

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
October 9, 2013**

ROLL CALL

Present were Supervisors, Donald Lerew, John Shambaugh, John Holder, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, and Secretary Nancy Zentmeyer. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA. Guests and visitors are on the attached sign-in sheet. The meeting was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND PRAYER

Chairman Lerew led the Pledge of Allegiance and Supervisor Holder gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Workshop Meeting – August 27, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the August 27, 2013 workshop minutes. **Seconded** by Supervisor Decker. Supervisor Decker noted that there were a few minor changes, nothing major. The motion carried.

2. Board of Supervisors Regular Meeting – September 11, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the September 11, 2013 regular meeting minutes. **Seconded** by Supervisor Decker. Supervisor Decker **noted** that there were a few minor changes. The motion carried.

PUBLIC COMMENT

1. Jerry Stahlman, Merit Properties Subdivision Plan

Mr. Stahlman gave the Supervisors an update on the Merit Properties. Probe tests have been scheduled for October 17 and then there will be perc tests. There is one system proposed for each lot. The construction bids received were unreasonable. It was noted that at the November meeting the time line will be re-visited.

2. Brian Fahey, Capitol Hill Road

Mr. Fahey stated that at the last workshop meeting there was a statement made about him regarding the Osman property with regards to a violation of oath of office and a conflict of interest with not issuing a permit for the fence because it was 4” too high. A letter was written to Mr. Osman and Mr. Fahey noted that he did do his **job** and wants that statement retracted that he did not do his job.

3. Mike Ryan, Lost Hollow Road

Mr. Ryan was here again to address the issue of the fence between his property and his neighbor. A complaint was made on May 20, 2012. It has been 1 year, 100 days and the issue is still not in compliance but a permit has been issued. Solicitor MacNeal noted that this was dealt with through Mr. Fahey and that a notice of violation was issued to the Osman’s on May 29, 2012. The hand painted sign on the fence was done by Osman’s and is facing the Ryan property. The Supervisors were advised by Mr. Fahey that the issue was resolved. It was noted that no permit was issued but an application was received by the township on June 18,

2012. There was no approval or denial given of the application. Mr. Picarelli, the current zoning officer, was contacted and he did a site inspection with a permit then being issued with standards conditions. Mr. Ryan stated that it is still not in compliance. Mr. Fahey stated that he did a report and the fence was over 6' in height.

4. David Young, South Mountain Road

Mr. Young started to question the property of Roger Davis and the Writ of Certiorari that was received from the Prothonotary's Office. Solicitor MacNeal stated to Mr. Young that he needs to seek legal advice. There was discussion on the appeal and for the cost of the transcript. It was noted that the appellant pays the cost. Mr. Fahey noted that with the zoning it is a 50/50 split. It was questioned which attorney Mr. Young should be working with.

5. Ron Miller, Capitol Hill Road

Mr. Miller again questioned when the reimbursement for Celebration Church will be sent. The Treasurer was given the information from Mr. Miller and issued the check for signing this evening.

APPROVAL AND PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to approve the payment of the bills as listed. The Treasurer stated that there is a check in the amount of \$173,000.00 for the fire truck settlement which is not on the list. Vice Chairman Shambaugh amended his motion to include the check for the fire truck and the check for the Celebration Church's reimbursement. **Seconded** by Supervisor Holder. Supervisor Decker stated that Mr. Beneventano's check is very high and the Supervisors need to have a discussion and meet with the Zoning Hearing Board as this is an ongoing issue. The motion carried.

TREASURER'S REPORT

Motion: Vice Chairman Shambaugh made a motion to approve the Treasurer's report. **Seconded** by Chairman Lerew. It was noted that the stone bill for the playground, \$6,000.00 came out of the General Fund and it is noted that it should come out of the Rt. 15 fund. The motion carried.

ORGANIZATION REPORTS

Police – A report was received.

Fire – Franklinton Fire Company noted that there were 27 calls during the month of September with 7 being in the township. The new fire engine will be delivered tomorrow evening around 6:00 p.m. Training classes will be done at a later date. It was questioned about the insurance on the fire engine and it was noted that the township has a copy of the insurance card. Vice Chairman Shambaugh is authorized to sign the documents for the PEMA loan settlement on Friday morning.

Citizens Hose Co. #1 submitted a report.

EMS – A report was submitted.

DAA –The minutes were received.

Emergency Management – It was noted that the emergency operations plan is needed by the end of the month and the hazard mitigation plan will be needed soon. It was noted that Laurin Fleming should be contacted regarding these items.

NYCRCP Transportation – Vice Chairman Shambaugh reported that there was a meeting held on October 4 with discussion on the status of the 2013/2016 TIP project such as 1/10 mile markers and adaptive traffic control system. The next meeting will be in February 2014.

SUBDIVISION AND LAND DEVELOPMENT

It was noted that there are no plans before the Board tonight that need action. The Merit Properties plan may have to be re-submitted to the Planning Commission before coming back to the Board of Supervisors.

1. Ron Miller, Remcon Land Development Plan

Mr. Miller noted that he has recently received approval on his land development plan and has received the NPDES Permit but he had comments on the overbilling. As noted in KPI’s comment letter dated September 10, 2013, on the plan there are recreation fees of \$5,800.00 and road improvement fees of \$6,050.00. This was a condition of approval on the plan. Mr. Miller noted that he will do the road improvement work but he needs directive and is requesting relief from the recreation fee. Mr. Miller noted that he has also received another bill in the amount of \$656. Engineer Knoebel stated that this was for work in reviewing the bond estimate, comments to his engineer, wrote letters, and reviewed the cost estimate for the road improvement.

2. Stormwater Management

Supervisor Decker stated that the water infiltration pit details that were discussed last month should be given to the residents so they can have a choice on the type of system to install. Mr. Walker who recently built a home in the township noted that they paid \$30,000.00 extra for the type of system they put in.

Supervisor Decker noted that the MS4 meeting she attended in Dover was not what she expected. The County did not have answers to many of the questions asked. In going with the County for the Chesapeake Bay Plan, even though the township may not be a part of it, the township helps pay for it and will receive credits. The project may be in another part of the County. It was stated that municipalities can back out, but is there a deadline to get out. DEP would give \$50,000.00 to \$100,000.00 for a project but then grants would also come into play.

REPORTS

Engineer

1. Franklin Glen Stormwater Detention Basin

Engineer Knoebel noted on September 23, 2013 the contractor was on site to complete the repairs to the stormwater basin. KPI did a site visit to verify the work as follows:

- The contractor excavated the area around the outlet structure. The material being removed appeared to be topsoil.
- It was observed that the inlet and outfall pipe sections as originally installed were not grouted in place.
- The contractor cleaned and grouted the connections of the inlet and outfall pipes to the outlet structure.
- Embankment material was replaced with a clay type soil which was brought to the site by the contractor.
- The disturbed areas were seeded and mulched.

It was advised to maintain the seeded/mulched area until permanent stabilization has occurred.

Zoning Officer

A copy of the zoning officer’s report had been submitted.

Solicitor

1. Set Date for Workshop Meeting

Solicitor MacNeal noted that the Supervisors could adopt the issues that have been worked on and they could come back to the sign section of the ordinance later. It was suggested to wait until the budget meetings are over but that Solicitor MacNeal put together what she has so far. A date will be discussed at the November meeting.

2. Policy to Govern Public Comment at Meetings

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 2013 – 6 governing public comments and conduit at the Supervisors’ meetings. **Seconded** by Chairman Lerew. Supervisor Decker stated that she has a concern with Section 6.c. It was noted that the Chairman would determine this. Mr. Ryan asked about the penalties. The motion carried with Supervisor Decker opposing.

3. Complaint

A complaint had been received regarding the property at 1582 Baltimore Road with an outdoor light shining onto the adjoining property. It was noted that the light has been installed for a least 5 years. This issue is considered resolved.

4. Mr. Daniel Albert, Barrens Church Road

It was noted that the BCO did issue a cease and desist order but Mr. Albert is still occupying the residence and does not have a stormwater management plan in place or a certificate of occupancy. Solicitor MacNeal stated that direction is needed on this issue to bring it into compliance. Solicitor MacNeal is to send a letter to Mr. Albert on the ramifications. Engineer Knoebel noted that there is an approved stormwater management plan. Supervisor Decker noted that homeowners need to be given a choice with the possibility of installing an infiltration pit. It was suggested to contact KPI before the stormwater management is installed. There was a deadline given of before the next regular meeting and that it should be in writing from Mr. Albert.

5. Twin Hills

Supervisor Decker questioned the Twin Hills development with regards to the non-conforming replacement of a shed at 13 Furman Drive. The shed is on the property line with the recreation area. Solicitor MacNeal will talk to the zoning officer.

6. Executive Session

An executive session is needed to discuss pending litigation.

BCO

1. Appointment of Kim Shoffner as BCO

Motion: Vice Chairman Shambaugh made a motion to appoint Ms. Shoffner as the township’s BCO. **Seconded** by Chairman Lerew. The motion carried.

Road master

A report was submitted by the roadmaster.

1. Equipment Purchase of 2014 Wheel Loader

There was discussion on the purchasing of a wheel loader with the model of a 2014 Case 621F ZBAR being the lowest price received from all the quotes at a cost of \$106,995.00. This is less than \$1,000.00 from the previous quote received. The CAT model is 2,000 lbs. heavier and has more horsepower.

Motion: Vice Chairman Shambaugh made a motion to purchase the 2014 Case 621F ZBAR Wheel Loader at a cost of \$106,995.00. **Seconded** by Chairman Lerew. The motion carried. There was discussion on selling the old wheel loader at Wolf's Auction on November 1, 2013. There would be a fee of 6% - 8%.

Park & Recreation

1. Twin Hills Survey

The Park & Recreation Board walked the Twin Hills park with Todd Lyons to review where the stakes were placed. There are properties where sheds and fences are on the recreation land. There will need to be agreements signed with the property owners that if the sheds or fences are removed and replaced that they will be on the property owner's land and not in the recreation area.

2. Ponderosa Park

The walking path and the path near the restrooms were blacktopped at Ponderosa Park.

3. General Discussion

With the soccer tournament coming up it was noted that they need to supply trash cans. There was a complaint about the trash left behind at last year's tournament. They will be notified that trash cans are needed.

Supervisor Decker noted special recognition to Todd Lyons for the work he did at Twin Hills.

Vice Chairman Shambaugh noted with the Twin Hills survey and the signed agreements but what about the liability. It was noted that this would be handled in the agreement.

It was noted that there are people going to the Century Lane Park late at night.

OLD BUSINESS

1. Request for Speed Limit Sign in Franklinton Condo Association Development

A call was received from Franklinton Borough informing the township that they are installing 25 mph signs in the development but there is a small section of Glenview Drive, off of Route 194, going into the development that **that belongs to the** township. The borough is requesting that the township place 25 mph signs on that section of road. Since this is dealing with traffic an ordinance will need to be adopted.

NEW BUSINESS

1. Set Date for Trick or Treat Night

It was noted that the surrounding municipalities were contacted and they have scheduled October 31.

Motion: Chairman Lerew made a motion to schedule Trick or Treat Night for October, 31, 2013. **Seconded** by Vice Chairman Shambaugh. The motion carried with Supervisor Decker abstaining.

CORRESPONDENCE

There was no correspondence to discuss.

PUBLIC COMMENT

Mr. Ryan asked about the next workshop.

EXECUTIVE SESSION

The Board of Supervisors went into executive session at 9:20 p.m.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary