

**-FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
April 14, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, Treasurer Phyllis Emllet, and Secretary Nancy Zentmeyer. The meeting was called to order at 7:06 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 gave the opening prayer.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – March 8, 2010

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

Board of Supervisors Workshop Meeting – March 24, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Board of Supervisors Workshop Meeting of March 24, 2010. **Seconded** by Supervisor Brown. Supervisor Decker noted on page 2, paragraph 6 to note that Joanne Trygg volunteered to manage the recycling center. The motion carried with the amendment.

APPROVAL & PAYMENT OF BILLS

The following bills were questioned: Supervisor Decker asked about Trans Associates. It was noted that they are the Township's Transportation Engineer and they reviewed the traffic study for the Highland Park plan. The \$3,999 bill for Bob Ruth was for repairs to the transmission on one of the trucks. Also discussed was the bill for the well testing at Ponderosa Park. Mr. Morret was present and explained the procedure. The bill for Smith's Appliance was for the kitchen at Ponderosa Park.

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

1. Designation of Agent Resolution

Mrs. Emllet stated that this is for the forms that need to be submitted to PEMA regarding funding for the snow storms.

Motion: Vice Chairman Shambaugh made a motion that the Chairman should be the agent and sign the paperwork. There was no second to the motion.

Motion: Supervisor Brown made a motion to appoint Phyllis Emlet as the agent and Chairman Lerew as the alternate. **Seconded** by Supervisor Decker. It was also noted that the Bob Ruth bill and the cost of the tires should be included. The motion carried.

2. PSATS Seminar – Unemployment Compensation Claims

Mrs. Emlet noted that there is a seminar for reducing costs through sound employment practices. The cost is \$35.00. It was noted that this is being offered at the PSATS Convention.

ORGANIZATION REPORTS

Police – Chairman Lerew noted that in March of 2009 there were 89 calls and in March of 2010 there have been 105. The year to date calls for 2009 was 243 and the year to date for 2010 is 306. The police report will be on file at the Township office.

Fire – A verbal report was given for the Franklinton Fire Company as follows: year to date – 104 calls. In the month of March there were 34 calls with 20 calls in Franklin Township. There was no one present from Citizens Hose Co. #1.

EMS - There was no one present to give a report.

DAA - A copy of the minutes were submitted.

Emergency Management – There was nothing to report at this time.

NYCRCP Transportation – Supervisor Brown reviewed the Route 15 Study. There was a workshop meeting on March 16 and a meeting with the Supervisors on March 24. March 30 there was a public meeting and a spreadsheet was handed out regarding the various comments from that meeting. It was noted that everything discussed at the March 24 meeting are not included in this report. Supervisor Brown stated that there will be another meeting of the core team but no date has been set. It was noted that there was a good turn out at the March 30 meeting.

Building Committee – It was noted that this is still on hold.

SUBDIVISION AND LAND DEVELOPMENT

1. Gregory & Michelle Bressler Subdivision Plan, Time Extension

A time extension has been received for the Gregory & Michelle Bressler Subdivision Plan until July 31, 2010. It was noted that the applicant is still waiting for the DEP review of the planning module.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension on the Bressler Subdivision Plan until July 31, 2010. **Seconded** by Chairman Lerew. The motion carried.

2. Steve & Nancy Morret Final Minor Subdivision Plan, Access Discussion

Engineer Knoebel noted that the Planning Commission looked at this plan at their March meeting and there is an issue with the access. It was suggested that the Board of Supervisors should review this. The property is located at the extension of Tuckahoe Road and the top of the mountain near Chainsaw Road. It was indicated that Mr. Morret had purchased this tract some time ago to add to his property. There are 2 tracts but one lot. The proposal is to subdivide an existing 30.81 acre lot into 2 separate parcels. The resulting lot 1 will contain 2.25 acres with a residential dwelling under construction. Lot 2 will contain the balance of 28.57 acres and is proposed to remain undeveloped. There was discussion regarding the ordinance provisions with the access. The right-of-way extends beyond Chainsaw Road. The right-of-way has been improved somewhat. The lot 2 access is via the right-of-way. Mr. Morret wants to keep the balance of the property as timber land. The tract was bought in 1997 at a public sale. The subdivision is for Mr. Morret to give to his son. Lot 2 cannot be developed until a road is constructed. Solicitor MacNeal noted that the plan does not meet the zoning requirements regarding lot 2 as it has no public road frontage and does not have the road access or lot width. Supervisor Decker asked if it could be paper panhandle. A note on the plan was suggested regarding the future development of Lot 2. There was also discussion on replacement testing and it was noted that the SEO would have to be contacted or an exemption through DEP. There is a legal right-of-way but it is not a public right-of-way. It was suggested to either use Tuckahoe Road or develop the road. There has been discussion of upgrading Tuckahoe Road with the Boy Scouts.

REPORTS

Engineer

1. Kings Kids Camp

Engineer Knoebel summarized the site visit to Kings Kids Camp that was conducted on April 1, 2010. The purpose of the investigation was to verify the existing conditions at the property located on Glenwood Road and to ascertain the specific and additional requirements to be provided as part of a future land development plan. Facilities at the property generally consist of the following:

- 85-site campground
- office (trailer)
- bunkhouse/dormitory (barn)
- auditorium (640 indoor seats)
- dining hall and kitchen
- bath house
- caretakers residence (trailer)
- chapel and mobile classroom-trailer (currently rented)
- recreation facilities (in-ground pool, sports field, game and hard surface courts)

The property is serviced by multiple on-lot wastewater disposal systems (tanks, drainfields) and multiple wells. Each campsite is provided with a water and electric connection. The overall facilities service multiple apparent existing uses on the property and the owner discussed that there may be the potential for future uses on the property based on local interest.

Recent work completed at the property included extension of water and electric service to the campsites and the grading of the property for potential future athletic fields. The site had been under review of York County Conservation District for issues related to earth disturbance. A site plan dated November 13, 2009 and reviewed February 2, 2010 was completed by Eric Johnston which shows existing conditions and erosion control notes. This plan was also recently approved by YCCD in March 2010.

The Supervisors directed that a land development plan be filed for this property. From a review of the site and referenced plan the following recommendations are to be incorporated into a land development plan submission:

1. The plan should include all water and sewage facilities including location, description and reference to what facility or building is serviced by which system. This should include any documentation as to permits available for the systems.
2. An overall plan of the property should be shown in relation to the location of the improvements.
3. The specific uses conducted on the property should be identified and listed.
4. Existing conditions should include soils, wetlands, and other natural features.
5. Any future/proposed improvements or extension/expansion of existing improvements should be shown.
6. Additional and more detailed dimensioning should be added.
7. Any additional items contained in the Township's SALDO may also be required.

In addition it is noted that the approved Erosion Control Plan includes specific direction related to future grading and stabilization activities related to areas which have already been disturbed. It is critical that the owner follow this direction and complete the work only as indicated by the approved plan. It was noted that the owner has 90-days from this meeting to get a plan submitted. Formal notice should come from either KPI or the Township Solicitor. Solicitor MacNeal stated that there is a pending enforcement notice and will contact the District Justice to see if there can be an additional time extension. It was noted that the formal notice should come from Solicitor MacNeal.

2. Dry Hydrants

Engineer Knoebel stated that he had met with the fire company last evening and the different locations need to be prioritized. The depth of pond #6 on County Line Road is needed. Site location #5 near the greenhouses dry hydrant was on the last plan with different options on how to hook-up. Site location #3 which is off of Capitol Hill and Mill Roads needs to be looked at. Chief Whitzel wants to discuss this with the Supervisors. The cost factor is noted in the report. It was also noted that Adams Electric will donate the kits. There was discussion regarding the location of the game land ponds. The agreement sample will need to be modified.

3. Construction Specifications

A draft copy of the construction specifications has been prepared and it is matched up with the new SALDO. This can also be used with bid work or a developer doing construction. This document also references PennDOT. This document needs to be adopted by a Resolution. Vice Chairman Shambaugh indicated that he would like to review this and this should be tabled until next month.

Solicitor

1. Conditional Use Applications – Roy & Amy Derr & Brookshire MHP, Set Date

Solicitor MacNeal noted that there are 2 conditional use applications. The application from the Derr's is for an accessory building and then there was discussion on the Brookshire MHP. It was noted that they are correcting the defects. It was also noted that the Township may need an extension regarding when the date is set. It was suggested that May 11, 2010 be the date for the hearing beginning at 7:00p.m. Solicitor MacNeal stated she could attend the Planning Commission meeting and view this application with the members. It was noted that Engineer Knoebel should fully review this application and plans in order to testify before the hearing. Solicitor MacNeal also suggested that the Board of Supervisors should consider retaining special counsel as she has a conflict. Vice Chairman Shambaugh agreed with the Solicitor to authorize Engineer Knoebel to get involved

and to get quotes from attorneys for special counsel and to also check with attorneys in the Township. It was noted that with special counsel they would be able to cross examine and ask questions of the applicant. The Township should have proposals by the end of next week in order to move forward. A special meeting will be needed to appoint the special counsel.

Motion: Vice Chairman Shambaugh made a motion to get special counsel for the Brookshire MHP. **Seconded** by Chairman Lerew. The motion carried. There was discussion on which law firms the Township should get proposals from. Vice Chairman Shambaugh stated that he would take the lead on contacting different law firms. The Supervisors will then pick an attorney and then set the date for the hearing. It was noted that the Derr application can be done at the May regular meeting of the Supervisors. It was noted that the date set to pick the special counsel will be April 19, 2010 beginning at 7:00 p.m. If the hearing is set for May 11 the hearing could be advertised on April 22 and April 29, 2010.

2. Resolution Regulating Actual Values of Building Construction

Solicitor MacNeal noted that this Resolution had been requested by Mr. Brian Fahey, Building Permit Officer. It was also noted that Mr. Bob Shelly, the Township building inspector, was also involved with this scale which is Exhibit "A" of the Resolution.

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution #4-2010 regulating actual values of building construction. **Seconded** by Supervisor Brown. The motion carried. There was discussion on the exhibit and it was noted that this is for new construction. Supervisor Decker opposed the motion.

3. Resolution Regulating Fees for Replacement Placards

Solicitor MacNeal noted that this for the replacement of building placard at a cost of \$50.00.

Motion: Supervisor Brown made a motion to adopt Resolution 5-2010 for replacement placards. **Seconded** by Vice Chairman Shambaugh. It was noted that building permits are good for one year but can be extended. The motion carried.

4. Adopt a Highway

Solicitor MacNeal noted that she had received information on adopting a road for clean-up. Information had been received from PSATS from other municipalities but Solicitor MacNeal stated that she has received information from PA Cleanways from their website which is a statewide program. It was noted that anyone can register with the site, they also have general liability insurance and all the forms. The safety guidelines are needed. There was discussion regarding signage and it was noted that this can be done through PA Cleanways or the Township. Engineer Knoebel noted that he will look into this since it is the boy scouts who are interested in adopting Tuckahoe Road.

Building Permit & Zoning Officer

Mr. Fahey noted that he had submitted his report and asked if any of the Supervisors had any questions. Mr. Fahey did note that he has not written the draft notice of violation for Solicitor MacNeal to review.

Vice Chairman Shambaugh questioned Mr. Fahey on the cycle business on Franklin Church Road why hasn't the sign been moved and it is still lit. It was noted that the present sign is larger with lights. It was indicated that last year the sign was to be lowed and the lights taken off. Mr. Fahey indicated that he is not doing enforcement anymore.

Motion: Vice Chairman Shambaugh made a motion to revoke the permit. There was discussion on revoking the permit. It was noted that this business was established before there was zoning. A freestanding sign is different from an attached sign. It was noted that the owner has the right to appeal to the Zoning Hearing Board. Supervisor Decker noted that the subdivision where this parcel is located has restrictions which is a civil issue. **Seconded** by Chairman Brown. The motion carried with Supervisor Decker abstaining. Mr. Fahey noted that he will send the notice.

Mr. Fahey noted that he is going to be working 4 hours on Mondays starting next week instead of the 2 hours on Monday and 2 hours on Tuesday.

Mr. Fahey noted that he still needs to get with Supervisor Campbell regarding the excel spreadsheet. Mr. Fahey also brought up about protecting the electronic data and it was noted that Supervisor Campbell will be getting names of companies to the township secretary.

Road master

Vice Chairman Shambaugh noted that the road master had submitted his report. A sketch of work to be performed on Lake Lea Drive was submitted. Engineer Knoebel will be meeting with the road master tomorrow. It was noted that Engineer Knoebel be authorized to review this. The work to be performed is off the township's right-of-way but could influence the storm water.

Vice Chairman Shambaugh and Engineer Knoebel met with the boy scouts regarding Tuckahoe Road but it was noted that they need to propose something to the township.

Parks & Recreation

1. DASC Request to Use Township Fields

It was noted that the Park & Recreation Board reviewed this letter and approved the use of the fields.

Motion: Vice Chairman Shambaugh made a motion to allow the Dillsburg Area Soccer Club the use of the fields according to their request. **Seconded** by Chairman Lerew. There was discussion about using the fields on Sundays.

Motion: Vice Chairman Shambaugh amended his motion to exclude Sunday except for the soccer tournament. **Seconded** by Chairman Lerew. The motion carried.

2. Resignation from Gene McBride

Motion: Vice Chairman Shambaugh made a motion to accept the resignation of Gene McBride from the Park & Recreation Board. **Seconded** by Chairman Lerew. The motion carried.

It was noted that work had been performed at Ponderosa Park by the Northern High School Key Club, Kiwanis and some of the Park & Recreation Board members. Supervisor Decker stated that the Township should send letters of appreciation.

OLD BUSINESS

1. Roof Painting Quotes

Vice Chairman Shambaugh noted that he had received 2 quotes as follows: Dillsburg Sheet Metal Works - \$3,803.70 and Larue Hoffman Painting - \$5,790.00 for 2 coats at \$2,895 each. Discussion ensued and it was noted that with being over the \$4,000 limit the Township should have 3 quotes. Vice Chairman Shambaugh noted that he will make some more calls. This was tabled until next month.

2. Burning Ordinance

Vice Chairman Shambaugh supplied the Supervisors with a re-write and asked that the Supervisors look at it for discussion next month.

3. Trash Haulers

There was talk about the current newsletter that had the trash survey. It was asked who would tabulate the results and stated that it should be by a distance third party. There was no address on where to mail it and it was questioned how long would the Township accept the surveys. It was suggested until the middle of May. Ms. Trygg stated that she has volunteered to take over the recycling center. It was noted that she should contact the person who is currently coordinating the center. It was questioned when the survey tabulation will be made public. It was noted that the township secretary will do the tabulation. Supervisor Brown handed out a modified spreadsheet he has prepared on waste and recycling contract elements. The issue of liens being placed on properties for non-payment was discussed. Supervisor Brown stated that there a couple of options with one being able to opt-out. Supervisor Decker discussed the recycling dumpsters similar to the ones that are above Halifax that are available 24 hours a day. This is done through the county.

NEW BUSINESS

There was no new business at this time.

CORRESPONDENCE

1. Resignation of Township Auditors

Motion: Vice Chairman Shambaugh made a motion to accept the resignation of the Township Auditors. **Seconded** by Chairman Lerew. The motion carried. It was noted that a letter of thanks should be sent to each auditor for their years of service.

The other surrounding municipalities were contacted and all of them do use accounting firms for their audit. It was noted that the Township should go out for proposals this summer in order to have budget prices for the fall. Solicitor MacNeal noted that there are provisions in the Second Class Township Code on procedures to switching to a professional firm. Solicitor MacNeal noted that she will review the procedure.

2. Franklinton Borough Requesting Donation

Correspondence had been received from Franklinton Borough requesting donations for this year's carnival. Vice Chairman Shambaugh stated that he is not in favor of this. No action was taken.

PUBLIC COMMENT

1. Ron Stevens, Township Resident

Mr. Stevens thanked the Supervisors for not raising taxes. He also stated that the road crew did a great job on his township road during the snow storms. Mr. Stevens requested that the "public comment" on the agenda be moved up to after the organization reports with a time limit. This should be in accordance with the Sunshine Act. The Supervisors should also decide on some rules, such as 5 minutes per person or 15 minutes per topic.

Motion: Supervisor Decker made a motion to move the “public comment” to the beginning and end of the agenda with a time limit. Vice Chairman Shambaugh stated that no motion is necessary and that the Township can set agenda public comment for agenda items only and suggested to move it to after the approval of the minutes.

2. CREP Program

Vice Chairman Shambaugh noted in the March magazine of the Township News there was an article regarding CREP projects that are planting streamside buffers. It was suggested that the Park & Recreation Board look into this regarding the Century Lane Park with the possibility of getting funds. Supervisor Decker questioned the un-stabilization of the stream bank.

There was discussion regarding the article in the Township Newsletter that the Park & Recreation Board is offering trees to be planted at Ponderosa Park and what the cost would be. There would also be a plaque to have the tree planted in either “memory or in honor of”.

3. Chainsaw Road

Vice Chairman Shambaugh stated that regarding the work on Chainsaw Road there has been conversation with one of the parties with the project moving but they may not meet the deadline. It was suggested to have the road master inspect this.

EXECUTIVE SESSION

There was no executive session needed at this time.

ADJOURMENT

Motion: Supervisor Brown made a motion to adjourn the meeting at 10:16 p.m. **Seconded** by Chairman Lerew. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary