

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
PUBLIC HEARING & REGULAR MEETING  
September 14, 2009**

**PUBLIC HEARING – JUNKYARD AND KENNEL ORDINANCES**

Chairman Lerew called the Public Hearing to order at 7:03 p.m. The first order of business was the Kennel Ordinance. It hearing was opened to the public for any comments. Solicitor MacNeal noted that there are 2 separate ordinances with one that is repealing Ordinance No.1-1998 and the other is amending the Township’s Zoning Ordinance No. 2006-1 regarding the definition and criteria for special exception for a kennel. Supervisor Brown questioned the licensing and Solicitor MacNeal noted that it does not apply to existing kennels unless there is a major expansion. Vice Chairman Shambaugh noted with the YCPC comments the remark of creditable evidence regarding acceptable manner for disposal of animal waste. It was noted that this maybe in a proof of contract. There were no comments from the public.

The second ordinance is regarding the Junkyard Ordinance. Chairman Lerew opened the hearing up to the public for any comments. Solicitor MacNeal noted that there were some concerns from the YCPC and the Township’s Planning Commission in a few areas that needed to be clarified along with some typos in Section 8 which has been done. In Section 2.C there was a change regarding revocation of licenses. Supervisor Brown questioned opaque fencing. Vice Chairman Shambaugh noted on page 7 Section D.1&2 there are alternatives to the fencing. There was discussion on civil and criminal enforcement that was a comment from YCPC. Solicitor MacNeal noted that this ordinance is for the health, safety and welfare of the Township. There were no comments from the public.

Chairman Lerew closed the hearing at this time. Solicitor MacNeal’s recommendation is to do the Kennel Ordinance with doing the zoning ordinance amendment first and then the ordinance repealing Ordinance No. 2-2000.

**Motion:** Supervisor Brown made a motion to adopt Ordinance No. 4-2009 amending the Zoning Ordinance No. 2006-1 regarding the definition of kennel and the criteria for special exception of a kennel. **Seconded** by Supervisor Campbell. Section E regarding proof of contract should also be noted. **Motion:** Supervisor Brown amended his motion to include Section E of this ordinance. **Seconded** by Supervisor Campbell. The motion carried.

**Motion:** Supervisor Brown made a motion to adopt Ordinance No. 5-2009 repealing Ordinance No. 1-1998 regulating kennels. **Seconded** by Vice Chairman Shambaugh. The motion carried.

**Motion:** Supervisor Brown made a motion to adopt Ordinance No. 6-2009 repealing Ordinance No. 2-2000 regulating junk dealers and the establishment and operation of junkyards with the change of wording in Section D.1&2. **Seconded** by Vice Chairman Shambaugh. The motion carried.

**Motion:** Supervisor Brown made a motion to adopt Ordinance No. 7-2009 amending the Zoning Ordinance No. 2006-1, Article 4 Specific Criteria, Section 435 Junkyards regarding special exception criteria for Junkyards and with changes to 1.A “Standards”. **Seconded** by Supervisor Campbell. The motion carried.

The Regular Meeting was called to order.

**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 Supervisor Brown gave the opening prayer.

**APPROVAL OF MINUTES**

**Motion:** Vice Chairman Shambaugh made a motion to approve the minutes of the Regular Meeting of August 10, 2009 as submitted. Supervisor Brown questioned the third sentence and it was noted that the word “different” should be omitted. **Motion:** Vice Chairman Shambaugh amended his motion with the change. **Seconded** by Supervisor Brown. The motion carried.

**APPROVAL & PAYMENT OF BILLS**

Supervisor Campbell commented on KPI’s and Archer’s PC Solution bills. **Motion:** Vice Chairman Shambaugh made a motion to approve the bill list as submitted. **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 Chairman Lerew. The motion carried.

**1. Set Budget Meeting Dates**

Mrs. Emlet, Township Treasurer, stated that the Township Auditors had requested that all of the line items in the budget match the State’s. There was discussion on setting the budget meeting date. September 30 beginning at 7:00 p.m. will be the first budget meeting. Supervisor Brown noted that he will not be at the next month’s Supervisors meeting.

**2. South Mountain Conservation Partnership**

Supervisor Brown presented information regarding the South Mountain Conservation Partnership with their mission being the South Mountain Conservation Landscape Initiative aims to encourage and promote the further appreciation and protection of the intrinsic geographic, geologic, biologic, natural, agricultural and heritage resources. It was noted that South Mountain runs from this area down to the Maryland line. The partnership is trying to get people involved and there are grants available. Some of the goals trying to be achieved are partnering with other municipalities. YCPC is keeping in tune but not that interested. It was suggested to set aside a meeting to talk with either the Township and YCPC or a joint meeting with the other municipalities. Supervisor Campbell noted concerns with people who owns property on the South Mountain and are paying taxes on that land. Supervisor Brown noted that the grant deadline is October 2, 2009. Engineer Knoebel stated that this could result in a change to the comprehensive plan and that in the zoning ordinance there is a steep slope overlay. There was discussion on protecting the mountain. Supervisor Brown suggested getting something set up. It was suggested that possibility at a budget meeting have someone from the partnership here to give the Supervisors more information.

### **3. Pickle Drop Support**

Mrs. Emlet noted that there is money in the budget in civil contributions that could be used for a donation.

### **ORGANIZATION REPORTS**

**Police** – Chairman Lerew noted the police meeting is to be held tomorrow evening so there is no report at this time. It was noted that there could be a possible increase as NYCRPD is currently working on their budget.

**Fire** - It was noted that there is no one from Citizens Hose Co. 1 but a report was submitted.

Mike Whitzel from Franklinton Fire Company was present and gave the following report: during the month of August there were 8 calls in the Township. There was a review of the breakdown of calls. In October there will be a baked smoke chicken dinner. Pump testing will be done this coming Thursday. There will be a meeting on October 14 and Mr. Whitzel suggested that 2 representatives from the Township be at this meeting. The fire company purchased a re-programmer for the pagers. The paperwork for the boxes will be given to Mr. Fleming in order to sign-off. The 2010 budget is being completed and will be received at the October 14 meeting. The fire company is having a dinner and dance on October 24. Mr. Whitzel reviewed what the fire company will be doing at the Township's 200<sup>th</sup> anniversary.

**EMS** - There was no report given at this time.

**DAA** - There was no report given at this time but their minutes are on file.

**Emergency Management** - Mr. Laurin Fleming noted that he is working on the pandemic plan and there will be a drill on September 26.

**NYCRCP Transportation** - Supervisor Brown noted that the amended meeting is scheduled for October 7 beginning at 1:00 p.m. at the Carroll Township building. There was discussion on the growth in the municipalities. Mr. Kober thanked the Supervisors for supporting the traffic safety campaign.

**Building Committee** - Mr. Yerger noted that there is a meeting on September 17 with Mr. David Black regarding the building program beginning at 8:00 p.m.

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **1. Foxwood Estates, Letter of Credit/Bond Reduction Request**

Engineer Knoebel noted that KPI has reviewed the owner's request for release of financial surety for the Foxwood Estates project. The Township holds a letter of credit in the amount of \$51,117.00 to guarantee completion of the improvements and the owner is requesting full release of this amount. An inspection was performed which included the storm water management facilities. From that inspection it is noted several items which should be addressed prior to the Township releasing the financial surety as follows:

1. There is some damage (rutting) to Stonehead road as a result of heavy equipment used in the revisions to the storm water basin which should be repaired and inspected. It was measured and marked 52 s.y. with the Township Road master. These areas should be repaired to Township specifications.
2. Approved as-built drawings for the 2 detention basins and related storm drainage structures should be provided. As-built drawings should confirm volume at one-foot intervals and basins plantings.

3. Confirmation that the York Co. Conservation District has provided satisfactory release for the project. In addition, the riser pipe in the basin that was part of the E&S controls should be removed.
4. A maintenance bond meeting Township requirements should be provided. Due to the age of the original cost estimate (October 2001) KPI applied an industry recognized cost index (ENR index multiplier of 2.38) to the original estimated cost of those items for which the surety covers. The maintenance bond amount is based on 15% of the index adjusted total amount (\$51,117.00 x 2.38 or \$121,658.50). Resulting in a recommended maintenance bond amount of \$18,249.00. The maintenance surety should be guaranteed for a minimum of 18 months from the Township's acceptance of the improvements. The form of surety should be coordinated with the Township Solicitor.
5. Any outstanding fees owned by the developer should be paid to the Township.

As a result of the inspection and items to be completed it is recommended the Township retain \$20,000.00 until outstanding items are complete, this would result in a reduction of \$31,117.00.

**Motion:** Supervisor Campbell made a motion to reduce the Bond to \$20,000.00 as noted in the Engineer's letter. **Seconded** by Chairman Lerew. The motion carried.

## **REPORTS**

### **Engineer**

#### **1. Dry Hydrants Update**

Engineer Knoebel noted that at the end of last week KPI received the data from the County and a roughed out site locations of the hydrants was done. It was noted that a couple of the locations may not be ideal. Engineer Knoebel noted that he needs to get with Mr. Fleming. A draft of the property easement agreements has been done. There was discussion on whether these hydrants count on insurance as with other hydrants.

#### **2. Chainsaw Road**

Mr. Eichelberger asked for a Chainsaw Road status report. It was noted that the Township is working to get these improvements done with the gravel driveways. Engineer Knoebel noted he and the Road master have worked with 3/4 property owners and the driveways were paved and there were some storm water control efforts which have resulted in a lot of improvements. There is 1 driveway that is being shared with 3 property owners and they had met with them. It was suggested to meet with them again and set a deadline.

### **Solicitor**

#### **1. Floodplain Fees Resolution**

Solicitor MacNeal reviewed the proposed resolution noting that this is for fees regarding the floodplain. Supervisor Campbell noted this needs to specify what is being done. The ZHB application fees cannot charge additional fees. It was questioned why there are 2 separate fees. It was noted that this is for technical review because if a building is in a floodplain it has to be brought into compliance. After discussion it was noted that there should be one fee of \$600.00 for a permit for building or zoning in the floodplain conservation overlay.

**Motion:** Vice Chairman Shambaugh made a motion to adopt Resolution No. 7-2009 on fees for a building or zoning permit in the floodplain as amended by Solicitor MacNeal. **Seconded** by Supervisor Campbell. The motion carried.

## **2. Agreement between EMA and Boy Scouts**

Solicitor MacNeal noted that there have been changes in the wording based on the discussion from last month's meeting as follows: Section 5 – Qualified Personnel; Section 10 – Training; Section 13 – Indemnification; and Section 7 – Operations. It was noted that this could be approved based on the Boy Scouts acceptance. It was noted that the Boy Scouts do not have a problem with this agreement. Training is being done with over 40 participants. This will be discussed again at next month's meeting.

## **3. Dillsburg Soccer Agreement**

Solicitor MacNeal discussed the soccer agreement and noted that there were some concerns with the termination of the agreement. There is a set period of time with a pro-rated as noted in paragraph 24. Chairman Lerew noted that he sees no problem with the agreement.

**Motion:** Chairman Lerew made a motion to accept the construction and use agreement between the Township and the Dillsburg Soccer Club as is. **Seconded** by Supervisor Brown. Mrs. Novesal who is the adjacent property owners questioned what type of buffering will be between her property and the soccer fields as she has concerns regarding the safety issue. Mr. Cressler, president of the soccer club indicated that he will be in touch with her to discuss this issue. The motion carried.

## **4. Update on Lake Lea/Water Street**

Solicitor MacNeal noted that another letter was sent to Ms. Coulson and there was a meeting on site. It was indicated that the work has been completed.

## **5. Executive Session**

Solicitor MacNeal noted that she would like to have an executive session regarding pending litigation and collective bargaining.

## **Building Permit & Zoning Officer**

Mr. Fahey presented his report as follows: the property on Franklin Church Road has almost been resolved. The dumpster is the only thing that needs to be removed.

The property owner on Circle Drive who is interested in having a composting business informed Mr. Fahey that residents can drop off organic material.

A township resident who owns and operates a scrap yard mentioned to Mr. Fahey that he would be willing to bring in a large container on the township property for the public to dump scrap metal. He would then haul the metal collected at no cost.

Mr. Fahey had attended a BCO training class and offered some ideas to the Board with what he had learned such as digitizing material and how to store it. His complete report is on file at the office.

Mr. Fuhrman questioned Mr. Fahey regarding his deck he wishes to construct. It was noted that he is not in compliance. Discussed was the process to appeal this decision. This would have to go through the York County UCC Board of Appeals. It was noted that it is different if the deck is connected to the structure or not connected. Solicitor MacNeal indicated that Mr. Fahey was to get Mr. Fuhrman the information for the appeal,

the procedures, fees, and application. Mr. Fuhrman questioned the 30" rule. It was noted that this will be re-measured.

## **Road master**

### **1. Establishment of Posted Speed Limit on By-Pass Road**

Correspondence was received from residents that live on By-Pass Road requesting the posting of a speed limit sign. It was noted that there may not enough room for posting a speed limit sign. Solicitor MacNeal noted that this would need to be done by ordinance. It was suggested that a speed hump be installed to slow drivers down. There were questions regarding liability for the Township. It was noted there are standard drawings which are approved by PennDOT. It was noted that a least one speed hump be installed and that signs be put up indicating this.

**Motion:** Vice Chairman Shambaugh made a motion to have the Township Engineer work with the Road master on the installation of a speed hump according to the PennDOT standards. **Seconded** by Chairman Lerew and it was suggested with the associated signage. The motion carried.

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

### **2. PennDOT Winter Agreement**

It was noted that after last month's meeting and the approval of the PennDOT Winter Agreement that the Road master would like to amend the agreement with omitting Franklin Church Road from the list of state roads the Township plows.

**Motion:** Supervisor Brown made the motion to remove Franklin Church Road from the winter agreement. **Seconded** by Supervisor Campbell. The motion carried.

### **3. East Greenhouse Road**

Vice Chairman Shambaugh noted that there are 2 items of concern with this township road. The first is with the snow plowing as this is half in Franklin Township and half in Carroll Township. The township does plow to the Township line and one lane to the cul-de-sac. It was questioned if the Township shares any other road with Carroll Township and if so to work with them with the possibility of swapping roads.

At the corner of East Greenhouse and South Mountain Roads there are apple trees that are depositing apples onto the street and it was suggested the road crew clean up the apples and to send the homeowner a letter requesting that they trim the trees back to the curb line within so many days as this could be a liability issue. If it is not done within 2 weeks the Township would go and trim the trees.

## **Parks & Recreation**

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

Mrs. Geri Novesal gave an update on the progress of the 200<sup>th</sup> anniversary. She noted that the pavilions need to have the electricity on and that at pavilion #2 2 sets of tables need to be taken out and at pavilion #1 4 sets of tables need to be removed. There will be games for both children and adults, the Blue Moon Cruisers have agreed to participate, the Singer Band from Mechanicsburg will also be there, will be getting equipment from the VFW, NYCHAPS will be selling Christmas ornaments, and there will be no parking at the lower level.

The Road master noted problems with the restrooms with water running. It was noted that he contact a plumber to correct this problem. It was also noted that the lights in the restrooms are on most of the time. The Supervisors suggested getting a timer or motion sensor for the lights.

**2. TruGreen Service Agreement**

It was noted that this is a extra service from the original service agreement and the Township is not in favor of having this.

**3. Letter of Resignation from Gary Lebo**

**Motion:** Vice Chairman Shambaugh made a motion to accept the letter of resignation from Gary Lebo from the Park & Recreation Board. **Seconded** by Supervisor Brown. The motion carried.

**4. Appointment of Andrea Crouse**

**Motion:** Vice Chairman Shambaugh made a motion to accept the appointment of Andrea Crouse to the Park & Recreation Board. **Seconded** by Supervisor Campbell. The motion carried.

**OLD BUSINESS**

There was no old business discussed at this time.

**NEW BUSINESS**

**1. Trick or Treat Night – Set Date**

**Motion:** Vice Chairman Shambaugh made a motion to set the date for Trick or Treat Night on Thursday, October 29 from 6pm – 8pm. **Seconded** by Supervisor Campbell. The motion carried.

**2. Pickle Drop Support**

**Motion:** Supervisor Brown made a motion to donate \$100.00 in support of the Pickle Drop. **Seconded** by Chairman Lerew. The motion carried.

**CORRESPONDENCE**

**1. York County Association of Townships of the Second Class 2009 Convention**

This year’s convention will be held on November 12, 2009 at the York Fairgrounds/Expo Center. There was discussion on who should attend and the reimbursement. It was suggested to review the motion made at the Re-organization meeting.

**PUBLIC COMMENT**

A member of the audience stated that he needs an address number for a building that he wishes to start a business and was informed by Mr. Fahey that the Supervisors would issue this. It was noted that it is Mr. Fahey who issues address numbers and he is to do so. This will be forwarded to Mr. Fahey.

Mr. Roger Quigley from the Patriot News thanked Mrs. Novesal for all the hard work she has done regarding the 200<sup>th</sup> anniversary.

**EXECUTIVE SESSION**

The Board went into executive session at 9:59 p.m. with no action to be taken.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary