

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
November 10, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Edward Campbell, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, 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 Supervisor Brown gave the opening prayer.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – October 13, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of October 13, 2010 as submitted. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Brown abstaining.

Board of Supervisors Conditional Use Hearing – October 12, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the October 12, 2010 as submitted. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Brown abstaining.

Board of Supervisors Conditional Use Hearing – October 18, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the October 18, 2010 as submitted. **Seconded** by Supervisor Campbell with Chairman Lerew abstaining.

PUBLIC COMMENT

1. John Crook

Mr. Crook indicated that he has a 3-lot subdivision for his property at 105 Circle Drive. The one lot will contain 16.57 acres which has the existing dwelling unit and out buildings, one lot will contain 4.22 acres which is for his daughter and the remaining land consists of 55 acres which is going into Clean and Green. Mr. Crook noted confusion with why his plan is not being approved. Engineer Knoebel stated that the plan has been surveyed and that there were comments on the plan that need to be corrected and resubmitted. A time extension was filed and accepted by the Board but after that the township did not receive a revised plan addressing the comments. The Supervisors had to act on the plan. It was noted that the plan needs to be re-filed since this was never done. It was noted that the Supervisors could waive the submission fee. Mr. Crook indicated that he has had 16 perc tests done. It was suggested that Mr. Crook submit a written waiver request on the submission fee but Solicitor MacNeal indicated that this could be done tonight.

Motion: Supervisor Decker made a motion to not charge a filing fee for the next submission of Mr. Crook's subdivision plan. **Seconded** by Chairman Lerew. The motion carried.

Solicitor MacNeal noted that this is just for the \$375.00 filing fee and any reviews by the engineer will be passed on to Mr. Crook. It was also noted that the plan deadline for the December Planning Commission meeting is tomorrow so this plan will have to go to the January meeting.

2. Wayne Kober

Mr. Kober stated that he had attended a South Mountain Partnership Trail Summit last week which was very informative. There was talk of hooking up the Appalachian Trail with Dillsburg. Also discussed was the Mason/Dixon Trail crossing Route 15 at Century Lane but there is concern with crossing at that intersection. Camp Tuckahoe is allowing that trail to go through the camp.

Mr. Kober also stated that with changing of the police services there would be an impact with Route 15. The option of going with the PA State Police is that the service will go down and they would not be spending time on Route 15. Chairman Lerew indicated that PSP can use radar guns whereas the NYRPD cannot. Mr. Kober also noted concern with the amount of hours and requests an analysis be done. The response time was another concern and it was suggested to look at other municipalities using PSP. It was noted that the PSP would be coming from either Gettysburg or Loganville.

3. Ann Miller

Mrs. Miller noted that at her daughter's home she is working with a contractor, has the permits to control the erosion in the ditches that run along the property and she had received a letter from YCCD regarding a complaint on the way the work was being done regarding the swale. Mrs. Miller asked who made the complaint. Engineer Knoebel indicated that the township has a memorandum of understanding with YCCD and that anyone can call and make a complaint. Mrs. Miller asked if the PSP would answer security calls. Supervisor Decker indicated that Water Street does have problems. The ditches were dug out and it was discussed if there if anything could be done to stabilized. Supervisor Campbell noted there are a lot of roads that need work and asked where is the money going to come from to do this work. The ditch is not in the township's right-of-way and when this work was done before the township needed to get authorization from the property owner.

APPROVAL & PAYMENT OF BILLS

Motion: Supervisor Campbell made a motion to pay the bills as listed. **Seconded** by Vice Chairman Shambaugh. Vice Chairman Shambaugh questioned under the General Fund the bill for Taryn Swartz and it was noted it was for CERT materials and EMA supplies. 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. Set Date for Budget Meeting

There was discussion that just in case the Supervisors need to meet again to go over the budget that a meeting date be set.

Motion: Vice Chairman Shambaugh made a motion to accept the proposed budget and have it on public display. **Seconded** by Chairman Lerew. The motion carried.

It was noted that if the Supervisors decided to discuss the budget one more time to schedule 6:30 p.m. before the next regular meeting of December 8, 2010 and to schedule a meeting to adopt the budget on December 16, 2010 beginning at 7:00 p.m.

ORGANIZATION REPORTS

Police – Chairman Lerew noted that the police report is on file at the township office.

Fire – Chief Mike Whitzel from Franklinton Fire Co. gave the following report: for the month of October there were 32 calls with 18 being in the township. A thank you card was received from residents on County Line Road regarding their grandchild. Total calls for the year is 312 with 159 of those calls in the township. Chief Whitzel gave a report on the volunteer fire company in respect to the communities they serve, the number of members. There are 17 emergency responders, 11 firefighters I, 6 firefighters II, 4 fire instructors I and II, 4 fire officers I and 2 driver/operators. The fire company has received grants in the amount of \$123,000.00 for 17 MSA SCBA spare cylinders, 5 bank cascade systems, AED, 4 portable radios, and 2 chain saws. The equipment owned by the firefighter relief association, which is 90%, and the fire company was noted along with their plans for the future. In 2013 the company would like to purchase another engine.

Chief Whitzel stated that he would like to complete the service contract next year and would like to get with the Solicitor to discuss this issue and was asking for the Boards permission to do this. It was suggested that Chief Whitzel draw up a contract of what he is asking for then the Board would review it. It was suggested that he get copies of contracts from other fire companies.

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

EMS - There was no one from EMS.

DAA - A copy of the minutes was submitted.

NYCRCP Transportation – Supervisor Brown noted that with the public hearing that was held there are advertising costs. The county did pay the bill and that Franklin Township will need to reimburse them with their share of the cost which will be \$192.35. The township is still waiting on the statement. Supervisor Decker requested a copy of the advertisement for the documents that were on display. Supervisor Brown noted that the next committee meeting will be held on November 23 at 1:00 p.m. at the Carroll Township building to discuss how we might move forward.

Mr. Kober stated that Carroll Township did adopt the transportation Resolution Monday night. He also talked about access management ordinances and that the township should form a work group to start with the ordinances. Mr. Kober also brought up the official map ordinance and stated that the township could ask the County to do an official map ordinance. Mr. Kober stated that he is willing to work on the research and to draft the ordinance. This should start after the first of the year.

Emergency Management – Mr. Yerger noted the CERT team was at the accident the other day with the beer truck on Route 15. It was noted that Mr. Ron May from the road crew also worked that day.

SUBDIVISION AND LAND DEVELOPMENT

1. Timothy & Julie Donaldson, Final Subdivision Plan, File #2010-4-6

Engineer Knoebel noted that this subdivision plan is to subdivide a 12.05 acre lot into two separate parcels which creates one new building lot. DEP approval has been received and everything else has been addressed. The easement was corrected and there is proper notation on the plan. The recreation fee needs to be paid before recording the plan.

Motion: Vice Chairman Shambaugh made a motion to approve the Timothy & Julie Donaldson Final Subdivision Plan with the condition the recreation fee is to be paid. **Seconded** by Supervisor Campbell. The motion carried.

2. Kings Kids Camp, Preliminary/Final Land Development Plan, File #2010-8-26 – Time Extension

Engineer Knoebel noted that the land development plan was filed and that there are some corrections that need to be done. There should also be a follow-up with YCCD. A time extension has been received until February 28, 2011.

Motion: Supervisor Decker made a motion to accept the time extension for Kings Kids Camp until February 28, 2011. **Seconded** by Supervisor Campbell. Vice Chairman Shambaugh stated that the motion should be amended to say that this is the last time extension. Engineer Knoebel noted that this needs to be wrapped up and it should be completed by the date given. **Motion:** Supervisor Decker amended the motion to indicate this being the last time extension given. **Seconded** by Supervisor Campbell. The motion carried.

3. Steve & Kellie Wisotzkey, Final Minor Subdivision Plan, File #2010-10-8 – Sewage Planning Exemption

Engineer Knoebel stated that this is a 2 lot subdivision at the end of the township by Washington Township. Testing has been completed. The exemption forms have been filled out and signed by the SEO.

Motion: Supervisor Campbell made a motion to forward the sewage planning exemption onto DEP. **Seconded** by Vice Chairman Shambaugh. The motion carried.

REPORTS

Engineer

Engineer Knoebel indicated that he has nothing that needs action at this time but is working on the well ordinance and the list for the zoning ordinance.

Solicitor

1. Trash/Recycling RFI's

Solicitor MacNeal stated that the information received from the 2 trash haulers was distributed to the Board for their review. Supervisor Brown reported on information he had gathered. With going to one hauler it should be none mandatory for residents but they would have to get rid of their trash elsewhere. It does reduce the cost and adds the picking up of recycling. This would reduce the number of trucks on the township roads and provides a plan for small quantity of trash which helps the senior citizens and snowbirds. With the single stream recycling there are more items that can be picked up which will result in less work, less trash, and less trash in the landfills. The one large item per week also includes tree and shrubbery debris plus the township could save up to \$8,000.00 for the spring clean-up day. A savings of \$292.50 per year per household is a possibility. The rate would be \$55.00 per quarter or less. It was suggested to have a minimum bag contract from 13 to 18 bags.

Supervisor Brown noted that he has looked a Monaghan and Conewago Townships trash contracts. They also has a dumpster at their township building. Dumpsters at the parks were discussed along with the survey results. The township will need to purchase the recycling containers which can be done through York County Solid Waste Authority which the township would pay 25%. The township would need to purchase extra containers for new residents or as a replacement which is documented. A toter for trash can be rented from the hauler. The trash bags would be sold from the township office. There would be no lien on a property if it is not mandatory. The winning hauler will notify the residents and does the billing. Supervisor Brown stated that both townships have a good relationship with their hauler. A contract could be for 2 years with a 2 year extension. There are some issues that need to get resolved. Supervisor Decker questioned the competition between haulers. Solicitor MacNeal stated that the township would have to go out for bids and that bid documents need to be prepared. The Supervisors would review the documents before bidding and then an ordinance would need to be adopted. Supervisor Brown noted that township needs to decide on the lower tier.

Motion: Vice Chairman Shambaugh made a motion to authorize Solicitor MacNeal to develop the bid specifications for the trash/recycling contract. **Seconded** by Supervisor Campbell. The motion carried with Supervisor Decker opposing.

2. Schedule Conditional Use Hearing – James Lupold

Solicitor MacNeal noted that a conditional use hearing needs to be scheduled. This is for an accessory building over 1,000 s.f. After discussion it was suggested to hold the hearing at 6:30 p.m. on December 2 before the hearing for the mobile home park.

3. Police Contract

Solicitor MacNeal brought up the police contract as there was a statement made at last month's meeting suggesting to withdrawn by 2012 from the NYRPD as the township needs to give notice to the police.

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 14-2010 wherefore the Franklin Township Board of Supervisors hereby resolves to withdraw from the Commission and permanently and completely cease providing police services in the Township. The Township's withdrawal from the Commission shall be effective as of December 31, 2011. The Township Solicitor is immediately directed to recommend to the Township the procedure to properly dispose of any and all property owned by the Township, and not owned by the Commission, and used to provide police services by the Commission to the Township. Discussion ensued regarding the police who would be replacing the service.

Vice Chairman Shambaugh stated that the township should have Representative Perry forewarn the Pennsylvania State Police of our decision. It was questioned if a survey was done and how much this is going to cost the township to get out of the contract. Vice Chairman Shambaugh noted that the township had met with Carroll Township and Dillsburg over the last 2 years with a study being done and the cost to enter into a contract would be \$400,000.00 to \$500,000.00 for police protection. The current police contract and union contract with NYRPD are out of sync so there will always be a liability and there is no good time to get out. It was suggested that the state police should be patrolling Route 15 since it is a state highway and how much could the township save by taking NYRPD off of Route 15. The township cannot reduce the hours of service without a vote of the entire Commission. It was questioned what is the risk situation other than Route 15. Supervisor Decker stated that Chief Bentzel was reaching out but the Board did not want do this and also stated that there needs to be dialog. There was discussion on the legislation that would require a cost for State Police based on the number of residents in the township. It was noted that that legislation has died but it will be coming up

again. There is a great concern that the township would be paying for 2 police forces but only having the use of one. **Seconded** by Supervisor Brown. Vice Chairman Shambaugh noted that the problem is the uncertainty. The contract extension was also discussed.

There was a brief recess called at 10:09 p.m. and the meeting reconvened at 10:16 p.m.

The enforcement of ordinances along with the number and time of responses are the big concerns. The township should be in contact with Representative Perry and Senator Vance to help with the PSP coverage. Supervisor Brown suggested doing a roll call vote.

Chairman Lerew – No but would like to have voted the other way.

Vice Chairman Shambaugh – Yes

Supervisor Brown – Yes

Supervisor Decker – No as there are too many uncertainties with the cost and police protection is too questionable.

Supervisor Campbell – No

Supervisor Brown asked when the last day the township can decide on is. This will be checked into but it was thought to be December 15. This will be re-addressed at next month's meeting.

4. LST Ordinance

Solicitor MacNeal noted that in order to change the local service tax the township would need to amend the current ordinance from \$10.00 to \$52.00. This would also have to get registered with DCED by the deadline of December 1. If this is not done the township cannot enforce the new tax for 2011. Solicitor MacNeal walked the Board through the ordinance. Section 106, Restricted Use was discussed along with Exemptions, Self-Employed, Suit for Collection and Fines and Penalties. It was noted that the township would get a quarterly report through the West Shore Tax Bureau. No one would ever pay more than the \$52.00 per year. There was discussion with advertising the ordinance if there is enough time and to have a special meeting in order to adopt the ordinance. It was suggested to hold a special meeting on November 29, 2010 at 8:30 a.m. Solicitor MacNeal indicated that she would advertise the ordinance.

Motion: Supervisor Brown made a motion to authorize the advertisement of the ordinance. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Solicitor MacNeal reviewed briefly the resolution with regards to the Bill of Rights and the LST refund application. It was noted that this will be discussed next month. Solicitor MacNeal stated that this is more of a formality to have on the books.

5. Willow Glen Road Update

Solicitor MacNeal stated that she had correspondence from the game commission that was sent previously and had sent another letter but has not heard back from the game commission. It was noted that it is agreeable that the township will fix the potholes and plow the roads this winter.

Building Permit & Zoning Officer

Mr. Fahey indicated that he does not have a report this month due to problems with his battery charger for his computer.

1. Highland Park

It was noted that with the Highland Park project the developer has paid Mr. Bob Shelly directly for the inspections he will be doing.

2. 15 Stone Head Road

There is an old mobile home on the lot that needs to be removed but someone is interested in buying and living in the mobile home and built a home at the same time.

3. Franklin Church Road

Mr. Fahey stated that a resident on Franklin Church Road is looking at selling her property to a horse veterinarian for an animal hospital which is not called out in the zoning ordinance. She will need to apply for a special exception.

4. Open Issue

There is an open issue with a new home on County Line Road with water problems going onto the adjoining property.

5. Sprinkler Systems

Effective January 1, 2011 sprinkler systems will be required in all new residential homes.

6. Open Records

Mr. Fahey noted that there is a person who is requesting residential home permits every month. It was noted that this is public information and this is a legitimate request.

Supervisor Campbell questioned the use of a property on Capitol Hill Road and it was noted that is it a garage. This went through the Zoning Hearing Board.

Vice Chairman Shambaugh suggested to instruct Mr. Fahey not to let the person move into the trailer that was placed illegally.

Road master

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

1. Sign Installation Request – Chainsaw Road

It was noted that this was discussed at a previous meeting and a “No Outlet” sign will be installed at Greenhouse and Chainsaw Roads.

Parks & Recreation

It was noted that the soccer fields have been completed and they look good.

OLD BUSINESS

1. Paving – Old Cabin Hollow Road

A letter had been received from a Mr. Holbrook regarding the paving that was recently done on Old Cabin Hollow Road by PennDOT and has been taken care of.

NEW BUSINESS

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

There is information on the fees for the animal control officer. The reason the township has not received reports from the Humane Society the last few years is because no animals have been picked-up in the township. There was discussion on whether the Helen Krause Animal Shelter would provide this type of service. It was suggested to check with the surrounding municipalities. It was questioned if the township needs to carry an agreement.

Motion: Supervisor Campbell made a motion to contract with the SPCA of York County at a cost of \$2,258.00 and also the animal control officer. **Seconded** by Supervisor Brown. The motion carried. Vice Chairman Shambaugh suggested to pursue the question if the township needs to have a contract for the pick up of animals.

2. Request for Donation – 2010 Dillsburg Pickle Drop

The Supervisors decided not to donate to the pickle drop.

3. Resolution for Designating the WS Tax Bureau as its Collection Agent

Motion: Supervisor Campbell made a motion to adopt Resolution No. 14 – 2010 appointing the West Shore Tax Bureau as the collection agent for 2011. **Seconded** by Chairman Lerew. The motion carried.

4. Appointment of Board Member & Alternate Member to WS Tax Bureau

Motion: Supervisor Brown made a motion to keep the same board member of Supervisor Campbell and Vice Chairman Shambaugh as the alternate member to the West Shore Tax Bureau for 2011. **Seconded** by Chairman Lerew. The motion carried.

CORRESPONDENCE

There was no correspondence discussed at this time.

PUBLIC COMMENT

There was no public comment at this time.

EXECUTIVE SESSION

There was no executive session.

ADJOURMENT

Motion: Supervisor Campbell made a motion to adjourn the meeting at 11:16 p.m. **Seconded** by Supervisor Brown. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary

