

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC HEARING & REGULAR MEETING
August 10, 2009**

PUBLIC HEARING – SALDO AND FLOODPLAIN ORDINANCE

The public hearing for the Subdivision and Land Development Ordinance was called to order at 6:34 p.m. There was no comment from the audience and the ordinance was properly advertised and is available for inspection at the Township office.. There was one comment from YCPC regarding the collection of fees. It was noted that the Franklin Township Planning Commission recommended adoption after consideration of the York County Planning Commission comments. The York County Planning Commission had comments from the Ad-Hoc Committee meetings. It was suggested to go over the questions with Solicitor MacNeal during the regular meeting.

Since there were no comments Chairman Lerew closed the hearing.

The public hearing for the Floodplain Ordinance was called to order. There were no comments from the audience and the ordinance was properly advertised and is available at the Township office. Engineer Knoebel noted that the SALDO was modified for compliance with the floodplain. It was noted that this was a direction from the State (FEMA) to amend the floodplain ordinance. Engineer Knoebel noted that after adoption the Township will get an application for reimbursement of costs. The FEMA floodplain boundaries were discussed with existing structures in the floodplain and could they be grandfathered.. It was noted that anyone who is in the floodplain and is going through a bank needs this insurance or the homeowner can apply to FEMA for a change.. Engineer Knoebel noted he reviewed the requirements of getting out of purchasing the insurance.

Chairman Lerew closed the hearing for the Floodplain Ordinance at 6:52 p.m.

CALL TO ORDER

The regular meeting was called to order at 7:02 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND PRAYER

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

APPROVAL OF MINUTES

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

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Special Meeting of July 22, 2009 as submitted. **Seconded** by Supervisor Brown. The motion carried.

APPROVAL & PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to approve the bill list as submitted. Supervisor Campbell questioned the United Rentals bill. **Seconded** by Supervisor Campbell. The motion carried.

TREASURER'S REPORT

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

ORGANIZATION REPORTS

Police – Chairman Lerew noted that the police report will be on file at the Township office. The report gives a total breakdown of arrests made in the Township.

Fire - At this time there was no one present from the fire companies.

EMS - No report was given at this time.

DAA - Their minutes are on file.

Emergency Management – Mr. Laurin Fleming gave an update as follows: on July 23 with storms that passing through the area Carroll Township and Dillsburg Borough requested support for their EMA's and the staff was on alert. A CERT class was involved from 8:20 p.m. until 10:45 p.m. Mr. Fleming noted that this was good practice. The new radio system is on board. The portables that were purchased need to be tested. Mr. Fleming discussed Scouts doing the CERT's training and that the county recommends this for better coverage under the state statue. Solicitor MacNeal noted that she had reviewed the proposed agreement and asked what is the age range? Mr. Fleming noted the age of a scout starts at 11. Solicitor MacNeal discussed the insurance policy issue and also had questions on what the minors would be doing, the coverage, and some liability issues. It was proposed that a Memorandum of Understanding be written to close some of the holes. Supervisor Campbell noted they should be 16 or older and Vice Chairman Shambaugh stated that this is a great idea but the liability on the Township needs to be known. Mr. Fleming noted that the problem with not knowing what type of emergency will be presented to them. There is a need for people to hand out water, give directions, do small jobs and that there would be parental involvement. Solicitor MacNeal questioned when the CERT programs are and it was noted it could be twice a year. It was also noted that only those certified can enroll in the program. There was discussion on setting the age. The details need to be worked out. Solicitor MacNeal asked the Supervisors if they would be comfortable with the age of 14 and it was so noted. Mr. Fleming stated that at age 11 they could start training and this would give them 3 years. Solicitor MacNeal noted that with a Memorandum of Understanding it would include details on the activities, a release form from an adult, add wording on the training, and a hold harmless will be worked on for this agreement.

Mr. Fleming commented on the vaccine for the flu will be in October and the pandemic plan is being worked on.

NYCRCP Transportation – Supervisor Brown noted that the next meeting will be the first week in October and the safety program was discussed.

Building Committee – Mr. Yerger gave an update. It was noted that Mr. Yerger has the information from other emergency managements for help. There was discussion regarding David Black Associates, the architect

from Chambersburg. There was discussion regarding giving a review / scope of work, the range the Township is in, and is this going to be pursued? Mrs. Emlet indicated that she had prepared a spreadsheet with grant sources. Vice Chairman Shambaugh noted that they should get the free information from Mr. Yerger and then they should talk about grants. Chairman Lerew noted that it would be a good idea to have a meeting regarding the cost factor.

Fire - Tony Baker from Citizens Hose presented his report as follows: for the month of July there were 2 calls in Franklin Township with a total of 21 year to date. The last page of the report gave a breakdown of manpower and fire police. They are using the new radio system. The storm activated the EMA which established headquarters and it was good training.

Mike Whitzel from Franklinton Fire Company presented his report as follows: for the month of July there were 31 calls with 17 being in Franklin Township which brings the total calls for the Township to 78 year to date. The calls and personnel were reviewed. On September 13 the fire company will have a roast beef dinner. Mr. Whitzel noted that they are on the new radio system also with most of the radios installed. There were questions about the EMS boxes as to who does them and who is responsible. Mr. Fleming stated he did not know but will try to find out. It was noted that the EMA would like to be put on the boxes the fire company has completed. Mr. Whitzel publicly thanked Wilbur Stough for all the work he did on the boxes.

SUBDIVISION AND LAND DEVELOPMENT

1. Heikes Plan Planning Module and Time Extension

Engineer Knoebel noted that the sewage planning module needs to be forwarded to DEP for their review. It has already been signed by the SEO and the Planning Commission.

Motion: Vice Chairman Shambaugh made a motion to approve the planning module and to forward it to DEP. **Seconded** by Supervisor Campbell. The motion carried.

A time extension has also been submitted for the Heikes subdivision plan until October 12, 2009 and Engineer Knoebel recommends this since the time is needed for DEP review of the planning module.

Motion: Vice Chairman Shambaugh made a motion to approve the time extension for the Heikes subdivision until October 12, 2009. **Seconded** by Chairman Lerew. The motion carried.

REPORTS

Engineer

1. Dry Hydrants Update

Engineer Knoebel gave an update on the status of the dry hydrant issue. The sites have been looked at and verified. The next step is a site plan is needed to show access. It was noted that this has been discussed with the Road master. There are clearances needed from the property owners. This will be prepared, have it reviewed by the Solicitor and then contact the property owners on getting the easements. This will be worked on the next couple of weeks and will come before the Supervisors again. Engineer Knoebel noted that they would use the County's GIS information for the site plan for the most current property information. A letter will need to come from the Township for the use of the GIS data which Engineer Knoebel noted they could receive it for free.

Engineer Knoebel introduced the boy scouts in the audience.

Solicitor

1. Kings Kids Camp

Solicitor MacNeal noted that there is a report from the BCO. Engineer Knoebel stated that no plans have been submitted yet.

2. Dillsburg Soccer Agreement

The Dillsburg Soccer Club provided a conceptual plan for discussion along with the written agreement. Mr. Bill Cressler of the soccer club was present and noted that the club has entered into a contract with Lobar and had been working with KPI. The land they want to develop is just under 5-acres. This plan was done without a survey. Questions and comments will be needed once the plan is completed. The conceptual plan will be attached to the agreement. The primary changes to the agreement is the language to improve the parking area which will be gravel. The parking area will be 10'x 20', The soccer club will maintain the fields except for the mowing of the grass and it will not be in the way of clean-up day. Discussed was the layout and that screening/buffering may be needed for the adjacent property. Solicitor MacNeal noted that they are waiting for the conceptual plan and if there are any change to the agreement. Lobar needs to do the survey for the plan. The proposed start of this project is the Spring of 2010. Supervisor Campbell asked about restrooms facilities. It was noted that the soccer club would be responsible for the port-a-potties and this will be expressed in the agreement. There was also discussion on insurance and the soccer club will have the liability. It was questioned about the length of the term or use and it was noted under comment #11 it is for 25 years. The Chairman is to sign the agreement for the Township. Vice Chairman Shambaugh questioned the 25 years and asked if the agreement is broken what would be the compensation. Solicitor MacNeal noted a provision termination for both sides it would some way be a pro-rated reimbursement. This should be specified in the agreement.

Motion: Vice Chairman Shambaugh made a motion to adopt the Dillsburg Soccer Club Agreement with the changes. **Seconded** by Chairman Lerew. The motion carried.

3. Michael Sunday Property Release of Escrow

Engineer Knoebel recommended the release of Mr. Sunday's escrow money.

Motion: Vice Chairman Shambaugh made a motion to release Mr. Sunday's escrow money in the amount of \$7,500.00. **Seconded** by Chairman Lerew. The motion carried.

4. Rowbottom Driveway Permit, Second Driveway Violation

Solicitor MacNeal noted a civil complaint has been filed since there was no response from the Rowbottom's with the letter Solicitor MacNeal sent.

5. Floodplain Ordinance Adoption

The public hearing was held and the ordinance is ready for adoption. There was discussion with setting additional fees for permits or zoning approvals.

Motion: Vice Chairman Shambaugh made a motion to adopt Floodplain Ordinance No. 2 of 2009. **Seconded** by Supervisor Campbell. The motion carried.

Solicitor MacNeal noted that a copy of this needs to be submitted to the law library and YCPC. There was discussion about additional fees for permit because of staff and engineering reviews. Engineer Knoebel will get some recommendations and this will come before the Supervisors next month.

6. SALDO Adoption

Solicitor MacNeal noted that the YCPC comments have been received and there is nothing from her view point that needs to be changed. This ordinance was also reviewed by the Franklin Township Planning Commission. There are some typos that need to be corrected without sufficient changes to the ordinance. There are some options the Supervisors can take which are: 1) could enact the ordinance with the editorial changes; 2) if there are other changes it would go back through the review process; 3) the ordinance would be tabled, and 4) make the changes and have a worksession and make a list of amendments. Engineer Knoebel noted that he is comfortable with recommending the adoption of this ordinance and has reviewed this ordinance in detail and has consulted with the traffic engineer and hydrogeologist and it is okay to adopt as is. Engineer Knoebel noted that with the specification manual he has a draft of the document and this can be adopted by Resolution.

Motion: Supervisor Brown made a motion to adopt the Subdivision & Land Development Ordinance No. 3-2009 with the minor changes. **Seconded** by Supervisor Campbell. The motion carried.

Solicitor MacNeal noted that the Kennel and Junkyard Ordinances will be considered next month at 7:00 p.m. public hearing.

Building Permit & Zoning Officer

1. Kings Kids Camp

Mr. Fahey noted that there was a surprise inspection done at this property and there were 2 commercial challenges and there is an open issue with the camp regarding the electrical service. Vice Chairman Shambaugh stated that the Township should not touch it. There was also discussion regarding a UCC cease and desist notice being sent.

2. Dave Leininger, Tuckahoe Property

Engineer Knoebel noted that there are different uses on this property and there may be issues with prior plan approval for this site and also there is a problem with parking and traffic. It was noted that the plan was not approved for this on the land development plan. Solicitor MacNeal stated that she needs to know if there are any additional improvements or new uses. This will be looked into. The use needs to be what was stated on the plan. Mr. Fahey requested guidance on this issue and will work with Engineer Knoebel.

3. Rowbottom Property

Mr. Fahey noted that there are no new issues and he did not respond to the second driveway issue.

4. 62 Walmar Manor

Vice Chairman Shambaugh questioned this property regarding the large storage shed without a building permit. The home is either going to be sold or quit-titled to Walmar Manor MHP at which time the building must be removed or torn down and all parties are in agreement. Mr. Fahey noted that this is in writing.

5. Zoning Hearing Board

Mr. Fahey noted that there should be a request coming into the Township from Celebration Community Church for the expansion of their parking lot over the water retention basin. The storm water management plan will be amended.

Another request should be coming into the Township for a ZHB hearing is from REMCON to develop a 5 acre tract at Route 15 and Scotch Pine Road to hold 2 different use businesses.

Another request should be coming from Mr. Brandt regarding operating a composting business on Circle Drive.

Little Ike Auction Company has bought the old antique barn on Capitol Hill Road. No auctions will be held there but would be a continuance of a retail outlet.

All of these properties are located in the Open Space district. There were a couple of other minor issues noted on Mr. Fahey's report.

6. Training Course

Mr. Fahey requested that he attend a training course for BCO 107 at a cost of \$65.00. The course is located in Gettysburg and will be held on September 10.

Motion: Supervisor Brown made a motion to approve the BCO 107 training. **Seconded** by Supervisor Campbell. The motion carried.

Road master

Vice Chairman Shambaugh noted that a copy of the Road master's report is on file at the Township office.

1. PennDOT Municipal Winter Services Agreement

Vice Chairman Shambaugh noted that the Township has received correspondence regarding the winter service agreement with PennDOT. It was suggested that the Road master be asked what roads the Township plows.

Motion: Vice Chairman Shambaugh made a motion to re-enter the contract with PennDOT. **Seconded** by Chairman Lerew. The motion carried.

2. Range End Road

Vice Chairman Shambaugh noted that a letter of thanks was received from Mrs. Kitner on Range End Road for the work done that fixed the gutter across the road from her that caused problems during heavy rains.

Parks & Recreation

1. 200th Anniversary Update

Mrs. Geri Novesal gave an update on the progress of the celebration. The Kiwanis Club and Lions Club will help with manpower. There will be a bike safety program and a horseshoes tournament. NYCHAPS needs a waiver regarding the artwork that will be displayed on the Christmas ornaments. Solicitor MacNeal will prepare the waiver for signatures. St. John's Franklin Lutheran Church member Marlene Stiffler indicated participation on Sunday, October 4 for tours and will give Franklin Township's participation during the Civil War as part of the celebration.

2. Ponderosa Park Restrooms

There was no update given but Supervisor Brown indicated that the Kiwanis would possibly help with this project. Supervisor Brown asked where is the anniversary celebration going to take place and Mrs. Novesal stated it would be at Ponderosa Park. It was noted that the restrooms need to be upgraded. A sound system is still needed for the celebration.

OLD BUSINESS

1. Fuhrman Letter

Vice Chairman Shambaugh noted that a letter had been received from Mr. Fuhrman of Walmar Manor regarding a deck being constructed and the footings that are needed. Mr. Fuhrman noted concerns with the policy. Solicitor MacNeal discussed the code and the interpretation. It was also noted that the Township cannot require anything above and beyond the code. Vice Chairman Shambaugh stated that he would talk with Mr. Fahey and Mr. Shelly regarding this.

2. Greenhouse Road Drainage Problem

Vice Chairman Shambaugh noted that he had received a call from the Carroll Township engineer stating they will not be doing anything to correct this problem. There was discussion on taking the pipe out and putting the swale back in. The Road master is to give a cost estimate on this project. Vice Chairman Shambaugh noted that he will contact them.

NEW BUSINESS

CORRESPONDENCE

1. Bridge Maintenance Program, Correspondence from C.S. Davidson, Inc.

It was noted that correspondence was received from C.S. Davidson, Inc. regarding bridge maintenance being done on Cabin Hollow Road and Lost Hollow Road in York County. Engineer Knoebel noted that he had called the contractor and there were no comments on the drawings.

PUBLIC COMMENT

Mr. Ross Bricker addressed the Board with issues of concern regarding 105 Tuckahoe Road. Some of the items Mr. Bricker discussed the businesses at this location, which were to be for storage sheds for boats, campers, etc. Mr. Bricker also noted that this is different then what it should be. Seven days a week there is noise pollution and there is no security fencing. Other items discussed was possible flooding, waste going into the stream, fuel trucks and the bridge over the creek that Mr. Leininger put in. Engineer Knoebel noted that there is minimal traffic. It was suggested that the recorded plan be pulled as there were concerns with what is approved on the plan.. There was also discussion on the businesses operating on this property. Solicitor MacNeal that there are 3 issues that pertain to this property: 1) zoning – are these uses permitted or is there a need for an application to the Zoning Hearing Board; 2) construction codes and changes in the use or occupancies in the structures; and 3) subdivision / land development process. It was noted that these are non-conforming uses which predates the zoning ordinances and it is also post dates the UCC.

EXECUTIVE SESSION

There was no executive session held at this time.

ADJOURNMENT

Motion: Supervisor Campbell made a motion to adjourn the meeting at 9:33 p.m.. **Seconded** by Supervisor Brown. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary