

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

CONDITIONAL USE HEARING – DENNIS MAJOR

Solicitor MacNeal asked the zoning officer if the property was posted and advertised. It was so noted. There was no recommendation from the Planning Commission. At this time the zoning officer Mr. Brian Fahey and Mr. & Mrs. Dennis Major were sworn in to give testimony.

Mr. Major, who lives at 1481 S. Mountain Road, explained to the Board of Supervisors the reason for the conditional use. He would like to build a garage on his property to house his cars. The building would be 1,232 s.f. which would be a 4 car garage. Mr. Major presented photographs with the dimensions, a topography map, and a drawing of the garage. The garage will be constructed 150' from the property line. The garage would be similar to his home with gray siding. His property is 8.43 acres and the garage will be built on level ground and should not be visible from the road.

Supervisor Campbell questioned if Mr. Major intends to store cars for other people and it was noted that he would not. Servicing the vehicles was also asked and it was indicated that would not be done. Would there be water and septic available in the garage and Mr. Major indicated he would have water but no septic. It was noted that the walls would be an R30 rating. A heater may be installed but there would be no second floor for storage.

Vice Chairman Shambaugh asked if infiltration pits for the down spouts would be installed. Mr. Major noted that he was thinking of using water barrels to catch the rain water. It was noted that either method would be acceptable, but any run-off would need to be controlled. It was suggested to make that a condition, that there is no additional run-off.

Motion: Vice Chairman Shambaugh made a motion to grant the Conditional Use Application for Dennis Major for the storage building conditional that the Major's can handle the additional run-off to the satisfaction of the Township Engineer. Mr. Major asked what is the next step and this was reviewed with him. **Seconded** by Chairman Lerew. The motion carried.

The hearing ended at 6:50 p.m.

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 7:02 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 – February 8, 2010

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

Board of Supervisors & Planning Commission Joint Meeting – February 18, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Joint Meeting between the Board of Supervisors and Planning Commission of February 18, 2010. **Seconded** by Chairman Lerew. The motion carried.

APPROVAL & PAYMENT OF BILLS

Supervisor Decker questioned KPI's bill and Engineer Knoebel noted that it was for construction specifications to put out to bid or requirements for developers and the work done on the dry hydrants with Mr. Fleming from EMA has been completed.

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

TREASURER'S REPORT

Motion: Vice Chairman Shambaugh made a motion to approve the Treasurer's Report as submitted. **Seconded** by Supervisor Decker. Mrs. Emlet noted that the Supervisors had questioned last month the figures regarding the York County Planning Commission transportation study. A Resolution was adopted last year and it indicates that the Township's portion is \$7,330.00 and that \$3,388.12 has already been paid. Mrs. Emlet also noted that she is in the process of closing out the accounts with M&T Bank. The motion carried.

ORGANIZATION REPORTS

Police – Chairman Lerew noted that he has the monthly report which will be on file at the Township office. Also included is the 2009 Annual Report. Chairman Lerew also noted that Chief Carl Segatti has retired and the new chief is Chief Mark Bentzel.

Fire – There was no one present at this time.

EMS - There was a report submitted but no one was in attendance.

DAA - A copy of the minutes was submitted. It was noted that Lewis Albert was reappointed. Supervisor Campbell commented on the cancellation of Apple Blossom Estates. The final plan has not been recorded and Solicitor MacNeal stated that a developer has 5 years from preliminary plan approval to develop the land. The preliminary plan approval will be checked into.

Fire - Chief Tony Baker from Citizens Hose Co. #1 presented his report. During the month of February there were 4 calls in Franklin Township and 9 calls year-to-date. There were 2 failed incidents. There were 6 personnel per incident. During the recent snow storms the station was staffed 24/7 with volunteers which went above and beyond their call to duty. The membership drive will be held in the timeframe of March/April. It was noted that their rates are on the lower end at \$90.00 per family.

Chief Mike Whitzel from Franklinton Fire Co. presented his report. During the month of February there were 17 calls in Franklin Township. The report on the fire on Circle Drive will be available at a later date. The end of the year report was handed out with showing 178 calls being in Franklin Township. The fire company did fire prevention programs at the schools and training for their CERT members. The new radio system has been installed with the purchased of new portables and pagers and there is testing of the equipment.

Supervisor Brown stated that he had attended their banquet and a Certificate of Appreciation was presented. The firefighter of the year went to Kaitlin Barlow.

Chief Whitzel brought up the call boxes that was discussed at last month's meeting. A mileage distance study has been done and it has mostly stayed the same. The two points discussed are Union Church Road at Water Street (65-701 box) and S. Mountain and Rocky Ridge Roads (65-702 box). Engineer Knoebel presented Chief Whitzel with the map for him to review.

Motion: Vice Chairman Shambaugh made a motion to adopt the boxes as proposed. **Seconded** by Supervisor Campbell. The motion carried.

Another issue for discussion is the burning ordinance. Vice Chairman Shambaugh suggested the Board have a special meeting to review this ordinance. Solicitor MacNeal commented on the ordinances that were provided last month from other municipalities. There needs to be discussion the "what and how" to regulate. Supervisor Brown questioned the restriction of burning on Sundays. The fire companies do receive late night calls for controlled burns. There was discussion regarding the Township entering into a Memorandum of Understanding with the fire department. It was noted that Chief Whitzel is the fire marshal but he is not bonded but should be appointed every year. There was discussion if there is a need for a legal relationship. The earliest this would be adopted would be in May.

Wednesday, March 24, 2010 beginning at 7:00 p.m. is when the Board of Supervisors will hold a Worksession Meeting to discuss the burning ordinance.

Emergency Management – Mr. Yerger noted that there will be a regional steering committee this Friday.

NYCRCP Transportation – Supervisor Brown reviewed the recommendations made at the meeting that was held on February 18, 2010 with the Supervisors, Planning Commission and YCPC in regards to Route 15 and the closing of some intersections. The Franklin Church Road interchange was discussed with linking to old Route 15 along with it interfering with the farm lands and green space. The closing of other roads were also discussed. Scotch Pine Road with closing the median could be discussed at March 24 meeting. Glenwood Road is a controversial intersection and is very dangerous. Priorities # 3 and #6 were looked at. There is a public meeting on March 30 at the American Legion from 7-9pm. Other roads discussed were County Line Road in Adams County and Clear Springs Road to stay open until the overpass is constructed. Truck tractor trailer turns were also discussed and limiting access for emergency vehicles.

Building Committee – It was noted that a meeting needs to be set. No date was set at this time.

SUBDIVISION AND LAND DEVELOPMENT

1. John Crook Subdivision Plan, Time Extension

A time extension has been received for the John Crook Subdivision Plan until June 30, 2010.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension on the Crook Subdivision Plan until June 30, 2010. **Seconded** by Supervisor Campbell. The motion carried.

REPORTS

Engineer

Engineer Knoebel commented on the dry hydrants and specifications and that he would have something next month for the Supervisors. It was noted that Laurin Fleming should be in attendance of next month's meeting. It was noted that there is one dry hydrant which is located at Camp Tuckahoe.

Supervisor Decker questioned the Highland Park Preliminary Plan. Engineer Knoebel indicated that the Planning Commission did approve the preliminary plan. This plan is currently not in front of the Supervisors as there are things that need to be addressed before coming before the Board. There was discussion about the run-off and the water table. Infiltration tests have been completed and there will be the use of a detention basin.

Chainsaw Road was discussed and Engineer Knoebel noted that the property owners are aware of the deadline, it work will be done. They are currently working on getting prices for the paving work.

Solicitor

1. Kings Kids Camp

Solicitor MacNeal noted that after last month's meeting a Civil Complaint was filed against the Kings Kids Camp. It was noted that the defendant has a notice to respond by March 22. It was noted that a plan was provided to Engineer Knoebel with a letter regarding the activities, E&S work is complete, and earthmoving. The owners are working DEP and the County to resolve the violations. A letter from Eric Johnston had been received. It was questioned if this plan accurately shows what is actually there. It was noted that the work to correct the issues were seeded and mulched last year. There was discussion on regarding the channel. The silt fence has been removed. Engineer Knoebel noted concern with the grading. Roads were put in (tractor paths) where put in back in the 1970's. There was discussion on group campsites, undeveloped sites, the pads being gravel, and water and electric availability. There was discussion regarding a land development plan being submitted. The owner is working with multiple agencies but it was noted that the Township needs to be notified and involved. The gravel pads are considered impervious and this is in regards to storm water management. The water lines that were installed to the tested well were also discussed. Solicitor MacNeal noted that the date of the hearing is March 22 and she will contact the District Justice to have the date continued. It was suggested to authorize KPI to verify the improvements and to have an up to date plan showing all that is on this property.

Supervisor Campbell agreed with the site visit and a continuation of the hearing, but noted that the Township needs a land development plan and documentation. It was noted that if a plan was done then the work would have been bonded and if the improvements did not get completed the Township could use that money to complete the work. The driveways were also discussed but it was noted that the driveways were done years ago. Solicitor MacNeal noted another option is to recommend continuation of the hearing and have a deadline for a plan being submitted. It was suggested to make it 90-days from next month. Engineer Knoebel was directed to do the inspection of the property.

2. Executive Session

Solicitor MacNeal stated that she needs a short executive session for discussion on litigation.

Building Permit & Zoning Officer

Mr. Fahey gave the following report.

Open Issues

The hours of work for the Building Permit and Zoning Officer was again discussed with having 4 hours on one given day instead of only 2 hours. Mr. Fahey does have one day of office hours and stated that he is using his time effectively.

Mr. Fahey indicated that he is sending form letters for expired building permits. Discussion ensued regarding these permits. It was noted that he should send a formal Notice of Violation or a Cease and Desist Order with a deadline. Mr. Fahey is to have Solicitor MacNeal review the letter before he sends them out. It was noted that he start with sending the notices regular mail. There was discussion on getting proof of mailings.

The resolution by cost was brought up again. Resolution 2004-11 and Ordinance 2-2004 were given to the Supervisors. The resolution is for permit fees. Solicitor MacNeal stated that fees should be updated on a regular basis. It was suggested to see what Mr. Fahey proposed a few months ago and have the Board review it at the next month's meeting.

For the renewal of permits Mr. Fahey noted a fee of \$50.00 has been charged. There is an applicant that is consistently losing permits which needs to be re-generated and it was suggested a penalty be placed on this.

There is an issue with furniture, tires and brush burning being done. Mr. Fahey contacted DEP.

Mr. Fahey noted concern about having no back-up files or procedures for township records. It was noted that information on this subject will be given to the Secretary for contact purposes.

The spreadsheet that Supervisor Campbell had supplied to Mr. Fahey for tracking his hours was discussed as there was some confusion.

Road master

Vice Chairman Shambaugh stated that the road master's report had been submitted. Supervisor Campbell noted that there were e-mails on issues regarding the last snow storm. It was noted that this was an unusual event but there was discussion on what needs to be done to prevent this in the future. It was noted that there should be a plan in place even though this does not happen every winter. Chairman Lerew suggested having a meeting with the road master. Mr. Yerger from the EMA stated they could put a plan in place.

Parks & Recreation

1. DASC Request to Use Township Fields

It was noted that this letter should go to the Park & Recreation Board first for their recommendation. There was discussion regarding the soccer tournament with people traveling to this event driving through the stop sign at Century Lane and Range End Road. It was suggested the soccer club have a traffic officer on those days.

2. Ponderosa Park

Chairman Lerew stated that Ponderosa Park was hit with paintballs. The police were notified and did stop at the park to check the damage. Supervisor Brown noted that the Kiwanis Club will be putting in a horseshoe pit at

the park on April 10 and if there is anything else that is needed they can also do other work. It was suggested that the road crew clean up the playground equipment with the pressure washer.

OLD BUSINESS

1. Recycling & Waste Hauling

Supervisor Brown asked for discussion on recycling and waste hauling. Mrs. Emlet contacted Penn Waste to see if they would do recycling pick up only and it was noted that they do not but it was indicated that their charge for trash hauler with recycling which would cost between \$200.00 and \$250.00 per year. They also provide as a service that a resident could purchase 26 bags per year at a cost of approximately \$3.00 per bag. It was noted that grant money for recycling may be drying up by the end of the year. Supervisor Brown suggested that the Township start to get quotes to see if there are reasonable costs. There is no additional charge for recycling. In the bid package the Township could add pick up at the Township Municipal Building and the parks. Chairman Lerew noted that Ms. Joanne Trygg that was present at last month's meeting has agreed to help manage the recycling center. She will be contacted. Vice Chairman Shambaugh noted that he agrees with Supervisor Brown. Supervisor Decker asked when will the public be involved with this decision. There will be information put in the next newsletter. It was also noted that Mrs. Emlet has information from the trash haulers.

NEW BUSINESS

1. Clean-Up Day Quotes

The quotes for clean up day were reviewed. There were 2 quotes received: Waste Management and York Waste Disposal.

Motion: Supervisor Campbell made a motion to accept the quote for Clean-Up Day from Waste Management. **Seconded** by Vice Chairman Shambaugh. The motion carried.

2. Balancing Nature & Commerce

Supervisor Brown asked Mr. Bob Eichelberger to explain this to the Board. Mr. Eichelberger reviewed the issues that were discussed at the South Mountain Summit meeting that was held a few weeks ago. Franklin Township is not alone and there are tools available and with all kinds of resources. Mr. Eichelberger asked if the Township is committed and to take the next step for improvement of the region. Adams and Cumberland Counties are currently doing good things. Mr. Eichelberger suggested attending this workshop and build a team. There are 3 different agencies that can help the Township and they are DCNR, the Natural Land Trust and the Governor's Center for Local Government which they will come in and look at the ordinances. There is a 2 day workshop being held April 13 & 14 at Allenberry but the deadline for applications is March 10. The workshop is open to a limited number of teams which consists of 4 to 8 people. It was suggested that the Township create a team but with the deadline only 2 days away this seemed unlikely. Supervisor Decker questioned Mr. Eichelberger about heritage areas being the same only with a wider scope as heritage sites. Mr. Eichelberger discussed what is being done in Adams County and Supervisor Decker questioned what restrictions were attached. It was also questioned regarding private property rights of the individual landowner. It was noted that the Township is not there yet but it was noted that partnering with them there are benefits.

CORRESPONDENCE

There was no correspondence discussed.

PUBLIC COMMENT

Engineer Knoebel was asked to inquire about the boy scouts looking to adopt some road mileage for trash pick up. Tuckahoe Road is the road they are looking at since it leads into the Boy Scout Camp. Engineer Knoebel asked if the Township would be interested. It was discussed if the Township would provide vests and the signage. This is similar to what PennDOT has done with their roads. It was noted that a safety video may have to be viewed. Solicitor MacNeal will check into this and PSATS will also be notified for their recommendations. Legal issues were also discussed.

Supervisor Brown noted some of the events that will be happening at the Community Center. There will be a father/daughter dance this Friday, a mother/son ice cream social will be held on March 26 and there will be a yard sale on April 10 as a fundraiser.

EXECUTIVE SESSION

The Supervisors went into executive session at 10:35 p.m. with no action to be taken.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary