

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
October 13, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Edward Campbell, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Engineer Michael Begis, Treasurer Phyllis Emlet, and Secretary Nancy Zentmeyer. The meeting was called to order at 7:00 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.

Chairman Lerew stated that the Supervisors, on October 12, 2010, had an Executive Session for legal advice from a lawyer.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – September 8, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of September 8, 2010 as submitted. **Seconded** by Supervisor Campbell. The motion carried.

Board of Supervisors Conditional Use Hearing – September 20, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the September 20, 2010 as submitted. **Seconded** by Chairman Lerew. The motion carried.

PUBLIC COMMENT

1. District Justice Richard Thomas

District Justice Thomas addressed the Board of Supervisors reviewing his various job duties. York County has 19 district judges and his district includes the entire Northern York County School District and Washington Township. On an average District Justice Thomas has 4,500 cases per year. A new computer system is to be installed which will help with searching information. There was discussion on the township's burn ordinance and that the minimum fine of \$300.00 is too high. District Justice Thomas answered questions from the audience.

2. Mike Harclerode, 45 Clear View Road

Mr. Harclerode indicated that there was a problem with his driveway but that he had been working with the road master and as of September 29 this has been taken care of. His concern was that he had received a letter from the Solicitor and he wanted to let the Board know that he has complied and the driveway has been corrected. Mr. Harclerode indicated that the road master was present and is satisfied with the work that was done.

3. Ken Swomley, 4 Franklintown Road

Mr. Swomley questioned the trash/recycling issue and grant monies. He also suggested looking into vehicle recycling pick-up and what the cost would be. Supervisor Campbell noted that is up to the hauler. Mr.

Swomley questioned the net cost of the entire service and Solicitor MacNeal noted that the township is not at that stage yet. It was noted that the township only requested information from the haulers. Mr. Wilmer Price also gave his comments on the trash/recycling issue.

APPROVAL & PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to pay the bills as listed. serving subpoenas. **Seconded** by Supervisor Campbell. Under Recreation the Grimm Trophy bill was questioned and it was noted that it is for the plaques that are to be placed by the trees in Ponderosa Park. Supervisor Decker questioned the bill for Matt Hunt in the General Fund. This was for serving subpoenas. **Seconded** by Supervisor Campbell. The motion carried.

TREASURER’S REPORT

Motion: Supervisor Campbell accepted the Treasurer’s Report as submitted. **Seconded** by Vice Chairman Shambaugh. The motion carried.

1. Auditor Appointment

Solicitor MacNeal noted that there is a procedure that needs to be followed. The Township did receive 2 proposals for a 3-year term. A notice needs to be advertised that the Township will be appointing an accounting firm before action is taken.

Motion: Vice Chairman Shambaugh made a motion to authorize Solicitor MacNeal to advertise the notice. There was discussion on if the name of the firm needs to be in the advertisement. Solicitor MacNeal indicated that does not need to be done at this time but it was noted that Smith Elliot & Kearns is the firm the Supervisors are looking at. **Seconded** by Supervisor Campbell. The motion carried.

ORGANIZATION REPORTS

Police – Chairman Lerew noted that in 2009 for the month of September there were 739 calls and in 2010 for the month of September there were 826 calls which is an increase of 11%. The report is on file at the township office.

Fire – Chief Mike Whitzel from Franklinton Fire Co. gave the following report: for the month of September there were 24 calls with 11 being in the township. Total calls for the year is 282 with 141 of those calls in the township. There has been joint training with the York Springs Fire Department. There will be a turkey dinner at the firehouse in November.

There was no one from Citizens Hose Co. #1.

The burn ban has been lifted.

EMS - There was no report given.

DAA - A copy of the minutes was submitted.

Emergency Management – Mr. Yerger noted there was an exercise done at the high school with the regional task force. There was one call out for an accident at Cabin Hollow Road.

NYCRCP Transportation – Ms. Beth Nidam from the York County Planning Commission was present to discuss the amendment to the NYCRCP. There have been 2 changes to the document by the development committee. The official map tool is not mandated, it reads “when” adopted and it has been changed to “if” adopted. In the regional transit study the transportation center has been removed. This revised amendment is available on the YCPC’s website. Supervisor Decker questioned the transportation money and it was noted that there is money for Route 15 and this will be going to the MPO in February. Safety issues on Route 15 were discussed. It was noted that Representative Perry’s office wants to see the “easy do” items done first, such as synchronize the traffic lights, install mile markers etc. Supervisor Decker asked if the Supervisors will be informed on what the projects are and do the Supervisors have a vote. It was noted that there will be interaction with the big projects such as the Golf Course interchange with workshop, public meetings, etc. Supervisor Decker asked if they will be involved with the small projects. It was noted that there is a combination of monies which is 80% federal and 20% state. The development committee consists of members from the 4 municipalities. Supervisor Decker noted that after the public meeting Mr. Kober had stated that they will be voting on each project. The official map was discussed and it was noted that the township has the authority to enact the map. Also discussed were sidewalks between major interchanges and this would be done through PennDOT.

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 13-2010 amending the NYCRCP Transportation. **Seconded** by Supervisor Campbell. Supervisor Decker asked for discussion. Would it be the same development committee that did this amendment is handling the projects? The township did not have adequate reports and questioned if this was legally advertised. There was a misunderstanding of documents with one being placed for review. The meat of the document was on review. Solicitor MacNeal stated this is not an ordinance and indicated that in the MPC it stated it needs to be out for a comment period and a public hearing. This is not a procedural defect. Supervisor Decker suggested the advertisement be reviewed. Vice Chairman Shambaugh called a motion of question. The motion carried with Supervisor Decker opposing.

SUBDIVISION AND LAND DEVELOPMENT

1. William Messner, Final Subdivision Plan, Time Extension

It was noted that a time extension is needed due to outside agency approval. An extension has been submitted until December 31, 2010.

Motion: Supervisor Campbell made a motion to accept the time extension for the William Messner Subdivision Plan until December 31, 2010. **Seconded** by Vice Chairman Shambaugh. The motion carried.

2. Darrel & Doreen Layton, Final Subdivision Plan Approval

This plan is a 2 lot subdivision has been reviewed and approved by the Planning Commission. There were 2 waiver requests with one for the contours which was approved and the other one for road improvement requirements which was denied. The applicant is willing to pay for the road improvement.

Motion: Vice Chairman Shambaugh made a motion to approve the Darrel & Doreen Layton Final Subdivision Plan conditioned upon the requirements in KPI’s letter dated September 3, 2010 and to include payment of the road improvements fee in lieu of. **Seconded** by Supervisor Campbell. Supervisor Decker stated that the recreation fee should also be included. **Motion:** Vice Chairman Shambaugh amended his motion to also include the recreation fee. **Seconded** by Supervisor Campbell. The motion carried.

REPORTS

Engineer

1. Well Ordinance

Engineer Begis noted that a draft copy of the well ordinance had been given to the Supervisors and Solicitor. After discussion it was suggested by Supervisor Campbell to have the well ordinance directed at geothermal wells only. The open loop well systems have flooded onto adjoining properties. Supervisor Decker suggested that this information should be placed in the next newsletter.

2. Zoning Ordinance Updates

Engineer Begis commented on zoning ordinance updates and it was suggested to go through and have a combined list. It was also suggested that the Supervisors have a joint meeting with the Planning Commission. The steep slope will be on as a discussion item.

Solicitor

1. Burning Ordinance Adoption (#1-2010)

Solicitor MacNeal stated that this ordinance has been advertised. There was discussion on Section 11 with regards to the fines and Supervisor Campbell suggested omitting minimum. Chief Whitzel from Franklinton Fire Company indicated that he has concerns with this ordinance and there is a need to educate the township residents about burning with the distances from structures, burning at night and what is being burned. It was noted that it is up to the police to enforce and fine a resident. There was discussion on the distance a fire should be from a home and it was noted to increase it but indicated that 50' is okay. It was noted that this ordinance is reorganized and restructured. Chief Whitzel was concerned with burning on Sundays. Supervisor Decker pointed out a correction under Section 2 with confined burning and questioned under Section 5 with the open burning setbacks.

Motion: Vice Chairman Shambaugh made a motion to adopt Ordinance No. 1-2010 with the changes and the rewording of Section 11 eliminating minimum fine. **Seconded** by Chairman Lerew. The motion carried.

2. Trash & Recycling RFI's

Solicitor MacNeal indicated that the RFI was sent to the 3 local trash haulers and 2 had responded, York Waste Disposal and Penn Waste. Penn Waste gave just general information while York Waste gave more information, made comments and attached a list of municipalities they deal with. Penn Waste noted that in regards to pricing a general range for this area would be \$50.00 - \$60.00 per quarter. It was noted that copies of the RFI's be made and given to each Supervisor for discussion next month.

3. Keefer Property Update

Solicitor MacNeal gave an update on the Keefer property. It was noted that they are progressing in the time frame given, the pool fence has been installed, and a building permit was issued for the bathroom in the garage and the retaining wall. The permit for the deck will be closed at the same time as the other permits.

4. Leininger Agreement

Solicitor MacNeal noted that there have been two changes in the agreement, the time period for the installation of the restrooms with obtaining a building permit within 6 months and to have it completed within 12 months and that a plan be submitted to the township that contains all of the information. The agreement was approved and signed by Mr. Leininger.

Motion: Vice Chairman Shambaugh made a motion to approve the land use agreement with Mr. Leininger. **Seconded** by Supervisor Campbell. The motion carried.

5. Willow Glen Road Update

Solicitor MacNeal noted that the road docket for Willow Glen Road cannot be located, therefore it is not docketed. It was noted that this is a public road if it maintained. It was suggested to contact the Game Commission.

6. Fee Resolution

Solicitor MacNeal reminded the Supervisors of the draft fee resolution that needs to be finalized for the Board's re-organization meeting.

7. Attorney Walker

Attorney Walker who represents Mr. Keefer, asked about the private enforcement action and that is up to the Board. It was noted that there is no need for discussion.

The meeting recessed at 9:03 p.m. and reconvened at 9:12 p.m.

Building Permit & Zoning Officer

Mr. Fahey presented his report and commented on a variance and change of use between 2 neighbors but there is no L&I occupancy permit. This was for a building modification. This is being worked out.

The Highland Park permits will all be correct.

Road master

Vice Chairman Shambaugh noted that the road master's report has been submitted.

1. Cherry Lane Driveway

A driveway on Cherry Lane was discussed regarding a swale in front of the property and he wants to close in the swale and put a pipe in. A storm water management plan needs to be done regarding that the size of the pipe is sufficient. It was noted that it is in the township's right-of-way which is approximately 40 – 50 feet and 6 inches to 1 foot deep and a couple of feet wide.

Supervisor Decker indicated with the previous driveway issued that there needs to be a change to the township's approach. Vice Chairman Shambaugh stated that the road master needs to let the Board know if an issue has been resolved.

Parks & Recreation

1. Recreation Fees

There was discussion on the rental fees for the park pavilions. It was suggested that the fees change to \$50.00 for residents and \$75.00 for non-residents. This is part of the fee schedule that will be acted on at the re-organization meeting. A recommendation is needed from the Park & Recreation Board.

2. Ponderosa Park

There was discussion on the application for the stream crossing at Ponderosa Park. KPI has been helping out with the PNDI.

3. Park & Recreation Ordinance

It was noted that Solicitor MacNeal had drafted a new park & recreation ordinance which is for the rules of the parks. This needs to be reviewed for any comments and recommendations. This has been forwarded on to the Park & Recreation Board.

OLD BUSINESS

1. Police Contract

It was noted that the police have extended the contract for 3 more years. There are issues that are needed to get out to the public which Vice Chairman Shambaugh reviewed. A copy of these issues are attached as part of the minutes.

NEW BUSINESS

1. SPCA – 2011 Animal Care & Housing Agreement & Humane Society of Harrisburg Animal Agreement

Animal Agreements had been received from both the SPCA of York County and Humane Society of Harrisburg for the year 2011. The SPCA is at a cost of \$2,258.00 and The Humane Society is no longer basing the rate on the number of animals brought in from Franklin Township but rather on the 2000 census of the township at \$1.00 per person which is \$4,515. There was discussion regarding the agreement with the SPCA as the township would have to hire an animal control officer to pick up the animals or they could go with the State Dog Warden. The township has received a name of an animal control officer who will be contacted to get his rates. This is to be discussed next month.

2. Allocation of Fire Relief Fund (\$32,632.70)

There was discussion on how to split this money between the 2 fire companies that serve the township.

Motion: Supervisor Campbell made a motion to give 75% to Franklinton Fire Company and 25% to Citizens Hose Co. #1. **Seconded** by Supervisor Decker. The motion carried.

CORRESPONDENCE

Supervisor Decker noted that correspondence was received from Bruce Holbrook regarding a hazardous situation along Old Cabin Hollow Road with the shoulder of the newly paved road having some sharp drop-offs.

PUBLIC COMMENT

1. Ron Stevens

Mr. Stevens commented on the burn ban and how is the township notifying the residents. It was suggested to post something along Route 15 and to notify TV stations.

2. Mrs. Ann Miller

Mrs. Miller questioned what would the cost be to get out of the police contract. Solicitor MacNeal stated that the township will not know until they would decide to leave. Mrs. Miller stated that Monaghan Township had police service with PSP and their response time was 45 minutes to 1 hour. Monaghan Township is now with Carroll Township police.

EXECUTIVE SESSION

There was no executive session.

ADJOURMENT

Motion: Supervisor Campbell made a motion to adjourn the meeting at 9:53 p.m. **Seconded** by Vice Chairman Shambaugh. The motion carried.-

Respectfully submitted,

Nancy Zentmeyer
Township Secretary