roger Quigley from the Patriot is doing a series of articles on Route 15.

**Motion:** Supervisor Campbell made a motion to approve up to \$1,000.00 to create a billboard for the drive safe program on Route 15 with at least one other municipality participating. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Mr. Kober noted that the fire companies have concerns with crossing the Route 15 intersections.

**7. Ad-Hoc Committee** - Supervisor Brown noted that the revised SALDO was delivered today and the Supervisors should meet with the Planning Commission to discuss any comments they may have. It was noted that this will be done at the next Planning Commission meeting of June 1. The meeting will be advertised. Solicitor MacNeal will attend this meeting. The transportation section should be looked at.

**8. Building Committee** – Mr. Yerger noted that he had met with Laurin Fleming to discuss the EMA and has revised some portions. Mr. Yerger will be going to the emergency operations center at Adams County to see how they are set up. It was noted that he would like to meet with the Supervisors to readdress the process and that he is available up to June 12, except for June 4, 5, and 6. It was noted that the Supervisors will meet with Mr. Yerger on June 1 after the Planning Commission meeting.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **David & Diane Heikes Final Minor Subdivision Plan & Time Extension**

Mr. Todd Lyons from Lyons Surveying was present to represent the plan. Engineer Begis noted that this is a 2-lot subdivision with each lot being 6+ acres. The Planning Commission recommended approval of this plan subject to the applicant meeting the 4 comments from KPI's April 30, 2009 letter. A revised report on the hydrogeologic report has been submitted tonight. The planning module cannot be approved until this report is reviewed. The applicant is waiting on component 4b so at the present time the module is incomplete.

**Motion:** Supervisor Brown made a motion to accept the time extension for the David & Diane Heikes Final Minor Subdivision Plan until August 31, 2009. **Seconded** by Supervisor Campbell. The motion carried.

## **REPORTS**

### **Engineer**

#### **1. Ponderosa Park Payment Request**

Engineer Begis noted that Lobar Associates is requesting Payment #3, dated April 24, 2009 for full payment, seeding and mulching still need to be done. KPI is recommending payment of \$36,820.15

and noted that the Township may also wish to authorize payment of the final \$2,900.00 following completion of the work and verification from the KPI. It was also noted that in the fall Lobar will be back for mulching at no cost to the Township and that a french drain was installed in the upper side of the parking lot at no cost to the Township. There is another drain that needs to be installed to help with drainage

**Motion:** Vice Chairman Shambaugh made a motion to pay \$36,820.15 to Lobar Associates. **Seconded** by Chairman Lerew. The motion carried. Engineer Begis will talk with the road master regarding the drain to be installed.

## **2. Chainsaw Road Driveways Report**

Engineer Begis noted that the Township will be meeting with the property owners and letters have been written.

## **3. Kings Kids Camp Report**

Engineer Begis noted that there was an on-site inspection with YCCD regarding the earth moving activities being done. There was cut and fill in excess of 4 to 5 feet. KPI sent a letter to Kings Kids Camp noting they are in violation of the Township's SALDO, Section 517 which requires a land grading plan. The camp is also in violation of the Township's Storm Water Management Ordinance 1-1997, Section 6. Erosion and sediment controls are needed and they handling the situation with YCCD. It was noted that DEP has also been out for an inspection of the property. There is a gully in the middle of a field which was leveled in order to farm. A water line has also been installed. The camp is not building anything at this time. The earth moving activities were done to level the ground and make it a better piece of property. YCCD needs a formal E&S plan by May 24. Supervisor Campbell noted that an "as-built" plan is needed so everything can be documented. It was noted that all of the work was done by volunteers. Vice Chairman Shambaugh noted that a plan is needed and done by an engineer.

**Motion:** Supervisor Campbell made a motion to request that a land development plan to document what has been done and be submitted to the Township. **Seconded** by Vice Chairman Shambaugh. The motion carried.

## **4. Michael Sunday – Release of Escrow Funds**

The Township received correspondence from Mr. Michael Sunday requesting the release of escrow funds. Engineer Begis noted that the Township would have to authorize KPI to do an inspection before these funds can be released.

**Motion:** Vice Chairman Shambaugh made a motion to have the engineer inspect Mr. Sunday's property before releasing the escrow funds. Supervisor Campbell asked where does the Township stand regarding the ash that was placed on his property. Solicitor MacNeal noted that a letter was sent to DEP and that DEP is to monitor this. Solicitor MacNeal noted a copy of this letter will be pulled from her files. **Seconded** by Supervisor Campbell. The motion carried.

## **Solicitor**

### **1. Dillsburg Soccer Agreement**

Solicitor MacNeal discussed the agreement which was drawn up between the Township and the Dillsburg Soccer Club for the proposed soccer fields by the recycling center building. There are 2 issues for discussion as follows: 1) It was indicated that the agreement should have a drawing “exhibit” identifying the land. It was also noted that a plan is needed to show where the parking will be. Will the area be available for the Township’s clean-up days, and 2) Fertilizing was included but will be taken out of the agreement. There was discussion if this could be addressed in the future or some frame work of the agreement. Mr. Bill Cressler from the soccer club noted that this will be a no cost to the Township. Also discussed was an estimate to do a survey in order to do the plan. Mr. Cressler indicated that he will go back to the soccer board regarding these issues. Solicitor MacNeal noted to use the construction plans as noted in paragraph 3 of the agreement was discussed regarding a plan needed for bids. After further discussion it was suggested to do a low cost sketch plan for purpose of discussion.

### **2. Junkyard Ordinance**

Solicitor MacNeal indicated that she had supplied the Supervisors with some sample ordinances and it was noted that Dover Township’s is the closest to what the Township is looking for. There was discussion on adding boats into the ordinance and also the operating time frame in the Dover Township ordinance runs too late. It was suggested that it should not be late in the evening but daylight hours only. Solicitor MacNeal asked if she should re-do the ordinance or just amend it. It was suggested to re-do the ordinance. There are good definitions in the Dover Township ordinance but some of the definition should be broaden to include self-propelling vehicles. There was also discussion on oils/fuel leaking out and it was noted that that should be monitored. This will be discussed at the June meeting.

### **3. Kennel Ordinance**

Solicitor MacNeal had supplied the Supervisors with some sample ordinances and it was noted that these are mostly in the zoning ordinance with definitions. The samples from Manheim and West Manchester are similar. It was noted that there are a couple of options, such as keep the licensing ordinance or the downside is with the possibility of loosing the ability to enforce . Vice Chairman Shambaugh noted that he cannot see a separate ordinance and that it should be shifted to the zoning ordinance. The definitions were looked at and discussed from the sample ordinances. It was suggested to take “for a fee” out. It was noted that there is a dog law officer through the County. This will be discussed at the June meeting.

### **4. Floodplain Ordinance**

Solicitor MacNeal presented the first draft of the floodplain ordinance that needs to be done by September 15 but should be enacted in August. It was noted that Solicitor MacNeal is looking at next month getting authorization to start sending to the planning commissions so the Township can have the public hearing and adoption in August. This is being done with all municipalities that this ordinance be brought up to date with the latest requirements of the national flood insurance program. This is currently in the zoning ordinance and the reason for the hearing to amend the ordinance. The F3 area for special floodplain needs to be checked into. The following was reviewed: page 13 requiring plan for new construction to be reviewed by YCCD. It was noted by Vice Chairman Shambaugh that he is not comfortable with YCCD reviewing this. This will be omitted. Page 16 regarding fees that could be done by resolution and that the Township consider an additional fee; Page 27 regarding structures

with hazardous materials as a special permit use. Page 30 the ability to prohibit construction 50' from a bank in regards to a watercourse; Page 32 notes cannot have a fully enclosed space below the lowest floor but it can be partially enclosed; Page 34 pertains to accessory structures is optional. Currently the Township does not have this but it should be looked at and does the Board want to regulate it?; Page 40 – with existing structures in the floodplain regarding repetitive losses in regards to fair market value. Vice Chairman Shambaugh asked if it could be made 50% of the square footage or whichever is more restrictive The maps need to be verified as FEMA is increasing the floodplain as this could affect more properties in the Township and to take immediate action against FEMA as there will need to be Board action. This will be discussed at the June meeting.

## **5. Rowbottom Enforcement Issues**

Solicitor MacNeal noted that the Zoning Officer as reported some of the violations have been corrected. A lien has been filed for the right-of-way. The Township did receive a judgment from the District Justice regarding the \$154.00 owed to the Township and this has been filed with the Prothonotary's Office. It was noted that once the deed is recorded a notice of violation will be filed for the driveway.

## **6. Resolution Regarding Background Checks**

At this time this issue will be tabled but it was suggested to have this done on full time employees and that the Township will pay the fee. The issue was with the emergency management personnel but this should be discussed with Mr. Fleming first.

## **Building Permit & Zoning Officer**

### **1. Glenwood Apartments**

This a civil matter which is being worked on but the new septic system is in and is functioning adequately.

### **2. Rowbottom Property**

The property has been visited as requested by District Justice Thomas to document the owner's effort to remove the junk and to stop its operation as a junkyard. Mr. Fahey issued a letter that Mr. Rowbottom is in compliance with both the junkyard and zoning ordinance and Solicitor MacNeal has formally withdrawn the complaint. The only open issue is the money owed to the Township from Mr. Rowbottom. Mr. Rowbottom will need to get a zoning variance before he is allow to build the one gate-post pier that is to be constructed against the right property line. The affected neighbor is now in support of this driveway gate and will voice cooperation at the hearing.

### **3. Kings Kids Camp**

Mr. Fahey presented photographs that were taken showing the violations. This was discussed previously under the Engineer's report. Vice Chairman Shambaugh noted concern with the water line.

### **4. PSATS Training**

Mr. Fahey requested that the Supervisors approve IRC-105 training for him. The training is for May 21, 2009 in Enola at a cost of \$125.00.

**Motion:** Vice Chairman Shambaugh made a motion to authorize Mr. Fahey to attend the IRC-105 PSATS training course. **Seconded** by Supervisor Campbell. The motion carried.

## **Road master**

### **1. Stone/Oil Bids – Authorization to Advertise**

**Motion:** Vice Chairman Shambaugh made a motion to authorize the advertisement of bids for stone and oil to be opened at the June 8 Board of Supervisors meeting. **Seconded** by Supervisor Campbell. The motion carried.

### **2. PA One Call – PA Safety Days**

**Motion:** Vice Chairman Shambaugh made a motion for the road crew to attend the PA One Call Safety Days to be held at HACC on June 18. **Seconded** by Supervisor Brown. The motion carried.

### **3. Verizon Wireless Quotation**

Vice Chairman Shambaugh noted that this quotation is for the Supervisors review. There is an 18% discount with this plan which includes push to talk. Any employee can also get the 18% discount. It was suggested that the Township get sample phones so the road crew can check that there are no dead spots.

The Road master's report will be on file at the Township office. There was discussion regarding the Boy Scouts with getting the dirt road blacktopped.

## **Park & Recreation**

### **1. 200<sup>th</sup> Anniversary**

Mrs. Novesal was not present but did submit an outline of what she has done so far and what activities or projects she is still waiting on.

### **2. Park Survey**

Supervisor Brown noted that he had a survey on recreation which he reviewed with the Supervisors and suggested that this be placed in the next newsletter.

It was also mentioned as a reminder of the "Support Our Troops" being held on May 23 from 11:00 a.m. until 9:00 p.m. at the track at the high school

## **OLD BUSINESS**

### **1. TruGreen Contract**

It was noted that this contract is just for the Century Lane Park and the Township building.

**Motion:** Supervisor Campbell made a motion to approve the TruGreen Contract. **Seconded** by Chairman Lerew. The motion carried.

### **2. Waivers**

Mr. Yerger noted that he would like to discuss the waiver issues that he brought up last month and training for the Planning Commission members. It was noted that this will be discussed at the June 1 Planning Commission meeting.

## **CORRESPONDENCE**

### **1. YAC, Inc – Ag Security Area**

Solicitor MacNeal stated that the property owner needs a petition with a legal description including the tax parcel number(s). How the land is currently being used. After discussion it was noted that this will be placed on the agenda for next month's meeting to formally accept it.

### **2. PSATS – Employee Pension Plan**

Correspondence was received from PSATS requesting that the Township approve the appointments of Jack Walter and William Groves as Trustees of this fund and also noting that it is necessary that the Township ratify these appointments.

**Motion:** Vice Chairman Shambaugh made a motion to appoint Mr. Walter and Mr. Groves as Trustees of the employee pension plan. **Seconded** by Supervisor Campbell. The motion carried.

## **PUBLIC COMMENT**

There was no public comment.

## **EXECUTIVE SESSION**

### **1. Boyer Land Use Appeal**

Solicitor MacNeal gave the Supervisors an update on the Boyer Land Use Appeal with no action to be taken.

## **ADJOURNMENT**

**Motion:** Supervisor Campbell made a motion to adjourn the meeting at 10:46 p.m. **Seconded** by Supervisor Brown. The motion carried.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary