

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
June 9, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, Edward Campbell, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, Treasurer Phyllis Emlet, and Secretary Nancy Zentmeyer. 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.

BID OPENING – STONE, OIL & RUBBER JOINT SEALER

The bidders are as follows:

The bids for stone (various sizes) at a quantity of 3,000 tons total more or less are as follows:

<u>Bidder</u>	<u>Stone</u>	<u>Price @ Plant</u>	<u>Price Delivered</u>
York Building Products	#2A	\$ 4.40	\$ 9.80
	#4	\$ 6.55	\$11.95
	#3-A	\$ 5.00	\$10.40
	#3 Clean	\$ 7.75	\$13.15
	#57	\$ 6.65	\$12.05
	#8 Washed	\$ 7.50	\$12.90
	#9	\$ 8.75	\$14.15
	#10	\$ 7.75	\$13.15
	R-4 Rip Rap	\$ 8.90	\$15.30
	R-5 Rip Rap	\$12.00	\$19.40

There is also an additional charge for jobs requiring more than ½ hour on the site of a charge of \$70.00/hour.

Pennsy Supply	#2A	\$ 6.25	\$10.07
	#4	\$ 8.25	\$12.07
	#3-A	No Bid	No Bid
	#3 Clean	\$ 8.25	\$12.07
	#57	\$ 8.35	\$12.17
	#8 Washed	\$10.50	\$14.32
	#9	No Bid	No Bid
	#10	\$ 9.95	\$13.77
	R-4 Rip Rap	\$11.50	\$15.32
	R-5 Rip Rap	\$13.00	\$19.82

There is also an additional charge for jobs requiring more than 25 minutes on the site of a charge of \$62.00/hour.

The bid for the CRS-2 oil at a quantity of 25,000 gallons total more or less is as follows:

<u>Bidder</u>	<u>Price per Gallon</u>	<u>Total Price</u>
Wilson Paving	\$2.07	\$51,750.00

There were no bids for the ASTM-3405 Joint Sealer.

Motion: Supervisor Campbell made a motion to award the stone bid to York Building Products and the CRS-2 oil bid to Wilson Paving. **Seconded** by Vice Chairman Shambaugh. The motion carried.

There was discussion on whether the Township should bid again for the joint sealer. Road master Ocker indicated that last year he got 3 quotes. The quotes need to be under \$10,000.00.

Motion: Supervisor Campbell made a motion to go out to bid again for the joint sealer. **Seconded** by Supervisor Brown. The motion carried.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – May 12, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Regular Meeting of May 12, 2010. **Seconded** by Supervisor Brown. Supervisor Decker noted one correction on page 7, mid paragraph it should read “It was suggested to remove the lights from the sign for the home occupation and reduce the height”. The motion carried.

Board of Supervisors Conditional Use Hearing – May 17, 2010

Motion: Vice Chairman Shambaugh made a motion to establish a policy that minutes do not have to be taken since there is a court record. **Seconded** by Supervisor Campbell. The motion carried.

PUBLIC COMMENT

1. Traci Brough, 420 Franklin Church Road

Mrs. Brough stated that she had contacted Mr. Fahey in April about her neighbor who has numerous code violations regarding moving a fence, the placement of shrubs. It was questioned about the “gentlemen’s agreement”. Mr. Brough presented the Supervisors with pictures of the property. It was noted there are 2 garages without doors, debris in the back yard, the retaining wall done in 2007 which is 6’ from their property line. Was there a building permit ever issued for this wall? It was also noted that there is a large deck being built at the back of the home and Mrs. Brough stated that she would like to see the inspection reports since they are public. Also discussed was the UCC codes, the business has grown and now there is the large detached 2 bay garage and is approximately 20’ from the property line. The retaining wall, which is approximately 6’ from the property line which has no railing and this constitutes safety problems. Mrs. Brough indicated that they have made a substantial investment in their property.

Section 312 of the Zoning Ordinance is in regards to a buffer yard and could the neighbor be made to put buffering in. It was noted that Mrs. Brough should put everything in writing. Solicitor MacNeal stated that she needs to see all the documents for this property. With the debris in the yard DEP needs to be contacted. Mr.

Fahey indicated that the deck is permitted. Mr. Fahey noted that he will put up screening. A retaining wall permit is needed under the UCC. The restrictions on the plan were also discussed. The recorded subdivision is Del-Wayne Manor.

Vice Chairman Shambaugh indicated to Mr. Fahey that he needs to do a site inspection, a fence around the pool is needed, how was the retaining wall built under the UCC, a permit for the deck is needed and with the asphalt in the rear yard DEP needs to be contacted. It was noted that the creek is approximately 75 yards from the properties. Supervisor Campbell stated that the pictures are self explanatory. The property owner needs to get all of the permits and also confirm a site visit. Solicitor MacNeal indicated that the plan restrictions need to be looked at whether they are private restrictions or conditions of approval. Other areas that need to be looked at with the business are if it was there when zoning came into effect. Mrs. Brough noted that the garage was built after zoning was adopted and the retaining wall is a structure.

Mr. Ron Stevens suggested having PennDOT look at the requirements for an inspection station with the parking and noise pollution. It was also questioned if this went through the SEO since there is a restroom in the garage. Chairman Lerew indicated to Mr. Fahey that he has to address these issues with the residents. Supervisor Campbell noted that any member of the Board can tell Mr. Fahey to take care of a problem. Mrs. Brough asked that someone go out with Mr. Fahey to inspect this property. It was noted that Bob Shelly, our Building Inspector would go along.

APPROVAL & PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to approve the payment of the bills. **Seconded** by Chairman Lerew. Supervisor Decker stated that a letter was received from the Park & Recreation regarding the \$300.00 engineering invoice for the walking bridge. It was noted that this work should have been authorized by the Board of Supervisors prior to the work being performed. Vice Chairman Shambaugh questioned what is being done with the bridge. It was noted that they are waiting for dry weather. Plans are being submitted to YCCD. There was discussion on whether a NPDES permit is needed. If a plan is generated it needs to come to the Supervisors and Engineer Knoebel to review it. **Motion:** Vice Chairman Shambaugh amended his motion to include the \$300.00 payment with the bills. Vice Chairman Shambaugh questioned the bill for the letterhead. **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 Campbell. The motion carried.

ORGANIZATION REPORTS

Police – Chairman Lerew reported the following: 1 burglary, 3 thefts, 3 accidents, 3 simple assaults, 1 vandalism, 1 DUI, and 1 liquid law. Calls are up 80% in the report.

Fire – Chief Mike Whitzel presented his report. There were 17 calls in Franklin Township. On Sunday July 11 the fire company will have a chicken dinner. The boxes are done and in effect. The barn fire on Capitol Hill Road is still under investigation. EMA was a big help during that fire. On June 16 there will be a meeting here at the township building as the State Fire Commission will be presenting a creditation showing that 50% of their members are board certified. In regards to the dry hydrants they are ready to look at some areas. The fire company is buying additional equipment and they have applied for a federal grant. With regards to the service contract Chief Whitzel needs input from the Supervisors. Solicitor MacNeal indicated they talked about this

last November/December. It was noted that the Supervisors and Chief Whitzel will be provided with a copy of the current agreement and that Chief Whitzel is to provide a written proposal. This will also include a financial arrangement. It was suggested that the Supervisors make a site visit to the firehouse.

EMS - There was no one present.

DAA - A copy of the minutes was submitted.

Emergency Management – There was no one present.

NYCRCP Transportation – Supervisor Brown reported that a document is circulating for review and should be getting out in the near future. The campaign to reduce speeding on Rt. 15 will be done in July or August. Supervisor Decker noted that a letter was received from PennDOT regarding improvements on Cabin Hollow Road from Glenwood Road to Route 15.

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

SUBDIVISION AND LAND DEVELOPMENT

1. William & Norma Kough, Time Extension

It was noted that they are still waiting on the Fish and Wildlife report which will then go to DEP. A time extension has been issued until August 11, 2010. It was suggested to have the time extension until September 30, 2010.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension for the William & Norma Kough plan until September 30, 2010. **Seconded** by Supervisor Campbell. The motion carried.

2. Steven & Nancy Morret, Time Extension

Engineer Knoebel indicated that this plan is going back to the Planning Commission. A time extension has been issued until September 8, 2010. It was suggested to have the time extension until September 30, 2010.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension for the Steven & Nancy Morret plan until September 30, 2010. **Seconded** by Supervisor Brown. The motion carried.

3. John Crook, Time Extension

A time extension has been received for the Crook plan. It was questioned why another extension and it was noted that there are issues and Mr. Crook's house had burned down.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension for the John Crook plan until September 30, 2010. **Seconded** by Supervisor Campbell. The motion carried.

4. Gregory & Michelle Bressler, Waiver Request and Plan Approval

Engineer Knoebel noted that DEP approval has been received. This plan is located on Barrens Church Road and is a 6 lot subdivision with 2 lot additions, 1 lot with the existing dwelling and 3 lots for proposed residential dwellings. The recreation fees need to be paid for the 3 lots. The plan is complete and acceptable. A waiver request of Section 402.C.2.b regarding road improvements had been submitted by Mr. Bressler. Engineer Knoebel indicated that it has been calculated to a cost of \$5,700.00 for the 3 lots and \$8,800.00 for the entire

road frontage. This was based on \$8.50 per lineal foot. Vice Chairman Shambaugh stated he would like to see plan approval but have the fee of the road improvement added at the time of the building permit, based on each lot. There was discussion on how to document this and it was suggested to have a miscellaneous docket. Solicitor MacNeal stated that the recorded document be kept with the plan.

Motion: Vice Chairman Shambaugh made a motion to approve the Gregory & Michelle Bressler Final Subdivision Plan condition upon the recreation fee being paid and an agreement that the road improvement fee be assessed at the time of the issuance of the building permit. **Seconded** by Supervisor Campbell. Supervisor Decker stated that there have been others that have asked for waivers which were granted, and since there is no widening at this time it cannot be justified to pay this. There was discussion regarding the waiver and making the other tax payers pay for this. The motion carried with Supervisor Decker opposing.

5. Highland Park Preliminary Land Development, Time Extension

Engineer Knoebel indicated that this plan has been removed from the agenda but the applicant did submit a time extension until August 15, 2010.

Motion: Supervisor Brown made a motion to accept the time extension for Highland Park Preliminary Plan until August 15, 2010. **Seconded** by Chairman Lerew. Supervisor Decker discussed the one-way into the development and questioned if there could be an emergency exit. Engineer Knoebel stated that there is something on the plan as long as PennDOT allows it. The site distance was discussed along with the issues with the drainage. There is an easement for the water line and it was questioned if the applicant could connect with the Twin Hills development. Engineer Knoebel stated that the access would be boulevard. The traffic study has been approved and has been submitted to PennDOT. The motion carried.

REPORTS

Engineer

1. Dry Hydrants

Engineer Knoebel stated that he has nothing to add to the dry hydrants except the meeting regarding the greenhouse properties which still needs to be done.

2. Tuckahoe Road

Engineer Knoebel discussed the work done at the end of Tuckahoe Road by the Boy Scouts and that it is completed. The road was graded and seal coated.

Solicitor

Solicitor MacNeal indicated that she has nothing to report at this time.

Supervisor Campbell asked about the update from Monday and Engineer Knoebel noted this has not happened yet.

Building Permit & Zoning Officer

Mr. Fahey was not available at this time and his report will be done later in the meeting.

Supervisor Brown stated at this time that he needs to leave at 9:00 p.m. and gave the following public comment. NYCSI is closing down operations. They had received a grant from DCED and they said they did not comply and money needs to be returned. The NYCSI Board decided to shut down the corporation and there will be no summer programs.

Road master

Vice Chairman Shambaugh stated that the Road master's Report had been submitted. Correspondence had been received from PennDOT indicating a payment of \$3,636.57 for the Township's severe winter adjustment and is not to be confused with the annual contract payment for the 2010/2011 winter season.

Parks & Recreation

Chairman Lerew noted that he had called Bill Cressler from the Soccer Club to get an update on the soccer field. It was noted that this project will be done before the fall and is not costing the Township any money. The Soccer Club is footing the bill.

OLD BUSINESS

1. Roof Painting Quotes

Vice Chairman Shambaugh stated that he has requested 3 more quotes but they have not been received yet. This will be discussed at next month's meeting.

2. Burning Ordinance

It was noted that this ordinance needs some adjustments and this will be discussed at next month's meeting.

NEW BUSINESS

1. Comcast, Township Cable Channel Update

Information had been received from Comcast to update the Township's cable channel. It was noted that the current equipment is approximately 25 years old. It could be fixed but it would be expensive. Comcast representatives inspected the equipment and suggested doing what Dillsburg Borough has done. The Township would need a converter which would cost around \$50.00. Comcast is donating a computer for this use and then the Township would use Microsoft PowerPoint or the presentation software from Open Office which is free. A Comcast technician will be doing the installation and training.

Motion: Supervisor Campbell made a motion to authorize up to \$100.00 for the equipment and work with Comcast to update the cable channel. **Seconded** by Supervisor Brown. The motion carried.

Mr. Eichelberger asked if public service videos could be placed on the cable channel and who would decide what is put on.

CORRESPONDENCE

1. York Springs Fire Co. No. 1

Supervisor Decker addressed the correspondence from the York Springs Fire Co. No. 1 regarding authorization for a letter to York County. It was noted that this is for portable radios for the use on the York County radio system. It was suggested that the Township write a letter of support that York County complies with the request.

Motion: Supervisor Campbell made a motion to write the letter to York County supporting the portable radios. **Seconded** by Chairman Lerew. The motion carried.

PUBLIC COMMENT

1 Franklinton Fundraiser

Supervisor Brown noted that that Franklinton Fire Company will be holding a fundraiser for Michelle Shultz from the NYCSI to help with an upcoming operation. This will be a fundraiser dance to be held on June 26.

REPORT

Building Permit & Zoning Officer

Mr. Fahey gave his report at this time. With regards to 430 Franklin Church Road he did have a discussion with the neighbors and their UCC concerns. The building was done pre-zoning and was not for commercial purposes and is there proof it is a business. There will be a meeting this Friday with the neighbors and Bob Shelly. The fire stop is a concern as the distance between the 2 structures is less than 10'. There was discussion regarding the retaining wall and Mr. Fahey stated it was there after 2007. Supervisor Campbell noted it was in 2008. Also discussed with the change of occupancy with the UCC. It was suggested to let the owner be made aware of the violations and have a time frame to correct them. Solicitor MacNeal informed Mr. Fahey to get all of the documentation to review, call Mr. Keefer to do a site inspection and to be moving on this on Friday. DEP will also be contacted. It was noted that Mr. Keefer's sign has been lowered and the lights have been taken off.

Mr. Fahey discussed his time sheet with the Supervisors. It was suggested that he could eliminate the 2 columns related to the type of building/zoning and the permit issued.

Mr. Fahey noted that Mr. Rowbottom was in regarding his building permits. It was questioned why is he issuing a permit if it is out of compliance and Mr. Fahey indicated that he needs to finish the work.

EXECUTIVE SESSION

The Board of Supervisors when into Executive Session at 9:49 p.m. to discuss a personnel matter with no action to be taken.

Supervisor Decker indicated that Mr. Hoffman is still having work done when the YCCD had order a cease and desist order. It was noted that this is when Hempt Bros. is doing the work on Route 15. It was suggested to call the NYRPD and have them check on this.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary