

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
November 13, 2013**

ROLL CALL

Present were Supervisors, Donald Lerew, John Shambaugh, Edward Campbell, John Holder, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Zoning Officer Dominic Picarelli, 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 7:02 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 Budget Meeting – October 3, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the October 3, 2013 budget minutes. **Seconded** by Supervisor Campbell. Supervisor Decker noted minor changes on pages 2 & 3. The motion carried.

2. Board of Supervisors Regular Meeting – October 9, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the October 9, 2013 regular meeting minutes. **Seconded** by Supervisor Decker. Supervisor Decker noted that there were a few minor changes. The motion carried.

3. Board of Supervisors Budget Meeting – October 24, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the October 24, 2013 budget meeting minutes. **Seconded** by Supervisor Campbell. Supervisor Decker stated that under the motions it needs to be stated who made and seconded the motions along with the vote. The motion carried.

4. Board of Supervisors Budget Meeting – October 31, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the October 31, 2013 budget meeting minutes. **Seconded** by Supervisor Campbell. Supervisor Decker noted a few changes to the fourth paragraph regarding the Ponderosa Park sign. The motion carried.

5. Board of Supervisors Budget Meeting – November 7, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the November 7, 2013 budget meeting minutes. **Seconded** by Supervisor Campbell with noting the motion needed a vote. Supervisor Decker also noted a few changes. The motion carried.

Mr. Ryan stated that not everything is put in the minutes. Solicitor MacNeal stated that with the Sunshine Act detailed minutes are not required.

PUBLIC COMMENT

1. Erin Rupp, Franklinton Borough Tax Collector

Ms. Rupp informed the Supervisors that the school board appointed her to finish out the year with collecting the school taxes and that the York County Treasurer's office will be collecting the county and township taxes. Ms. Rupp also noted that she has Mr. Flohr's records to give the township but will retain 2013 until the end of the year. There will be a resolution adopted at the next school board's meeting. If there are any questions they can contact Brenda King at the school district. Solicitor MacNeal noted that with the appointment of the YC Treasurer's office that it should be done by a resolution and she will prepare whatever is needed. Ms. Rupp noted that she can collect the school taxes but the township and county taxes must be collected by a tax collector that is a township resident. It was also noted that a letter of agreement is needed between the township and the county. The YC Treasurer's office needs the township's bank routing number and it was noted that this is ok to give them this information. The township also needs reports either monthly or quarterly.

2. Linda Walker, Lost Hollow Road

Ms. Walker stated that she is having problems with her neighbor Mr. Osman with him putting stones on her property along with a compost pile, illegal dumping, dumping of garbage, and a fence that was knocked down. It was also noted that the Osman's are operating an internet business in their home. The Supervisors noted that this will be checked into.

3. Kevin Leitzel, Clear View Road

Mr. Leitzel questioned the Board on the amount of money spent on the Smith/Beam issue with the Solicitor, KPI and the police. Mr. Leitzel also noted that the township is continuing to allow the police to issue citations. The police have refused to come to the Leitzel's when they call.

APPROVAL AND PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to approve the payment of the bills as listed. **Seconded** by Chairman Lerew. Supervisor Decker questioned the bill for Best Line Equipment and it was noted that it was for excavating. The checks for the fire companies were split 45/55 but it was noted that with the Fire Relief it is a split of 75/25. The checks will be re-issued. Supervisor Decker also questioned under the Recreation Fund and it was noted that it is a transfer from the Recreation to the General Fund with regards to the credit card. The motion carried.

TREASURER'S REPORT

Mrs. Shoffner informed the Supervisors that there is a release of escrow funds for Control Systems 21 as the project is complete and this for the inspection of the grass strip. The amount is \$6,000.00+ and therefore Solicitor MacNeal noted that action is needed.

Motion: Vice Chairman Shambaugh made a motion to approve the Treasurer's report. **Seconded** by Chairman Lerew. The motion carried.

ORGANIZATION REPORTS

Police – A report was received. Supervisor Campbell noted that the calls from 2012 to 2013 are close in number. There were a few incidents in the township.

Fire – Franklinton Fire Company noted that there were 8 calls during the month of October in the township. There is going to be pump training this weekend at Camp Tuckahoe and on Sunday there will be training at the school. December 10 there will be class room work and December 21 there will also be training. There was discussion on fire department members getting CDL licenses. It was noted that this is not a requirement in order to drive a fire engine. By February or March the new engine should be in service. December 8 there will be a turkey dinner held at the fire station.

Citizens Hose Co. #1 submitted a report.

EMS – A report was submitted.

DAA –The minutes were received. It was noted in Sherwood Forest one of the pumps appears to be failing and there is a small leak in the distribution system. This is related to the water system.

Emergency Management – Mr. Fleming noted with the EMS boxes he had spoken with Traci Cook and has the same recommendation. It was also noted that the emergency operations plan is being worked on and that Mr. Fleming has been in contact with the County.

NYCRCP Transportation – Vice Chairman Shambaugh reported that there is a meeting scheduled for December 17 beginning at 1:00 p.m. at the Carroll Township building with the municipalities and PennDOT. PennDOT is working on putting maps together on the jug handles. Chief Whitzel asked if they would still consider the cul-de-sacs and gates with the limited access that was suggested before. It was noted that the closures are not a priority at this time.

SUBDIVISION AND LAND DEVELOPMENT

1. Merit Property Parcel 24B Final Subdivision Plan, File #2013-06-10, Time Extension & On-Lot Septic Module

The time extension is needed for the DEP review period. The time extension has been granted until January 10, 2014. The approved module also needs to be sent to DEP.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension until January 10, 2014. **Seconded** by Chairman Lerew. Supervisor Decker noted that this date is too close to the Supervisors meeting. An additional week should be given. **Motion:** Vice Chairman Shambaugh amended his motion to amend the time extension date to January 17, 2014. **Seconded** by Chairman Lerew. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to approve the planning module for the Merit Property plan. **Seconded** by Supervisor Holder. It was noted that all of the necessary signatures are on the form. The motion carried.

Solicitor MacNeal stated that she was contacted by the owner with regards to the township recreational land and that they are still interested in conveying that with the lot. There was discussion on the township being paid the appraised value with the monies going to the Recreation Board. Solicitor MacNeal has drawn up a draft agreement. There was discussion on who would reimburse the township with the legal expenses. It was also noted that landlocked property is not allowed in Pennsylvania. It was noted that the Recreation Board should consider this. It was suggested that the township choose the appraiser.

2. William & Linda Baker Final Subdivision Plan, File #2013-10-01 & Non-Building Waiver

A revised plan was submitted after the Planning Commission made their recommendation. There is a waiver of the road improvement requirements as there will be no new building being proposed. It was suggested to start adding as a standard condition on plans that all fees to the township must be paid before recording.

Motion: Vice Chairman Shambaugh made a motion to approve the non-building waiver. **Seconded** by Supervisor Decker. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to table the William & Linda Baker final subdivision plan. **Seconded** by Supervisor Decker. The motion carried.

REPORTS

Engineer

1. Subdivision & Land Development Plan, Fee Schedule

Solicitor MacNeal noted that the Board had talked about the escrow and inspection fees to be paid up front. This was reviewed by Solicitor MacNeal and noted that this is for 3 different types of plans – sketch, preliminary and final. It was noted that it is rare that a sketch plan is submitted for review, but there could be a small non-refundable fee for sketch plans. Mobile homes should be treated as a subdivision. It was noted that once the fees become low the applicant would refresh the account according to the engineer's estimate. If the Supervisors want to go in this direction this fee scheduled could be incorporated with the current fee schedule that is adopted every year at the reorganization meeting. It was noted that the Treasurer has some issues with getting the invoices paid. It was suggested to collect more escrow fee up front than paying for additional review fees later. It was noted that escrows are addressed in the MPC. Sketch plan are informal and no fee should be charged unless the applicant asks for a review.

Mr. Ron Miller questioned the escrow accounts and that there are no checks and balances on the review fees. Mr. Miller noted that he has 71 hours in review fees that are approximately \$5,000.00. Mr. Miller stated that he would like to go to arbitration.

2. Standard Design for Small Scale Stormwater Management Plans

There was discussion on the stormwater management plans and that it was forced on the municipalities and the ordinance there is no provisions for small lots. It is a state law that only a professional engineer can do a SWM plan. Mr. Daniel Albert discussed his SWM and his neighbor's which are exactly the same and were designed by the same engineer and yet the review fees were the same for both plans. Solicitor MacNeal noted that she received an email from Engineer Knoebel regarding SWM with regards to older residential subdivision plans and in the future to have the developer design a minimum SWM plan for the lots which may resolve some of the problems.

This will be discussed with Engineer Knoebel at the December meeting.

3. Rocor Holding, Control Systems 21 Escrow Release

Solicitor MacNeal noted with the release of the escrow funds for Control Systems 21 that there was a lot consolidation deed because of the change in the lot line. The plan was recorded with the promise of the deed being recorded shortly after the plan was recorded. There have been problems with the owner's attorney regarding the deeds and the township has never received the recording information. It was noted to hold the

check until the deed information is received. Solicitor MacNeal will be corresponding with the applicant's attorney.

Zoning Officer

A copy of the zoning officer's report had been submitted. There were a couple of questions regarding KPI's bill in regards to a Hickory Road sketch under general engineering. This may pertain to the road closure and property lines.

Solicitor

1. Set Date for Workshop Meeting & Zoning Ordinance Amendment

Solicitor MacNeal noted that all of the changes to the zoning that have been discussed at the workshop meetings so far have been put in a draft ordinance. It was noted that these will be reviewed and discussed at the next workshop meeting and then be sent to the Planning Commission before coming back to the Supervisors.

There was discussion regarding the Supervisors meeting with the Zoning Hearing Board members. It was noted that the Supervisors will meet with the ZHB on their regular meeting date of November 18, 2013 at 7:00 p.m.

The next workshop meeting will be held on December 5, 2013 beginning at 7:00 p.m.

2. Authorize Advertisement of Ordinance for Speed Signs on Glenview Drive

It was noted that action is needed to advertise the ordinance for the placement of speed signs on Glenview Drive.

Motion: Vice Chairman Shambaugh made a motion to authorize the advertisement for adoption of the ordinance to place speed limit signs on Glenview Drive. **Seconded** by Chairman Lerew. The motion carried.

3. Mr. Daniel Albert, Barrens Church Road

It was noted that Mr. Albert is occupying his home without a certificate of occupancy and the stormwater management plan being installed. Mr. Albert had been sent letters indicating this. Supervisor Holder suggested that the Supervisors wait on this action until the stormwater management issue under the engineer's report can be discussed.

Motion: Supervisor Campbell made a motion to defer any action on this issue until the next meeting. **Seconded** by Supervisor Holder. The motion carried with Vice Chairman Shambaugh opposing.

4. Tax Resolution

Solicitor MacNeal had provided the Supervisors with the proposed tax resolution to review and this will be considered for the next meeting.

5. Twin Hills Recreation Area

Solicitor MacNeal noted that she was contacted by Mr. Gingrich to attend the November Park & Recreation Board meeting regarding the encroachment at the Twin Hills recreation area, but needs authorization from the Supervisors to attend the meeting. It was suggested that the Park & Recreation Board should meet with the residents first. Supervisor Decker noted that a shed was built and then a permit to rebuild in that area before the non-conforming use was registered.

6. Executive Session

An executive session is needed to discuss pending litigation.

BCO

A report had been submitted. Mrs. Shoffner reported that she went through the Labor & Industry audit with Bob Shelly and they inspected 3 properties.

Road master

A report was submitted by the roadmaster. It was noted that the loader did not sell at the auction in York Springs so it will be used as a trade-in.

Park & Recreation

There was nothing to report at this time.

OLD BUSINESS

1. Burning Ordinance

The burning ordinance was discussed because of an issue that was brought before the Supervisors regarding the burning within 50' of a property line on County Line Road. After a brief discussion it was decided to keep it as is.

2. Fire Truck Account

Mrs. Shoffner noted that there is \$5.29 in the account and she was wondering if this could be closed out. It was suggested that she contact Jennifer Caron, Esq. at Eckert Seamans first to get her determination and if it is not needed to then close the account.

NEW BUSINESS

1. Citizens Hose Co. #1, Ladder Truck Contribution

It was noted that this was discussed at the budget meeting of either giving \$20,000.00 or \$50,000.00. It was noted that this would come out of the surplus. Discussion ensued.

Motion: Supervisor Decker made a motion to give a contribution of \$20,000.00 to Citizens Hose for the ladder truck. **Seconded** by Chairman Lerew. The motion carried with Vice Chairman Shambaugh opposing.

2. Fire Proof Filing Cabinet

The purchase of a fire proof filing cabinet was discussed. It was decided to check into this and try to find a used one.

3. Nuisance Ordinance

There was discussion on this ordinance with regards to the actions being taken over the last year and was reviewed by the police department. Supervisor Campbell suggested evaluating and rescinding this portion of the ordinance.

It was noted that this was dealt with as a civil issue. This has become more of a problem.

CORRESPONDENCE

There was no correspondence to discuss.

PUBLIC COMMENT

1. Mike Ryan

Mr. Ryan brought up the issue with the fence height. It was noted that the zoning officer did visit the site and measured the height to be 6'. The Supervisors asked the zoning officer to go out again and re-measure.

2. Kevin Leitzel

Mr. Leitzel told the Supervisors that they do not know the ordinances or what they say and then proceeded to read them the definition of "hearsay".

EXECUTIVE SESSION

The Board of Supervisors went into executive session at 9:57 p.m.

The Board of Supervisors reconvened the meeting at 10:56 p.m.

Motion: Supervisor Decker made a motion to withdraw the UC Appeal. **Seconded** by Supervisor Holder. The motion carried with Vice Chairman Shambaugh and Supervisor Campbell opposing.

1. Treasurer's Bond

Chairman Lerew noted that the treasurer's bond is for \$1,100,000.00 and questioned if the amount should be changed. After a brief discussion it was decided to leave the bond at the same amount and that no action is needed if the amount is to remain the same.

2. Zoning Hearing Board

The issue of the charges being billed for the Zoning Hearing Board meetings was discussed. The treasurer is getting information on all of the charges and the Board of Supervisors will then get a copy. It was noted that this will be discussed with the ZHB members at their meeting to be held on November 18.

ADJOURNMENT

Motion: Supervisor Holder made a motion to adjourn the meeting at 11:05 p.m. **Seconded** by Supervisor Campbell. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary