

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

**ROLL CALL**

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, Naomi Decker and Edward Campbell. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, Treasurer Phyllis Emlet, and Secretary Nancy Zentmeyer. The meeting was called to order at 7:03 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. Everyone remained standing to show respect to the 2 surveyors, Rodney Decker and John Williams, who recently passed away.

**APPROVAL OF MINUTES**

**Board of Supervisors Regular Meeting – January 11, 2010**

**Motion:** Vice Chairman Shambaugh made a motion to approve the minutes of the Regular Meeting of January 11, 2010. **Seconded** by Supervisor Brown. The motion carried with Supervisor Decker abstaining.

**APPROVAL & PAYMENT OF BILLS**

**Motion:** Vice Chairman Shambaugh made a motion to approve the payment of the bills as submitted. **Seconded** by Supervisor Brown. Supervisor Decker questioned the YCPC bill for professional services for the money given for the transportation plan and it was questioned if it was one lump sum. Supervisor Brown noted that the Township is being charged a bit at a time and that there is a percentage. It was suggested that this be summed up so the Supervisors know what is being paid. The motion carried.

**TREASURER'S REPORT**

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

**1. Authorization to Sign Checks for Members 1st**

Treasurer Emlet noted that Members 1<sup>st</sup> would like in the minutes, by name, all of the Supervisors and herself who are authorized to sign the checks.

**Motion:** Vice Chairman Shambaugh made a motion to show that all Supervisors Donald Lerew, John Shambaugh, Naomi Decker, Gary Brown, Ed Campbell and Treasurer Phyllis Emlet are authorized to sign the checks. **Seconded** by Chairman Lerew. The motion carried.

## **ORGANIZATION REPORTS**

**Police** – Chairman Lerew noted that in 2008 there were 1,193 calls in the Township and in 2009 there were 1,136 calls. This is down 57 calls from the prior year. Chief Segatti will be retiring on April 20, 2010 and Mark Bentzel will then become the new Chief. A copy of the police pension fund and report are on file at the Township office.

**Fire** - Chief Whitzel from Franklinton Fire Co. gave the following report. There were 16 calls in Franklin Township for the month of January. On February 14 there will be a stuffed pork chop dinner and February 27 is the company's banquet.

Chief Baker from Citizens Hose Co. #1 noted that he does not have a written report. There were a total of 34 incidents in January but it is undetermined how many in Franklin Township. Otherwise there are just normal day to day activities.

Chief Whitzel discussed the call boxes and a block map was reviewed. This would be for the 65-07 box which is being split in half. Some responders were coming from Adams County. Hickory Road and Century Lane is the dividing line and they will be following the tax parcels. The first 3 responders will still be Franklinton Fire Company, Citizens Hose, and York Springs Fire Company. It was noted that this needs to be sent to the County. Chief Whitzel is to review the map, get the box numbers and any other information to be placed on the map. Engineer Knoebel will get a dozen copies of the map. The map will be color coded and emergency management will also get a copy of the map. This will be placed on the agenda for the March meeting.

**EMS** - There was a report submitted but no one in attendance. For the month of January there were a total of 19 calls in the Township. 16 were medical and 3 were fire.

**DAA** - A copy of the minutes was submitted.

**Emergency Management** – It was noted that there were no events from the snow storm.

**Building Committee** – Chairman Lerew noted that another meeting should be scheduled at some point.

**NYCRCP Transportation** – Supervisor Brown noted that there will be a meeting at the Carroll Township Municipal Building on February 17 at 1:00 p.m. At the February 18 meeting between the Supervisors and Planning Commission members and there will be different options to discuss regarding Route 15. The County will also be in attendance. It was noted that this is a major chance for input.

Supervisor Brown brought up the South Mountain Summit which is being held on February 19. Supervisor Decker indicated that she would also like to attend and she will be signed up. It is for the preservation of South Mountain which runs from Carroll Township to the Maryland line.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. DASC Soccer Fields, Preliminary/Final Land Development Plan**

Engineer Knoebel noted this plan is to develop a recreational field and parking facilities on lands owned by the Township at the Century Lane recreational park. Mr. Bill Cressler from the Soccer Club and Mr. Mitch Kemp from Lobar were present to represent this plan. Engineer Knoebel indicated that the Planning Commission recommended approval of the plan with the outstanding comments. The plan is adequate and reviews of the

plan have been made by the YCPC and YCCD. Engineer Knoebel reviewed the comments from his memorandum of January 28, 2010. Comment #1 indicates owner's acknowledgement which will be done. . Comment #2 regarding bonding of the improvements – it was noted that bonding is not necessary. It was noted that screening and a fence has been added. Comment #3 regarding the adequacy of the access road – the soccer club is to be responsible and a note on the plan will be added; Comment #4 regarding any drainage problems that would result from the parking lot or field construction – a note was placed on the plan. This will be gravel instead of paving that area. There was discussion that no paving may occur prior to approval from the Township and a note will be placed on the plan indicating that. Engineer Knoebel stated that this plan is up for action or a time extension.

**Motion:** Vice Chairman Shambaugh made a motion to approve the DASC Soccer Fields Preliminary/Final Lane Development Plan conditioned with the minor requirements as stated by the Township Engineer. **Seconded** by Chairman Lerew. The motion carried.

## **2. John Flanagan, Minor Subdivision Plan**

Engineer Knoebel noted that this plan has 2 tracts and is needed to move the property line. Mr. Todd Lyons, Surveyor and Mr. John Flanagan, property owner were present to represent this plan. It was noted that testing has been done and approval did come back from DEP. Planning Commission did recommend this plan from the Engineer's memorandum of December 29, 2009. Deeds for the 2 tracts need to be done and the legal description has been submitted. Owner's acknowledgement is needed. Property corner markers need to be installed which has been done. Regarding the fee in lieu of the recreation fee was decided it is not needed since it is not creating a new lot. Solicitor MacNeal brought up the issue with the new SALDO of modification for road improvements or a waiver must be requested. This was a comment from the YCPC. Engineer Knoebel discussed this issue as with previous plans if a road width was 18' to 20' if improvements were required and how this fee was calculated. Solicitor MacNeal suggested that this it should be looked at on a case by case basis. This should be put on the record if approved that it is recommended a waiver. Mr. Lyons submitted an application for consideration of modification for the road widening. General note #14 will be revised as per the Solicitor.

**Motion:** Vice Chairman Shambaugh made a motion to approve the John Flanagan Minor Subdivision Plan with the following conditions – receive legal descriptions, change note #14, and the owner to submit the modification on road fee. Supervisor Decker questioned the property line and it was noted that it is 2 separate tracts. **Seconded** by Chairman Lerew. Supervisor Brown asked is this motion pre-proposed the modification and Vice Chairman Shambaugh indicated yes. Supervisor Decker asked how it was determined there wasn't any wetlands and it was noted that the soils did not dictate it but a formal wetland delineation will be done. Engineer Knoebel noted that storm water plan will be needed before a building permit can be issued. The motion carried.

## **3. Gregory & Michelle Bressler, Sewage Planning Module & Road Improvements**

Engineer Knoebel reviewed this plan with the Supervisors. This plan is to subdivide an existing 20.15 acres into 6 separate lots. Two of the lots will be added to adjoining properties. This plan is not up for approval tonight as it falls within a high background nitrate therefore a hydrogeologic study was done and has been completed. It was recommended that the planning module be submitted to DEP.

**Motion:** Vice Chairman Shambaugh made a motion to approve the Sewage Planning Module for the Bressler Plan - Resolution #3-2010. **Seconded** by Supervisor Decker. The motion carried.

Engineer Knoebel stated at the Planning Commission meeting it came up regarding the road improvements since this is creating 3 new lots. It was suggested that the owner submit a request for a waiver. Supervisor Decker noted that since there is no road improvement planned there is no sense having to pay the fees.

#### **4. Norma & William Kough, Road Improvement Fees**

Engineer Knoebel discussed the road frontage improvement issue with the Kough plan and provided the Supervisors with an estimated cost for 24 feet being used to calculate the estimate. Mr. Todd Lyons was present to represent this plan. Mr. Kough is creating 2 new lots from a 42 acre tract. A waiver has been submitted tonight. Engineer Knoebel indicated that a letter had been received from DEP with issues on the exemption from sewage facilities planning. Mr. Lyons noted that this is being addressed and worked on. It was indicated that this plan will need a time extension which has also been submitted until June 30, 2010. Mr. Lyons noted that there are no hydrogeologic soils so a wetland study is not needed.

**Motion:** Vice Chairman Shambaugh made a motion to accept the time extension until June 30, 2010. **Seconded** by Chairman Lerew. The motion carried.

**Motion:** Vice Chairman Shambaugh made a motion to accept the modification request for road improvements for the Kough plan. **Seconded** by Supervisor Brown. The motion carried.

#### **5. Highland Park Land Development Plan**

Engineer Knoebel noted that the Highland Park plan needs action taken by March 7. This plan is located next to the elementary school.

**Motion:** Vice Chairman Shambaugh made a motion to deny the Highland Park plan based on the Engineer's letter of December 29, 2009 unless the developer submits to the Township a time extension by February 28, 2010. **Seconded** by Chairman Lerew. There is minimal time to the meeting in March. It was suggested that the time extension be given through June 30. The motion carried.

Vice Chairman Shambaugh asked if the Planning Commission questioned the name of plan since there is a Highland Park in the area. Supervisor Decker questioned the wetlands delineation and it was noted they are aware of storm water problems. Supervisor Decker discussed the water from across the street coming from the Apple Blossom development.

### **REPORTS**

#### **Engineer**

Engineer Knoebel noted that he has nothing to address at this time.

#### **Solicitor**

##### **1. Conditional Use Decision – Brookshire Mobile Home Park**

Solicitor MacNeal noted the Supervisors met in executive session to deliberate. The Conditional Use Hearing was held at the November 19, 2009 Board of Supervisors meeting. The applicant's attorney granted the Supervisors a time extension until February 17, 2010 to make their decision. A proposed written decision has been submitted. Solicitor MacNeal asked if there were any amendments.

**Motion:** Vice Chairman Shambaugh made a motion to deny the Conditional Use application from Bennington Investment Group as per the written decision. **Seconded** by Chairman Lerew. Supervisor Campbell noted Section B of the decision as the reasons of not having creditable evidence. Solicitor MacNeal reviewed Section B. The motion carried.

## **2. Open Burning Ordinance**

Solicitor MacNeal provided the Supervisors the current open burning ordinance #2-1999 and samples from other municipalities. Solicitor MacNeal asked the Supervisors what is the Township looking to control and stated that the current ordinance is well defined and there are exemptions. It was noted that the fire companies have concerns with the enforcement and education. Vice Chairman Shambaugh noted Section 4.B with the hours of burning allowed and that it should be looked at for discussion next month.

## **3. Trash Haulers**

Solicitor MacNeal gave the Supervisors packets of a rough draft ordinance, general requirements and conditions for bidding, bid proposal, request for bids, and disposal agreement. Solicitor MacNeal asked what is the consensus of the Board. The Township can do an exclusion contract for at least residential units through the bidding process. The cost factor was discussed on whether it would save the residents money or cost more. An ordinance needs to be enacted and in place before the bidding process. The contract would not be for multi residential and commercial uses. Supervisor Decker indicated that she wants to be able to choose her trash hauler and the residents need to give their input. Solicitor MacNeal noted that there is competitive bidding. Discussion ensued.

There were residents in the audience that gave their opinion on the one trash hauler both for and against. Solicitor MacNeal reviewed the different options on what can be placed in the contract. Mrs. Novesal noted that this could be a hardship on the older residents. It was suggested to have a committee to decide location and all aspects of collection such as days of collection. The grant money was questioned. Vice Chairman Shambaugh stated that there are 2 types of grants – one is operational which is the report on how much is recycled and the second one is standard in which the Township can apply for equipment or help with salaries. Solicitor MacNeal indicated that these are very rough documents for the Supervisors to review.

## **4. Executive Session**

Solicitor MacNeal indicated that the Board of Supervisors met in executive session on November 20, 2009 and February 3, 2010 to discuss litigation and collective bargaining. Solicitor MacNeal noted that an Executive Session is needed. Chairman Lerew also noted that he needs an Executive Session.

Supervisor Decker indicated that the Supervisors need to make a decision on Clean-up Day. Solicitor MacNeal stated that with going with one trash hauler there is a timing issue and the Township would be looking at starting in January 2011.

**Motion:** Supervisor Decker made a motion that the Township should maintain the same time for Clean-up Day which would be May 1. There was discussion on how money does the Township receive for Clean-Up day and how many of the residents actually use it. **Seconded** by Chairman Lerew. Supervisor Decker and Chairman Lerew were the only two that voted. Supervisor Campbell opposed and Vice Chairman Shambaugh and Supervisor Brown did not vote. It was indicated that they need to see the accounting. Supervisor Decker withdrew the motion until February 18. A resident questioned what criteria is needed in order to make a decision. There was further discussion regarding Clean-up Day.

**Motion:** Supervisor Decker made a motion to maintain Clean-up Day for May 1. **Seconded** by Chairman Lerew. The motion carried.

### **Building Permit & Zoning Officer**

Mr. Fahey gave the following report.

### **Open Issues**

**1. Kings Kids Camp** – preliminary approval from the County for what has been done. Solicitor MacNeal noted that a formal notice of violation was sent in December, they never filed a plan with the Township, they are still in violation, and they have not responded. The next step is to authorize file proceedings against them.

**Motion:** Vice Chairman Shambaugh made a motion for Solicitor MacNeal to proceed with enforcement. **Seconded** by Supervisor Campbell. The motion carried.

**2. Paige Shumaker** – County to close case and a report is forthcoming. Chairman Lerew noted concern regarding the spring on his property and dirt that has been placed near his spring.

**3. Cabin Hollow Butcher Shop** – This has to do with illegal land fill and it is still with the County.

**4. Cost of Resolution** – Mr. Fahey is requesting an answer from the Supervisors as he is currently using an out of date cost by resolution for building values. Solicitor MacNeal stated that she would do a resolution but the existing resolution needs to be forwarded to her. Mr. Fahey indicated that he would like to use the state approved method.

**5. Method for Extended Hours** - Mr. Fahey indicated that 12 hours is not enough time and that a method needs to be established to extend hours as required by the BCO, zoning and code enforcement work load or the Supervisors must re-structure those 3 jobs by re-defining the 3 separate jobs and declaring over all priorities. Mr. Fahey indicated that he needs to know what is necessary. Mr. Fahey questioned attending the Planning Commission meetings and Vice Chairman Shambaugh stated that it is part of the 12 hours. Chairman Lerew asked Mr. Fahey for a running monthly report showing the number of permits. It was noted that the Supervisors had asked for a spreadsheet regarding permits, BCO work and zoning which has not been done. It was noted that the BCO and zoning should be done first with code enforcement last. Supervisor Campbell stated that investigations that have already been started should be completed but any other investigations should be brought before the Board. Supervisor Decker stated that 12 hours only goes so far with the 3 positions and something's cannot be calculated. Discussion ensued regarding complaints in what should and should not be investigated. It was noted that when a complaint comes into the office it must be in written signed form and no more phone calls. The State audit was discussed and it was noted that preparing for the audit it took Mr. Fahey approximately 80 hours and the actual audit was 1 full day.

**6. Nuisance Parcels** – Mr. Fahey questioned the sale of township nuisance parcels carved out of subdivisions. It was indicated that the Township cannot sell recreation areas but Solicitor MacNeal stated that she will check into this.

**7. Cost of Business** – Mr. Fahey again questioned his work hours with Conditional Use hearings and it was noted that this is part of his 12 hours. It was noted that with unusual items and complex investigations these should be brought before the Board. Mr. Fahey questioned the open issues he has now. It was stated that he needs to track his time and it was suggested to do it in one hour intervals.

**8. Harry Fox Junkyard** – Mr. Fahey questioned Mr. Fox’s junkyard since it has been over a year since he passed away. Solicitor MacNeal indicated that she has been working the estate lawyer and this takes time. Solicitor MacNeal stated she is continuing with this issue.

Again Mr. Fahey brought up the 12 hours with conditional use hearings, with the posting of the property and the fees for zoning. The fee schedule was discussed and it should be looked at during the re-organization meeting. Solicitor MacNeal reviewed Section 908 of PA Municipalities Planning Code.

**9. Leininger Property** - Mr. Fahey indicated he has not followed through with this issue and no enforcement will be done.

**New Issues**

**1. REMCO Property** – There is earth disturbance issue at the property at Rt. 15 and Scotch Pine Road. The County is involved with this and the owner is fully cooperating. Engineer Knoebel noted that nothing can be done on this property without a land development plan.

**2. South Mountain Road** – There was a report of major earth disturbance at 1108 S. Mountain Road which Mr. Fahey went to investigate. Mr. Fahey was questioned why is he investigating these type of issues when he should be contacting the County.

**3. Albert Lane & Franklin Church Road** – Mr. Fahey indicated flooding over the roads and causing black ice. It was noted that Albert Lane is a private road and Franklin Church Road is a State road. Vice Chairman Shambaugh stated that this is an issue for the road master and not for Mr. Fahey.

**4. Zoning Forms** – The 2 new zoning forms are now in use and the new billing method adopted by the Supervisors is also in use but there still needs to be the “cost by resolution” to be adopted by the Board to determine the value.

**5. 735 Range End Road** – Mr. Fahey stated that he has received a municipal interview requirement for the Michael Sunday property. Engineer Knoebel noted that a land development plan was done, the work has been completed and the bonding was released. DEP has all the information since they were the ones that issued the permit.

Supervisor Campbell indicated that the Supervisors could add to the 12 hours to attend the hearings. Mr. Fahey asked about the investigations leading up the hearings. After discussion it was noted that Mr. Fahey has 12 hours per week.

**Road master**

Vice Chairman Shambaugh stated that a good job has been done on the roads with this last snow storm. The transmission is out on the one small truck and he has authorized the road master to get it fixed and to hire equipment for the upcoming storm. In the high lift the motor is blowing oil but it can still be used.

## **Parks & Recreation**

Mrs. Novesal indicated that the officers for the Park & Recreation Board will remain the same and there is work being done on the well.

### **1. Quotes for Portable Handicapped Toilet – Ponderosa Park**

The Township received 2 quotes for a portable handicap toilet for Ponderosa Park.

**Motion:** Supervisor Campbell made a motion to accept the quote from Walters Service at a cost of \$27.50 per week. **Seconded** by Vice Chairman Shambaugh. The motion carried.

## **OLD BUSINESS**

### **1. Chain Saw Road**

There were questions regarding the work on Chain Saw Road. It was noted that the work was done on the trap at the bottom of the hill and there is less water on the road. There was discussion regarding the deadlines for work to be completed and updates on the progress. It was suggested that Solicitor MacNeal send a letter to the property owners.

**Motion:** Supervisor Campbell made a motion that a letter from the Solicitor to the residents requesting their progress and response. **Seconded** by Chairman Lerew. The motion carried.

### **2. E-Mail Accounts**

There was discussion regarding e-mail accounts for the Supervisors as there was an issue in the Township News under the Right-to-Know law. It was decided that the Township Secretary contact pa.net to set up these accounts.

## **NEW BUSINESS**

### **1. Meeting Dates**

There was discussion on changing the Board of Supervisors meeting dates.

**Motion:** Vice Chairman Shambaugh made a motion that starting in April the meeting dates for the Supervisors meetings will be the second Wednesday beginning at 7:00 p.m. **Seconded** by Supervisor Brown. Mr. Eichelberger at this time brought up the Farm & Natural Lands Trust educational series with the training on March 4 at 7:00 p.m. being held at Camp Tuckahoe. The motion carried.

## **CORRESPONDENCE**

### **1. West Shore Tax Bureau – Standing Committee for 2010**

Correspondence was received from the West Shore Tax Bureau requesting choices for the different standing committees. It was decided that the Township would not appoint anyone.

### **2. York Adams Tax Bureau – Representative Appointments**

The York Adams tax Bureau is requesting representative appointments for 2010.

**Motion:** Supervisor Campbell made a motion to appoint Vice Chairman Shambaugh as the representative and Treasurer Emler as the alternate. **Seconded** by Supervisor Brown. The motion carried.

**PUBLIC COMMENT**

There was no public comment.

**EXECUTIVE SESSION**

The Supervisors went into executive session at 11:00 p.m. with action to be taken.

**Motion:** Supervisor Campbell made a motion to switch insurance for the Treasurer's Bond based on the fee. **Seconded** by Chairman Lerew. The motion carried.

**Motion:** Supervisor Campbell rescinded his motion to pull out of the Northern York Regional Police and to revisit it at a later date. **Seconded** by Supervisor Brown. The motion carried with Vice Chairman Shambaugh opposing.

**ADJOURNMENT**

**Motion:** Chairman Lerew made a motion to adjourn the meeting at 11:24 p.m. **Seconded** by Supervisor Campbell. The motion carried.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary