

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
May 8, 2013**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Edward Campbell, 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.

CONDITIONAL USE HEARING – RICHARD GLADWELL – 6:30 P.M.

The conditional use hearing was called to order at 6:30 p.m. The property had been posted and the hearing was advertised. A memorandum from KPI, Dominic Picarelli, Zoning Officer dated May 7, 2013 was noted as Township Exhibit #1.

Mr. Richard Gladwell, Box 1383, Mechanicsburg, PA and Mr. John Brock, 950 Walnut Bottom Road, Suite 15 Carlisle, PA were sworn-in.

The proposed building will be 2,400 s.f. and will be constructed of metal and used for storage. Mr. Gladwell and Mr. Brock build railroad tracks and the building will house bolts, spikes etc. that is used in their work. There will be electric but no plumbing. Supervisor Decker asked what type of floor will be in the building and it was noted it will be a concrete slab. The building will be located where fill was placed and it was asked if any research has been done on construction on that type of fill and it was so noted. They had no concerns on building on that type of fill. The drainage was questioned and the run-off is where the gravel is, which is an impervious surface and is sized for a 100-year storm and drains to a catch basin then a retention pond. Solicitor MacNeal noted that since this is a commercial building a land development plan will be required and stormwater will be addressed at that time. Engineer Knoebel noted that there are numerous plans for this property and the prior plan will need to be amended to show the changes.

Vice Chairman Shambaugh asked if there is track in the building and it was noted there is none but that it is just for storage. Chief Whitzel from Franklintown Fire Company asked if the building was going to be heated and it was noted it will not. There will be no storage of fuel. Mr. Brock noted that he had come to the Township before and was given a building permit for this structure on June 3, 2011 and paid \$244.00 for the permit but did not have to go through a hearing and questioned the reason for this. Mr. Brock noted that they are not adding onto the building just putting it in a different place than what was originally noted.

Mr. Mike Ryan, Lost Hollow Road stated that the State has extended the permits.

Motion: Vice Chairman Shambaugh made a motion to approve the conditional use and that the applicant amend the land development plan. **Seconded** by Chairman Lerew. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to adjourn the hearing at 6:45 p.m. **Seconded** by Supervisor Holder. The motion carried.

The Regular meeting was called to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE AND PRAYER

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

APPROVAL OF MINUTES

1. Board of Supervisors Workshop Meeting – March 21, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of March 21, 2013. **Seconded** by Supervisor Decker. Supervisor Decker noted that under the Hickory & Scotch Pine Road Closure on page 3, paragraph 5 the wording was changed by Solicitor MacNeal and she would like for Supervisor Campbell to approve it before the minutes are approved. This will be done either later in the meeting or at another of the Supervisors meetings. The motion was withdrawn.

2. Board of Supervisors Workshop Meeting – April 4, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of April 4, 2013. **Seconded** by Supervisor Decker. It was noted that there were a few minor changes. The motion carried.

3. Board of Supervisors Regular Meeting – April 10, 2013

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the April 10, 2013. **Seconded** by Chairman Lerew. It was noted that there were a few minor changes. The motion carried.

PUBLIC COMMENT

1. Jennifer Caron, Esq.

a. Review of Bank Proposals for Loan

Ms. Caron reviewed the summary of bank proposals for ACNB and Orrstown Bank for the amount of \$300,000.00. The term for both loans is 120 months. The first 6 months of payments is interest only. The interest rate for ACNB is 2.796% and Orrstown Bank is 2.95%. Bank fees for ACNB is \$1,000.00 whereas for Orrstown Bank it is only \$300.00. There is no prepayment penalty for either bank. Supervisor Decker asked if the maximum principal amount the township could borrow is \$300,000.00 or could it be more with the interest rate being low. It was noted that the PEMA loan has been approved and if the township would change the amount of the loan then the loan process would have to start all over again. DCED still needs to be involved even if the Township did without the PEMA loan with regards to the Debt Act. It was noted that accurate records will need to be kept and both loans are monthly payments. The banks do have automatic withdraw available.

Motion: Supervisor Campbell made a motion to accept the proposal from ACNB. **Seconded** by Chairman Lerew. The motion carried.

b. Enactment of PEMA & Bank Loan Ordinances

Ms. Caron noted that the bank ordinance is to authorize issuance of the \$300,000.00 for the fire truck. This is accepting the proposal and awarding to ACNB as defined in the Debt Act and that there will be no other tax exempt debt for 2013.

Motion: Supervisor Campbell made a motion to enact Ordinance No. 2013-1 for the \$300,000.00 for the fire truck debt. **Seconded** by Vice Chairman Shambaugh.

Motion: Supervisor Campbell made a motion to amend with information from ACNB terms Sections 4, 5, 6 and 23 and any other section of the ordinance to make consistent with reference of the loan. **Seconded** by Vice Chairman Shambaugh. The motion carried.

Motion: Supervisor Campbell made a motion to adopt as amended Ordinance No. 2013-1. **Seconded** by Vice Chairman Shambaugh. The motion carried with a roll call vote.

Ms. Caron noted that the next ordinance is the PEMA ordinance for the \$160,000.00 debt of the Township. Section 6 is for the payment to be made to KME and not through the Township. A project account will be set up. Schedule A shows the debt service schedule.

Motion: Supervisor Campbell made a motion to enact Ordinance No. 2013-2 for the PEMA loan of \$160,000.00. **Seconded** by Vice Chairman Shambaugh.

Motion: Supervisor Campbell made a motion to adopt and amend Section 6 for ACNB as the authorized agent and any other updates. **Seconded** by Vice Chairman Shambaugh. The motion carried.

c. Adoption of Reimbursement Resolution

Ms. Caron noted that this resolution is to reimburse itself for expenditures and is for a 60-day look back period. The closing with the bank will be in June for the tax exempt loan.

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 2013-4. **Seconded** by Supervisor Campbell. Supervisor Decker noted on page 2 it does not include the PEMA loan. It was noted that the PEMA loan is not tax exempt. The motion carried.

d. Adoption of Tax Exempt Written Policies & Procedures

Ms. Caron noted that with the closing with the bank there is an IRS form (#8038G) which needs to be completed and is required under the law.

Motion: Vice Chairman Shambaugh made a motion to adopt the tax exempt written policies and procedures as presented. **Seconded** by Supervisor Campbell. The motion carried.

Ms. Caron presented an engagement letter from Eckert Seamans in the amount of \$16,500.00 which is a flat fee for their services with the bank and PEMA loans and is payable at closing on the bank loan. This does not include the advertisements and the filings.

e. Signing of DCED Documents

At 7:50 p.m. a 5 minute break was taken in order to sign all of the documents.

2. John Haines, Barrens Church Road

Mr. Haines stated that he has recently constructed a new home on Barrens Church Road and all of the inspections have been completed. The stormwater is 95% complete but he is requesting a certificate of occupancy in order to take to his bank. Engineer Knoebel stated that there is only minor work to be completed. After discussion it was noted that the Township could grant a temporary certificate of occupancy and add a time frame for the work to be completed.

Motion: Vice Chairman Shambaugh made a motion to grant a certificate of occupancy and place a condition that the work is to be completed within 30-days. **Seconded** by Chairman Lerew. This is related to the grading and stormwater management that needs to be completed.

The motion carried. It was noted that the Township will be checking in 30-days.

APPROVAL AND PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to approve the payment of the bills as listed. There was discussion on the amounts on the donations for the fire companies and Supervisor Decker noted that Citizens Hose should be \$10,125.00 and Franklinton should be \$12,375.00. The Morret bill needs to be broken out. **Seconded** by Supervisor Campbell. The motion carried.

TREASURER'S REPORT

Motion: Vice Chairman Shambaugh made a motion to approve the Treasurer's reports. Mrs. Shoffner noted that the CD is no more as the money has been placed in the money management account. The Liquid Fuels audit for 2010, 2011 and 2012 has been completed and it is noted that the canceled checks were not available so Mrs. Shoffner will be printing them out from the bank statements so this will not happen again. **Seconded** by Supervisor Campbell. The motion carried.

ORGANIZATION REPORTS

Police – Supervisor Campbell noted that there are no updates at this time.

Fire – Chief Whitzel from Franklinton Fire Company gave his report with 13 calls in the Township of the month of April.

There was a report from Citizens Hose Company #1.

EMS – A report was submitted.

DAA –The minutes were received.

Emergency Management – There was thanks given for the closet that was built.

NYCRCP Transportation – It was noted that there is a meeting coming up on May 22 beginning at 10:00 a.m. at the Carroll Township Municipal Building.

Supervisor Campbell noted that the police last year had a National Night Out in Dover and there will be another one this year and he will give the date when it becomes available.

MINUTES

Board of Supervisors Workshop Meeting – March 21, 2013

Solicitor MacNeal noted that regarding the workshop minutes there were questions from herself and Supervisor Decker as to the wording of the motion. Solicitor MacNeal noted that the motion should read “Supervisor Campbell made a motion to send a Resolution to PennDOT that the township would continue to own the roads after the intersection closures and to have cul-de-sacs installed and gates to support fire emergency services/vehicles with the township's ability to control access of other uses.” Supervisor Campbell agreed with the wording.

Motion: Vice Chairman Shambaugh made a motion to approve the March 21, 2013 minutes with the correction of the motion. **Seconded** by Chairman Lerew. The motion carried.

SUBDIVISION AND LAND DEVELOPMENT

1. Foxwood Estates Letter of Credit No. 606-604

Engineer Knoebel noted that this was discussed last month and an inspection was done a year ago. Lot 19 has the detention pond and the work has been completed and YCCD is satisfied. The roadmaster has no outstanding issues.

Motion: Supervisor Campbell made a motion to accept the expiration of the Letter of Credit for Foxwood Estates and the Township can consider this closed. **Seconded** by Chairman Lerew. The motion carried.

2. Remcon, Inc. Final Land Development Plan, File #2013-02-11 – Time Extension

Engineer Knoebel noted that this plan was reviewed by the Planning Commission and it was recommended for approval but with the meeting schedule and number of comments they could not get the plan to the Supervisors in time for this meeting, therefore a time extension was granted.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension for Remcon, Inc. until July 11, 2013. **Seconded** by Chairman Lerew. The motion carried.

REPORTS

Engineer

1. Stormwater Management Ordinance & Fee Schedule Resolution

It was noted that the stormwater management ordinance was sent to the YCPC for their review and they found it to be acceptable and consistent with Act 167.

Motion: Supervisor Campbell made a motion to adopt the Stormwater Management Ordinance No. 2013-3. **Seconded** by Vice Chairman Shambaugh. Supervisor Decker noted that with the model ordinance under Section 805, Penalties she would like to see this changed from criminal procedure to civil procedure. It was noted that under the Second Class Township Code it divides the types of enforcement. With health, safety and welfare a criminal offense requires a burden of proof and therefore it gives the citizens a break. This is a summary offense and not a misdemeanor. The District Justice sets the fines. The motion carried with Supervisor Decker opposing as she does not agree with the ordinance mandate as it takes away our freedom.

Engineer Knoebel reviewed the fee schedule for the stormwater management ordinance. It was noted on page 2 of the proposed resolution (1) should read non-refundable instead of non-reimbursable.

Motion: Vice Chairman Shambaugh made a motion to adopt Resolution No. 2013-5 for the fees related to the stormwater management ordinance as amended. **Seconded** by Supervisor Campbell. Engineer Knoebel noted that the fees are based on the averages that happen with other municipalities. Formal stormwater management is usually done with stormwater management plans. The motion carried with Supervisor Decker opposing. Solicitor MacNeal noted that Engineer Knoebel should discuss this with Mrs. Shoffner, the Township Treasurer.

2. Lake Lea Update

Engineer Knoebel noted that the report has been completed on the Lake Lea survey with the square mile drainage area. There are options on what can be done to correct this problem. It was suggested that this be discussed at the Supervisors workshop meeting of May 16.

3. Franklin Glen

There was discussion regarding the stormwater detention pond. Letters have been sent to the President of the Franklin Glen Homeowners' Association. It was noted that this work needs to be done. The contractor did talk with Engineer Knoebel on what needs to be done. Solicitor MacNeal noted that she has not received any calls from the President of the Homeowners' Association regarding this situation. Under the Homeowners' documents the Township can do the work and then charge and lien the property owners. An enforcement proceeding could also be done. This is under an older ordinance and Solicitor MacNeal will review that ordinance. The downstream property owners are aware of this problem. This is a liability issue and the township could lien all of the property owners. The township secretary was directed to send a form letter to the tenants and to work with Solicitor MacNeal.

4. Drainage Issue

Vice Chairman Shambaugh stated that there is a problem at Mrs. Detter's where there is a levee that is not working properly on the properties behind Union Church Road. It was noted that it is on property owned by Cunningham and there is a drainage easement. Engineer Knoebel will look into this.

Zoning Officer

1. Collection of Fees

There was discussion on who is collecting the zoning fees. It was noted that these fees need to be collected up front and the applicant should be paying the township. It was noted that invoices need to be sent to who has not paid. Solicitor MacNeal noted that with conditional use hearings the Board needs to give direction to have the zoning officer present.

Solicitor

1. Nuisance Ordinance

Solicitor MacNeal noted that there were no changes to the nuisance ordinance after the last workshop. Supervisor Campbell stated that he sent this to the police and they noted that they can work with it. This ordinance needs authorization to advertise.

Motion: Vice Chairman Shambaugh made a motion to authorize the Solicitor to advertise the nuisance ordinance for adoption. **Seconded** by Supervisor Campbell. Mr. Yerger raised questions regarding this ordinance and that the Planning Commission should review and give comments. It was noted that this is an ordinance that the Planning Commission would not consider with their duties on the Commission. Supervisor Decker stated that this will cause more friction than healing with such sections as glare with night lights. It was noted that every situation is different. Section 5 with odors and fumes could cause problems with burning trash, grills etc. The burning ordinance would address those issues and the ordinances would need to work together. Section 7- Sewage and Section 9 – Stormwater were discussed. It was noted that with Section 9 this would deal with existing stormwater. It was noted that this can be revised before advertising. The public can view the proposed ordinance after authorization to advertise is given. Supervisor Campbell stated that this ordinance be advertised and the Supervisors receive feedback. The motion carried with Supervisor Decker opposing.

2. Dangerous Structure Ordinance

It was noted that this ordinance redefines dangerous structures. It was suggested that Bob Shelly get a copy of this ordinance for his review and then discuss this at the next workshop meeting.

BCO

A report by the BCO was submitted.

Road master

A report was submitted by the roadmaster.

1. Authorization to Advertise Bids for Stone, Oil & Seal Coating

It was noted that when the budget was being done there was discussion regarding Liquid Fuels monies and there should be an estimate from the roadmaster. It was questioned if any of the items listed in the reports have to do with the Liquid Fuels. This was not known.

Motion: Supervisor Campbell made a motion to authorize the advertisement for bids. **Seconded** by Chairman Lerew. The motion carried.

2. 2013 Pennsylvania 811 Safety Days

Motion: Vice Chairman Shambaugh made a motion to allow the road crew to attend the PA 811 Safety Days. **Seconded** by Supervisor Campbell. The motion carried.

Park & Recreation

It was noted that there is now running water and the new well has been tested at Ponderosa Park and everything looks good. It was suggested to get this information in writing from DEP. It was also noted that soccer is using the field on Sunday. This should be addressed at the Recreation meeting.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

1. Request for Traffic Study on Clear Spring Road

The township received a call from Representative Regan's office that a resident on Clear Springs Road is requesting a traffic study to reduce the speed limit between Circle Drive and Union Church Road.

There was discussion at a previous meeting regarding doing a traffic study on South Mountain Road to reduce the speed limit near Celebration Church. YCPC was contacted and they will do the study for a cost of \$250.00. The township traffic engineer was also contacted and it was noted that PennDOT will do the study at no cost.

It was noted that a letter be sent to PennDOT requesting these studies be done for the reduction of the speed limit and to also add that a sign be placed by the church indicating caution church entrance ahead.

2. Code Enforcement Officer Position Interviews

It was suggested to schedule interviews on May 23, 2013 beginning at 7:00 p.m. and to schedule them 15 minutes apart. These interviews will be done in an executive session.

CORRESPONDENCE

There was no correspondence to be discussed at this time.

PUBLIC COMMENT

There was no public comment as this time.

ADJOURNMENT

Motion: Supervisor Holder made a motion to adjourn the meeting at 9:40 p.m. **Seconded** by Supervisor Decker. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary