

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
December 8, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Edward Campbell, and Gary Brown. 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 – November 10, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of November 10, 2010 as submitted. **Seconded** by Supervisor Campbell. The motion carried.

Board of Supervisors Conditional Use Hearing – November 4, 2010

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

Board of Supervisors Special Meeting – November 29, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the November 29, 2010 as submitted. **Seconded** by Supervisor Campbell with Chairman Lerew abstaining.

PUBLIC COMMENT

1. Ken Kline, County Line Road

Mr. Kline spoke about a new home that was constructed beside his property and the problems he is having with the rains and mudslides. He has indicated that he is getting water in his basement window. Mr. Kline indicated that he did contact Mr. Fahey, KPI & YCCD. Engineer Knoebel stated that the neighbor had contacted him and indicated putting in an infiltration bed. Engineer Knoebel did look at it and referred to the YCCD but they will not handle storm water. It was noted that this is a building permit issue. It was not checked into to see if there was a subdivision plan filed. The fill and height of the dirt is approximately 1-2' and there is a drain tile in front of the house. A letter needs to be sent to the property owner. Mr. Fahey indicated that the house is built on a slab with a french drain. There is no basement. The yard has been seeded. Mr. Fahey indicated that the neighbors had an agreement to solve this problem.

2. Ted Grove, Chainsaw Road

Mr. Grove indicated that he owns 10-acres on Chainsaw Road which he bought in the mid 1990's but has not built on it. The slopes are 15% and he questioned if the Supervisors are considering rewording the ordinance and needs to know where the township is on this issue. It was noted that the township needs to see the topography of the property. The driveway is gravel. Solicitor MacNeal stated that this is similar to the Boyer case with considering the steep slopes. There will be some amendments to the zoning ordinance but the Board should receive something in writing within the next few weeks. Vice Chairman Shambaugh questioned if there is a plan showing the contours and stated that this is worthwhile to look at but Mr. Grove should contact a surveyor. Mr. Wayne Kober noted that he was instrumental with the slope issue and will lead to an effort to protect the mountain

3. Jacob Bosley

Mr. Bosley stated that he had talked with Mr. Fahey regarding a pole building for agricultural use. It was questioned if this is a permitted use or a conditional use. Solicitor MacNeal indicated that an agricultural building in the zoning ordinance there is no exception. This is an issue that will be put on the list for amendments. The building size and use is the issue. Mr. Bosley indicated that he is looking to build in the Spring. It was noted that this needs to go through the conditional use hearing.

4. Wayne Kober

Mr. Kober stated that he had met with the Mason/Dixon people regarding the trail to go from Franklinton to Whiskey Springs Road. They were looking at crossing at Mountain Road but are also looking at different roads in the township. It was also noted about a trail going through the park.

APPROVAL & PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to pay the bills as listed. **Seconded** by Chairman Lerew. The motion carried.

TREASURER'S REPORT

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

1. Appointment & Adoption of Resolution No. 15-2010 for Township Auditors

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 15-2010 appointing Smith Elliot Kearns & Company as the township auditors. **Seconded** by Chairman Lerew. The motion carried.

ORGANIZATION REPORTS

Police – Chairman Lerew noted that there is no report.

Fire – A report was received from the Franklinton Fire Company.

EMS - No report had been submitted.

DAA - A copy of the minutes was submitted.

Emergency Management – No report was given.

NYCRCP Transportation – Supervisor Brown reported that on November 23rd representatives from Dillsburg, Carroll Township and Franklin Township met with the YCPC regarding the continuation of effort of amendment. A meeting is planned for February 3, 2011 at 9:00 a.m. at Rabbit Transit with MPO to determine the plan with priorities. The Franklin Church Road overpass which includes the Golf Course & Range End Roads interchange and the Route 74 reassignment is at a cost of approximately \$30 million. PennDOT has approved the 1/10 mile markers for Route 15 but there is no approval for the funding. It is proposed to discuss the starting the work on the access management ordinance regarding impact fees. It was suggested to ask YCPC regarding these ordinances to make a presentation. Supervisor Brown stated that he is willing to chair the committee to work on these ordinances. Vice Chairman Shambaugh noted a different approach is to get some sample ordinances to see what they involve and to review before the meeting. Vice Chairman Shambaugh noted that this could be done in February or March. Engineer Knoebel asked if the traffic engineer would be needed as they could give the township their input. Supervisor Brown also noted that the signing of streets with the proper signage is needed.

SUBDIVISION AND LAND DEVELOPMENT

1. William Messner Subdivision Plan, Time Extension

Engineer Knoebel stated this plan is moving along but it needed the nitrate study and the planning module is now at DEP. A time extension was received until February 28, 2011.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension for the William Messner plan until February 28, 2011. **Seconded** by Supervisor Brown. The motion carried.

2. Steve & Kellie Wisotzkey, Final Subdivision Plan

Engineer Knoebel noted that this is a 2 lot subdivision on approximately 20-acres. The township did get the sewer approval back from DEP. There is a waiver request from Section 306.D.6 for contour interval requirements. The applicant will pay the recreation fees before the recording of the plan and will also pay the road improvement fees for the new lot at the time of building permit application. Also needed is the deed restrictions with regards to the number of lots will then be submitted.

Motion: Vice Chairman Shambaugh made a motion the grant the waiver request from Section 306.D.6 – Contour Interval Requirements. **Seconded** by Supervisor Campbell. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to approve the Wisotzkey plan conditioned upon the comments from the engineer dated December 2, 2010. **Seconded** by Supervisor Campbell. The motion carried.

REPORTS

Engineer

1. Well Ordinance

Engineer Knoebel stated that this needs to be looked at as it deals with the geothermal wells, the required permits, but there will be no open-loop systems. There is a process for approval of the well.

2. Zoning Ordinance

Engineer Knoebel stated that he is getting a list together. Mr. Kober noted that the revisions should be done with a conservation design. Engineer Knoebel stated that this may be on a list for discussion.

Solicitor

1. Trash/Recycling Documents

Solicitor MacNeal reviewed the draft trash collection documents. The bid proposal is for providing pricing per quarter with 4 bags, the price per bag and with one large item and is a 2-year contract with the bid bond being estimated at the price per quarter of 10% depending on the number of households. The performance bond was discussed with setting a flat fee figure. It could be mandatory for mobile home parks after their contract expires. The minimum bag limit was discussed with Supervisor Brown suggested a minimum of 18 bags per year. With the specifications there needs to be wording about the renewal, re-bit it or for an additional 2 years. There will be no liens placed on a resident's property and there should be dumpsters at the parks. Also with the specifications it is voluntary participation. The ordinance was reviewed which are standard. The trash hauler would deliver the original recycling containers. Vice Chairman Shambaugh stated that there should be no collection on Mondays. Supervisor Brown noted that the recycling containers can be purchased through the York County Solid Waste Authority and that there are different types of containers and sizes. It was suggested to purchase the 32 gallon instead of 24 gallon. The cost is \$12.00 per container and $\frac{3}{4}$ of the cost would be paid by YCSWA and a $\frac{1}{4}$ of cost would be incurred by the township. Solicitor MacNeal noted that the ordinance would be advertised after the bids. There was discussion to authorize at the January 12, 2011 meeting for February 9 bids which will be valid for 60-days and to advertise the ordinance. Then on March 9 with the 60-days this would put the estimated date of May 1. It was suggested to hold off on the clean up day. The number of households, base pricing, businesses along with landlords and mobile home parks were questioned. The current contracts residents have with their trash hauler were discussed regarding the termination of said contract. Prohibitions of trash with residents that do not opt-in to the single trash hauler needs to be added to the ordinance. An estimated number of residents are needed for the bid.

2. LST Resolution No. 16-2010 & Refund Form

Solicitor MacNeal stated that the resolution is more of a formality.

Motion: Vice Chairman Shambaugh made a motion to approve Resolution No. 16-2010 enacting rules and regulations pursuant to the local taxpayer bill of rights. **Seconded** by Supervisor Campbell. The motion carried.

3. Willow Glen Road

Solicitor MacNeal indicated that she did hear from the Game Commission and in 2004 they did approve the dedication of the road but the township never received the documentation. Solicitor MacNeal stated the Game Commission will be sending for the information.

Building Permit & Zoning Officer

Mr. Fahey stated that he is dealing with Mr. Kline regarding the water issue and this is being worked out. Mr. Fahey had received a call regarding 30 Ken Lin Drive with regards to a mother-in-law suite in a residential dwelling. There is a stream that has debris in it and Mr. Fahey has been in contact with YCCD. It was suggested to also contact DEP.

At this time a recess was called at 9:22 p.m. The meeting reconvened at 9:35 p.m.

Road master

Vice Chairman Shambaugh noted that the road master's report has been submitted. The "No Outlet" sign on Chainsaw Road has been installed.

Parks & Recreation

There was nothing to report as the Park & Recreation Board did not meet last month. It was noted that Mr. Cressler, President of the Soccer Association may be pulling out. It was suggested that the road master check on the dusk to dawn light at the Ponderosa Park because of the brightness. There was comment on violations at the new soccer fields from YCCD.

OLD BUSINESS

1. Animal Contract

It was noted that other municipalities were contacted to see who they have a contract in regards to who they have for animal control. Dillsburg, Monaghan and Washington Townships have contracts with the SPCA and an animal control officer. Carroll Township has a contract with an animal control officer only. It was suggested to call Helen Krause Animal Foundation to see if they would be willing to contract with the Township.

Motion: Supervisor Brown made a motion to rescind a previous motion to contract with the SPCA for 2011. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Motion: Supervisor Brown amended his motion to also include the contract with the animal control officer. **Seconded** by Vice Chairman Shambaugh. The motion carried.

NEW BUSINESS

1. L.A.B.S. Cost of Analytical Services for 2011

It was noted that cost has stayed the same for the last 2 years. It was requested that the road master provide the Supervisors information regarding the lab reports for the last 2 years.

Motion: Supervisor Campbell made a motion to accept the proposal from L.A.B.S. **Seconded** by Vice Chairman Shambaugh. The motion carried.

2. West Shore Tax Bureau Budgets – Approval or Disapproval

Motion: Supervisor Campbell made a motion to approve the West Shore Tax Bureau's budgets for 2011. **Seconded** by Vice Chairman Shambaugh. The motion carried.

3. Schedule Time of Reorganization Meeting

It was noted that the Reorganization Meeting of January 3, 2011 will be held at 4:00 p.m. Solicitor MacNeal indicated that the fee resolution needs a final number for the pavilion rental.

4. TruGreen Chemlawn Contract

This contract needs to be reviewed and it was noted not to act on it tonight but will be discussed at the January meeting. It was requested that the road master give the Supervisors information on the fields at the parks as to what organization is responsible for the maintenance

CORRESPONDENCE

1. Representative Scott Perry – Cabin Hollow Road

A letter had been received from Representative Perry regarding problems that residents along Cabin Hollow Road are experiencing receiving their mail as there are three different names for the same road. It was noted that the confusion is mostly in Franklinton Borough and that this is a delivery issue the post office needs to deal with. It was suggested to write Representative Perry to inform him that the Supervisors are available if a meeting is necessary.

2. Recycling Center

Chairman Lerew noted that there are two volunteers from the recycling center that are pulling out. A letter of thanks will be sent. After discussion it was noted that the recycling center should be open only 2 days a month with the effective date of February 2011 with the center to be open on the first and third Saturday of each month. Signs will be posted.

PUBLIC COMMENT

1. Ron Stevens, Franklinton Road

Mr. Stevens commented on the corner of Franklin Church Road and Meadowview Road with an issue of icing on the road caused by driveways. It was suggested to write to PennDOT requesting a meeting.

EXECUTIVE SESSION

There was no executive session.

ADJOURMENT

Motion: Supervisor Brown made a motion to adjourn the meeting at 10:07 p.m. **Seconded** by Supervisor Campbell. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary