

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
August 13, 2014**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, John Holder, Naomi Decker and David Sprigg. Also present were Solicitor Bret Shaffer, Engineer Fred Heerbrandt, 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.

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/Budget Meeting – January 22, 2014

Motion: Vice Chairman Shambaugh made a motion to approve the meeting minutes of January 22, 2014 as submitted. **Seconded** by Supervisor Holder and Supervisor Decker noted that the minutes were taken from notes and not a tape. The motion carried.

2. Board of Supervisors Regular Meeting – July 9, 2014

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the July 9, 2014 as submitted. **Seconded** by Chairman Lerew. Supervisor Decker noted only minor changes and stated on page 3 under NYCRPD to omit the words “with concern of”. The motion carried.

PUBLIC COMMENT

1. John Westbrook, S. Mountain Road

Mr. Westbrook stated that he is trying to build a house in the township at 1220 S. Mountain Road and the adjacent neighbors are trying to run them out and are using legal ways to harass him. The subcontractors are donating their time to try and help Mr. Westbrook out. A dirt pile was placed on their neighbor’s property during excavation when the foundation was dug. The neighbors’ then had the job site shut down which prevented the Westbrooks from being able to move the dirt pile. The neighbors’ are upset that a modular home is being built. Solicitor Shaffer has received emails from the attorney representing the neighbors. It was noted that since the building permit was issued the home was moved and therefore a revised stormwater management plan was needed to be resubmitted which was done and approved. With the approval of the E&S plan it was noted that dirt can be moved. Mr. Westbrook was requesting what help can the township give him.

APPROVAL AND PAYMENT OF BILLS

Motion: Vice Chairman Shambaugh made a motion to approve the bills. **Seconded** by Chairman Lerew. Supervisor Sprigg noted on the first page of the General Fund the Ace Fix-it-Hardware is the same on the Recreation Fund. This bill is to be pulled. There was discussion on the KPI bills. Vice Chairman Shambaugh amended his motion to include the KPI bills and eliminate the Ace Fix-it-Hardware bill. Supervisor Decker stated that she had pulled the prior invoices and she thinks that there are some duplicates. Vice Chairman Shambaugh withdrew his motion. Supervisor Decker questioned the William Hill bills and stated that they

need to identify the projects for the engineer reimbursement account. **Motion:** Supervisor Holder made a motion to approve the bill list subject to the corrections. **Seconded** by Chairman Lerew. The motion carried.

TREASURER’S REPORT

Motion: Vice Chairman Shambaugh made a motion to accept the Treasurer’s Report. **Seconded** by Supervisor Decker. The motion carried.

1. Set Budget Workshop Meeting

Mrs. Shoffner, Treasurer noted that she is having surgery on November 18 and asked that the Supervisors look at dates for a budget workshop. This will be scheduled at next month’s meeting.

BCO REPORT

A report was submitted of the building permits issued for the month of July.

ZONING OFFICER REPORT

A report was submitted of the zoning activity for the month of July. Zoning Officer Carol Myers noted that Mr. Dale Ross called her today to let her know that a car has been moved. An enforcement notice has been sent for a property at By-Pass and Baltimore Roads regarding junk vehicles. On Whiskey Springs Road there is a dangerous and unsafe structure (barn) but since that ordinance has been repealed no enforcement notice was sent. It was suggested to have Bob Shelly look at it and to have the roadmaster to measure to see if it is in the township’s right-of-way.

ORGANIZATION REPORTS

Police –Supervisor Sprigg noted that he had nothing to report at this time except for a second month in a role calls have been down.

Fire – There was no one to represent Citizens Hose Co. #1.

Chief Whitzel gave a verbal report. There were 34 calls in the township during the month of July. Chief Whitzel will be calling Engineer Heerbrandt regarding dry hydrants and especially on County Line Road. The fire company received the ISO rating. It was noted that the fire company does do medical assist calls, BLS which is non-transport.

EMS – A report was not submitted.

DAA – Minutes were received from the DAA. A pump was replaced in Sherwood Forest.

Emergency Management – Mr. Laurin Fleming was present and reminded the Supervisors of a drill that is being held on September 13 beginning at 8:00 a.m. and should conclude by 12:00 noon. The EOP is ready for review and Mr. Fleming would like to do that at a workshop meeting. The County will also be involved with the exercise. The County is in the position to change their radio frequency and there needs to be coordination.

1. Set Workshop Meeting for EOP Review

It was decided to hold the workshop meeting for August 20, 2014 beginning at 7:00 p.m.

NYCRCP Transportation – Vice Chairman Shambaugh noted that he had nothing to report at this time.

SUBDIVISION AND LAND DEVELOPMENT

1. Lobar Equipment Storage Facility, Preliminary/Final Land Development Plan, File #2014-01-24

It was noted that the E&S Control Plan has been approved. A memorandum from the Township Engineer dated August 12, 2014 was addressed regarding the comments. Comment #6 regarding the recreation fees needs clarification. The applicant and agent are asking for a formal request to table the plan until next month.

Motion: Vice Chairman Shambaugh made a motion to grant the waiver of Section 320 of the SALDO to submit as a Preliminary/Final Plan. **Seconded** by Supervisor Decker. The motion carried.

It was noted that the site is 5.05 acres of disturbance but the new developed area is 2 acres approximately. This is to be considered.

Motion: Vice Chairman Shambaugh made a motion to table the Lobar Equipment Storage Facility, Preliminary/Final Land Development plan. **Seconded** by Supervisor Decker. The motion carried.

2. Verizon Wireless, Preliminary/Final Land Development Plan, File #2014-04-17

The Planning Commission has recommended conditional approval of this plan. All of the technical items have been addressed, the agreements are being reviewed, and the applicant is waiting on the final review letter from YCCD. It was noted that Verizon will be using the existing farm lane. The final submission of the plan is in the mail. It was noted that action is needed to be taken on this plan tonight or submit a time extension.

Motion: Supervisor Holder made a motion to table the Verizon Wireless plan. Vice Chairman Shambaugh stated this motion cannot be made as a time extension is needed.

Motion: Vice Chairman Shambaugh made a motion to grant the waiver of Section 320 of the SALDO to submit a Preliminary/Final Plan. **Seconded** by Chairman Lerew. The motion carried.

Motion: Vice Chairman Shambaugh made a motion to accept the time extension until September 30, 2014. **Seconded** by Chairman Lerew. The motion carried.

3. Highland Park, Release of Letter of Credit

There was a brief discussion on the release of the letter of credit for Highland Park as it is coming up for renewal.

Motion: Vice Chairman Shambaugh made a motion for release of the Letter of Credit for Highland Park. It was noted that the clean-up of the dirt pile by the playground equipment should be done. **Seconded** by Chairman Lerew. The motion carried.

REPORTS

Engineer

1. MS4 Permit

Engineer Heerbrandt stated that a letter was received from EPA regarding the MS4 permit and now he will proceed with the Notice of Intent for the MS4 permit. An administrative order letter was received in 2010 which the previous engineer had responded to.

Solicitor

1. Floodplain Insurance

Solicitor Shaffer noted that he has reviewed this with what is in the zoning ordinance and noted a couple of changes that need to be made. DCED will review the ordinance but the time table for this is the middle of 2015. New maps will need to be established so it will be taken off the agenda until March of 2015.

2. Steep Slope Overlay – Zoning Ordinance

Solicitor Shaffer noted that he has looked into amending this section of the ordinance. It was noted that YCPC had suggested that the steep slope be 25% instead of the 15% the township went with. A workshop meeting should be scheduled, but this should be drafted correctly. Vice Chairman Shambaugh stated that this should be tabled until the language can be changed. 15% would still be the limit of a steep slope, but that it would apply to South Mountain with defining that area. Discussion ensued. Subsection 205.C should be amended regarding construction prohibition as there are residents that live along Chainsaw Road who would like to improve their property but cannot with this subsection. All of the lots are occupied plus it would also help Mr. Paxton who recently was denied his conditional use to construct an accessory use because of the steep slope overlay.

3. Authorize to Advertise Stormwater Management Ordinance

There was discussion on the amendments from the Planning Commission and with the authorization of the designee.

Motion: Vice Chairman Shambaugh made a motion to authorize the Solicitor to advertise as proposed and discussed. **Seconded** by Chairman Lerew. Supervisor Decker noted that there needs to be a change with gardening under Section 302.A.6 as this would limit agricultural. It was noted that this needs to be removed. Vice Chairman Shambaugh withdrew his motion.

Motion: Supervisor Decker made a motion to authorize the advertisement of the stormwater management ordinance with the exception of Section 302.A.6 to be removed. **Seconded** by Supervisor Holder. The motion carried.

4. Junk Yard Fee Resolution

Solicitor Shaffer stated that he is working on drafting a Resolution which will go back to the original fees and it was discussed if it should be based on acreage. It was suggested a fee of \$300.00 for the permit plus bonding of \$5,000.00 for the first 10 acres plus \$1,000.00 per acre over 10 acres. There was discussion on making it \$1,000.00 per acre for the bonding.

Motion: Supervisor Holder made a motion to have the fees of \$300.00 for the permit and \$1,000.00 per acre for the bonding. **Seconded** by Supervisor Decker. The motion carried.

5. Conditional Use Hearing, Set Date

An application was received for a conditional use hearing and after a brief discussion it is scheduled for September 10, 2014 beginning at 6:30 p.m. prior to the regular meeting.

6. Executive Session

There is nothing for discussion at this time.

7. Homeowners' Association

There was discussion regarding homeowners' associations that were brought up at the joint meeting of the Supervisors and Planning Commission. These could be separate entities for violation on common areas. By-laws could be reviewed during a plan review which would need to be added to the SALDO. The reviewing of by-laws would be mostly for the health, safety and welfare for the common areas. Discussion ensued regarding various issues. It was decided to leave it alone.

8. Announcement

It was noted to announce that employee evaluations of the job descriptions on what the tasks are of each employee. No motion is needed at this time.

9. Conditional Use – Paxton

Solicitor Shaffer noted that he has the decision for the Paxton conditional use hearing with him tonight that needs signatures.

10. Merit Land Sale

Solicitor Shaffer stated that he needs a witness on the Merit Land Sale that will be taking place on September 15 at the York County Courthouse. Supervisor Sprigg stated that he would do this.

Motion: Vice Chairman Shambaugh made a motion to authorize one of the Supervisors to attend the hearing with Solicitor Shaffer regarding the Merit Properties Land Sale. **Seconded** by Supervisor Sprigg. The motion carried.

Road master

A report was submitted.

1. 189 Glenwood Road, Driveway

It was noted that the engineer did get out to the site and the sight distance is adequate so the driveway permit can be issued.

2. Western Road, Second Driveway

An application was received for the construction of a second driveway. It was noted that 2 driveways are not allowed but the Supervisors do review these on a case by case basis. It was noted that the second driveway is being requested so the owner can enter his home without going up stairs since they are aging.

Motion: Supervisor Decker made a motion to allow the second driveway because of the homeowner's age. **Seconded** by Chairman Lerew. The motion carried with Vice Chairman Shambaugh opposing.

Park & Recreation

There was a brief discussion on having no lawn care around the township building but that the soccer and baseball associations do provide that service for the park areas they use. There was a questions raised on how the recreation fees are being used. It was noted that the new restrooms at Ponderosa Park were paid for from that fund. It was noted that trash is being dumped in the parks at least 2 to 3 times a week.

OLD BUSINESS

1. Dale Ross, Glenwood Road – Time Extension Expires

It was noted that Mr. Ross is removing only one car at a time, but it was indicated that other cars are to be taken off the property.

NEW BUSINESS

1. Vacancy Board Chairman

A letter was received from Kevin Cummings of 109 Chainsaw Road expressing interest in serving as the Vacancy Board Chairman. It was noted that this would only be until the end of the year as this is a position that is appointed each year at the reorganization meeting.

Motion: Vice Chairman Shambaugh made a motion to appoint Keven Cummings as Vacancy Board Chairman until the end of the year. **Seconded** by Chairman Lerew. The motion carried.

CORRESPONDENCE

1. Policy for New Fire Engine

Supervisor Sprigg stated that the township should establish a policy for the new fire engine for personal use and that it should come from Solicitor Shaffer. There was discussion on a Resolution being drafted.

PUBLIC COMMENT

1. Ron Miller, Remcon

Mr. Miller noted that he had received a letter from the township regarding the KPI invoice fees. It was noted that since last month's meeting the township has received correspondence from KPI. Mr. Miller presented a letter from his attorney along with checks. There are 2 separate checks for the invoice fees with each being half of the total amount. There is also a check for the previous Solicitor's fees which Mr. Miller is not disputing. Mr. Miller gave the checks to the township. Mr. Miller also stated that since KPI is reducing the fees by 15% that, to him, is an admission of guilt. The one check for the invoice fees is being paid now and the other check is to be put in escrow. Supervisor Decker stated that is not so for Mr. Miller, that the 15% off of the KPI bills is not the amount of money the township needs to record the plan. Vice Chairman Shambaugh asked how Mr. Miller was going to settle this and he advised the Supervisors by going to arbitration. Mr. Miller stated that he is going to fight this and he is going to build. It was noted that if he starts building without paying the fees, recording his plan and getting a building permit an injunction will be filed against him. Solicitor Shaffer noted he was hired to follow the law. It was noted that if the township settles with Mr. Miller they will have to settle with anyone who disputes an invoice. Mr. Miller stated that he will put up a Letter of Credit in the amount of \$7,000.00 for the road improvements. It was also noted that the time period for arbitration has run out. It was noted that Mr. Miller is threatening litigation and Solicitor Shaffer advised the Supervisors not to talk about this at all.

2. John Keen, Twin Hills

Mr. Keen noted that the second letters for the Twin Hills residents have not been received. There was discussion on the 90-day time extension to remove the items from the township land. Solicitor Shaffer will prepare and send out the second letters.

3. Quickbooks

Supervisor Sprigg indicated that there is a problem with the quickbooks program and that the township needs to contact Michelle Coover to run a diagnostic.

Motion: Supervisor Sprigg made a motion to contact Michelle Coover to run a diagnostic on the quickbooks program with a charge of \$50.00 per hour. **Seconded** by Vice Chairman Shambaugh. It was noted that the password needs to be changed and that Supervisor Sprigg is to contact Ms. Coover. The motion carried.

EXECUTIVE SESSION

Supervisor Decker requested an executive session at 10:40 p.m. for a personnel issue with no action taken.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary