

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
January 11, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown and Edward Campbell. Also present were Solicitor Stacey MacNeal, Engineer Michael Begis, Treasurer Phyllis Emlet, 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, York County, PA. Guests and visitors are on the attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

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

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – December 14, 2009

Motion: Supervisor Campbell made a motion to approve the minutes of the Regular Meeting of December 14, 2009. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Board of Supervisors Re-organization Meeting – January 4, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Reorganization Meeting of January 4, 2010. **Seconded** by Supervisor Campbell. The motion carried.

APPROVAL & PAYMENT OF BILLS

Supervisor Brown questioned the Members 1st bills and Treasurer Emlet noted that it was for software and computer updates. The York Tractor bill is for one of the mowers.

Motion: Supervisor Campbell made a motion to approve the payment of the bills as submitted. **Seconded** by Chairman Lerew. The motion carried.

TREASURER'S REPORT

1. CD Renewal – 7 Months

It was noted that at last month's meeting the Supervisors approved the renewal of a 6 month CD but Treasurer Emlet has since received from Members 1st that the CD can be done for 7 months at a higher interest rate. The Supervisors are in agreement the motion needs to be amended.

Motion: Supervisor Brown made a motion for the Township to go with the 7 month CD renewal. **Seconded** by Chairman Lerew. The motion carried.

2. Recycling Information

Treasurer Emlet reviewed her memorandum on recycling information and going with one trash hauler for the residents of the Township. This will be reviewed further at a later date.

3. Part Time Wages

Treasurer Emlet researched the wages that are and were paid to part time employees since 1999. This is for the part-time employees that plows snow. There was discussion if the part-time employees need to have a CDL license. The Secretary will check into this with PSATS. The wages range from \$15.00 per hour to \$13.50 per hour. Supervisor Campbell noted that it seems it should be consistent at \$14.00.

Motion: Supervisor Campbell made a motion to have the part-time road employee wages at \$14.00 per hour. **Seconded** by Chairman Lerew. The motion carried.

4. Setting Interest Rate on Invoices

Treasurer Emlet noted that there was discussion at the budget meetings regarding putting an interest rate on invoices after 30-days and she needs to know what percentage that should be. After discussion it was suggested to have the interest rate at 1.5% but this should be check with the Solicitor. It was also noted that this is standard for businesses.

Motion: Supervisor Brown made a motion to have a 1.5% interest rate on invoices owed after 30-days. **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.

Fire - Tony Baker, Fire Chief for Citizens Hose #1 gave the following report. For the month of December there were 5 calls in Franklin Township which brings the total to 41 year to date. The calls included 2 structure fires, 2 motor vehicle accidents and 1 fire police call. On February 2 the fire company will be hosting a series of essential of fire fighting classes at the station with a total of 4 classes. There will also be joint training with the EMA's and CERT teams. The ladder truck is out of service for some minor repairs.

Mike Whitzel, Fire Chief for Franklinton Fire Co. gave the following report. There were 40 calls for the month of December. The final report will be submitted in March. The fire company received a donation of \$2,500.00 from the Kiwanis Club. The money was used to purchase an automated external defibrillator. There is ongoing training. The new radios have been installed. Fundraising is continuing and the next dinner is on February 14 of stuffed pork chops at a cost of \$9.00. The fire company's banquet will be held on February 27.

EMS - Brad Glenn, full-time EMS staff, presented the following report. For the month of December there were 23 calls with a breakdown as follows: 17 medical, 3 fire, and 3 motor vehicle accidents. The year end report will be submitted in February. There are currently 2 ambulances with 1 in service 24 hours and 1 in service Monday – Friday 8am until 4pm. One of the ambulances will be replaced in either Spring or early Summer.

DAA - A report was submitted.

Emergency Management - There is nothing to report as this time.

NYCRCP Transportation - Supervisor Brown stated that he would like to call for a joint meeting between the Supervisors and the Planning Commission in order to look at what is being proposed for safety on Route 15. Supervisor Brown noted concern on the intersection of Route 15 and Hickory Road which is not the best option.

The next meeting for the transportation committee will be in April. February is the timeframe for discussion for an overpass and Supervisor Brown indicated that he will contact the County to see if they could attend. February 18, 2010 was the meeting date set for the joint meeting to begin at 7:00 p.m. It was noted that they should be looking at the near through long term proposals.

South Mountain Partnership - Kimberly Williams from the South Mountain Partnership gave a brief presentation on this partnership. It consists of non-profit organizations, state agencies, municipalities and for profit businesses in 4 counties of the mountain region. There are many resources from this region such as clean air, water and the wildlife. Ms. Williams noted the following events that may be of interest to the Supervisors. The South Mountain Summit is being held on February 19 is an all day event and on February 18 there is a Balancing Nature with Commerce Workshop being held in the evening. An action plan is what the Township will get out of the meetings. Chairman Lerew questioned who will own the ground after the land gets into the partnership. There are land trusts.

Building Committee – A fiscal meeting will be held only if necessary. The Township needs to work through the banks and it was noted that interest rates are low. There was discussion if it will fit within the scale of the budget and the length of the loan was suggested at 15 years. Vice Chairman Shambaugh questioned how much of the fund balance does the Township want to use? It was noted that there will be a meeting set up to discuss this further. It was suggested that the Supervisors talk with the Treasurer regarding funds and grants.

SUBDIVISION AND LAND DEVELOPMENT

1. Planning Commission 2009 Annual Report

The Franklin Township Planning Commission 2009 Annual Report was acknowledged.

2. Norma & William Kough Minor Final Subdivision Plan

Engineer Begis noted that the Planning Commission recommended approval of the Kough Subdivision Plan. There is a concern with lot 3 in the configuration but there is nothing in the ordinance to prohibit it. Mr. Kough wishes to keep this land in the Clean & Green. The Township still has not received DEP approval on the exemption. There was discussion on the improvements of the roadway as noted in comment 5 of the YCPC letter. A waiver regarding this comment has not been submitted. It was noted as in the past 18' of roadway is what the Township required but it is now substandard and now it needs to be 24'. Section 402.C.2.b of the SALDO addresses this. Solicitor MacNeal stated that a formal waiver request would be needed. There was discussion on expanding the deed right-of-way but not the improvements. Vice Chairman Shambaugh suggested that this plan be tabled and have the Township Engineer review this and get a cost estimate as this information is needed.

Motion: Vice Chairman Shambaugh made a motion to table the Norma & William Kough Subdivision Plan until the February Supervisors meeting. **Seconded** by Supervisor Brown. Supervisor Campbell noted that is he unhappy with the lot 3 configuration according to Section 406.A.1 and that a note should be added to the plan to avoid subdividing the one portion of lot 3, which is the land to the north of Scotch Pine Road, that it is not approved for building. The motion carried.

3. John Flanagan Sewage Planning Exemption

Engineer Begis noted that this property is at the corner of S. Mountain Road and Water Street across from the Ponderosa Park. It is a 2 lot subdivision.

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

4. Bruce Torbert Subdivision Request

Mr. Torbert noted that he was at the Planning Commission meeting and presented the sketch plan that is in front of the Supervisors tonight. He lives at 76 Coffeetown Road and would like to subdivide this parcel into 2 lots. The Planning Commission referred Mr. Torbert to the Supervisors to get their opinion if he could subdivide or not. Section 307 – “Required Vehicular Access” of the Zoning Ordinance was discussed because of the one lot being land locked. Solicitor MacNeal discussed the “lot width” definition in the zoning ordinance and that all lots need road frontage. There was discussion that Mr. Torbert may need relief from the Zoning Hearing Board for a Variance. Mr. Torbert indicated that all lots have access to a road as he does possess a deeded right-of-way that passes over 2 other properties. There is no definition of a private road in the ordinance but it was noted that a private road would need to be constructed to Township standards and it can be 100’ in length. Vice Chairman Shambaugh suggested that Mr. Torbert consult an attorney to go to the Zoning Hearing Board and with the road frontage issue to consult an engineer.

REPORTS

Engineer

Engineer Begis stated that there is nothing to report at this time.

Solicitor

1. Conditional Use Hearing – Dennis Major, Set Date

Solicitor MacNeal stated that the Board needs to set a hearing date for this Conditional Use. It was suggested to have the hearing at 6:30pm before the next regular meeting. It was noted that Mr. Major cannot make the February meeting. The hearing can be scheduled for the March meeting if the Township receives a letter granting a time extension otherwise the hearing will have to be held in February. The letter should indicate a time extension until the end of March.

2. Leininger Land Development Plan

Solicitor MacNeal noted that she had met with Mr. Fahey and Mr. Leininger. The property is located on Tuckahoe Road and is used for commercial purposes. This plan was approved prior to the zoning ordinance. There are 3 activities currently on the property – a paving/excavating company, auto repair business and storage rental units. The approved land development plan was done in 2002. The storage building are for storage only but if used for other than storage then sewage disposal would come into play. Solicitor MacNeal recommended to the Supervisors for the non-conforming uses to enter into an agreement with the property owner which would indicate hours of operation, restriction on activities occurring, and address the sewage disposal (on-lot septic issue). This will address the concerns of the neighbors. It was noted that Mr. Leininger is willing to comply with agreement and the conditions. A written agreement would be entered into with Mr. Leininger. Supervisor Campbell suggested that an updated site plan be submitted to the Township to show what is there now. The Board was in agreement and Solicitor MacNeal will be working with the property owner.

3. Executive Session

Solicitor MacNeal asked for an executive session regarding pending litigation and collective bargaining.

Building Permit & Zoning Officer

Mr. Fahey asked for an executive session to discuss his adjusted schedule. At this time Mr. Fahey gave the Supervisors a letter that addresses the issues he has.

1. Outstanding Issues

Mr. Fahey indicated that he would like an ordinance for putting the burden with obtaining permits on the contractors. The ordinance would be making them accountable.

Mr. Fahey discussed the cost by resolution that was approved by the Supervisors regarding the cost of building permits. Supervisor Campbell noted that this was looked at before. Solicitor MacNeal stated that would cause amending different ordinances. Solicitor MacNeal noted that she would look at the ordinances by a consensus by the Board. Vice Chairman Shambaugh stated that he is not in favor of an ordinance going after the contractors. It was questioned if this is a concern about the non-UCC only with value quotes and Mr. Fahey indicated it is for all permits. It is about all permits being assessed properly. The building costs were also discussed and that there is a need to amend the ordinance/resolution. This will be discussed next month. Supervisor Campbell stated that the executive session Mr. Fahey is requesting should be held next month so the Supervisors can review his letter. Chairman Lerew told Mr. Fahey that his report is needed prior to the meetings so they can review it.

Road master

Vice Chairman Shambaugh noted that the roadmaster's report has been submitted. There is a problem with the front end loader with an oil leak which is causing problems with the engine. Vice Chairman Shambaugh told the road master to get a cost estimate on the repair.

Parks & Recreation

Chairman Lerew noted that the Park & Recreation Board met with the soccer organization and reviewed the diagram of the proposed fields. The second well at Ponderosa Park is in "A1" well. There was discussion regarding hooking up to it and that the Township should get a cost to get it developed.

OLD BUSINESS

1. Copier Quotes

The Supervisors reviewed the quotes from Ricoh. There are 3 options based on the month-term.

Motion: Supervisor Campbell made a motion to accept the Ricoh black & white copier for a term of 60-months. **Seconded** by Supervisor Brown. The motion carried.

2. Franklinton Fire Company – Call Boxes

Mike Whitzel from the Franklinton Fire Company discussed the splitting of Box 65-07. The boxes have been signed off but because of the mileage for Box 65-07 the fire company wants to split the box in half. The areas discussed were Union Church Road at Water Street and Rocky Ridge Road at S. Mountain Road. Mr. Whitzel indicated that this needs to be signed off by the municipality. It was suggested to work with the township engineer to get a map to show where the split will be.

NEW BUSINESS

1. Control Burning

Mr. Whitzel stated that the fire company is getting called out on controlled burning. The residents need to be educated and it was noted that an article be placed in the next newsletter. Solicitor MacNeal indicated that she will look at burning ordinances from other townships.

2. Treasurer's Report

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

3. PSATS State Convention

The Township Secretary indicated that she needs to know who will be attending the convention so the Township can get the reduced price. Chairman Lerew, Vice Chairman Shambaugh and Supervisor Brown noted that they will attend.

4. Clean-up Day, Set Date

At this time the Supervisors discussed going to a single trash hauler which would include curb side recycling and one large bulk item to be put out with the trash each week. Since the Supervisors are going to pursue this there will be no clean-up day set for this year. Also discussed were having bag options, mandatory recycling and residents getting a refund from their current trash hauler if the Township did not go with their hauler. An ordinance and bid documents will be needed and Solicitor MacNeal indicated that she will get this information.

5. Health Insurance Renewal

The Supervisors reviewed the current health insurance policy and the new one being proposed through HealthAmerica. With the new policy there is a \$250.00 deductible.

Motion: Supervisor Campbell made a motion to accept the renewal of the new policy being proposed from HealthAmerica. **Seconded** by Chairman Lerew. The motion carried.

6. Appointment of Beverly Fleming to Board of Auditors

Motion: Supervisor Brown made a motion to appoint Beverly Fleming to the Board of Auditors. **Seconded** by Vice Chairman Shambaugh. The motion carried.

7. 2010 Commercial Service Agreement - TruGreen

It was noted that the price is remaining the same as in 2009. There was discussion regarding the ball field at Ponderosa Park.

Motion: Supervisor Campbell made a motion to accept the 2010 Commercial Service Agreement from TruGreen at the same cost. **Seconded** by Supervisor Brown. The motion carried.

CORRESPONDENCE

It was noted that since the article appeared in the Patriot News regarding the Township going to one trash haulers there has been feedback from the residents.

PUBLIC COMMENT

Bob Eichelberger addressed the South Mountain Partnership that was discussed earlier and asked if any of the Supervisors are planning to attend the summit scheduled in February. Vice Chairman Shambaugh and Supervisor Brown indicated that they will attend. It was also suggested to ask the Planning Commission members. There was a brief discussion on paying the fees.

Motion: Supervisor Campbell made a motion to authorize up to \$25.00 per person and sending 4 people to the summit. **Seconded** by Vice Chairman Shambaugh. The motion carried.

EXECUTIVE SESSION

The Board went into executive session at 9:52 p.m.

The Supervisors came out of the executive session and into the formal meeting at 11:05 p.m. with the following motion.

Motion: Supervisor Campbell made a motion to retain Eckert Seaman's as special counsel to assist with the collective bargaining and other potential litigation matters related to Northern York County Regional Police. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to withdraw from the Northern York County Regional Police at the end of 2011. **Seconded** by Supervisor Campbell. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary