



Your complimentary use period has ended.
Thank you for using PDF Complete.

[Click Here to upgrade to Unlimited Pages and Expanded Features](#)

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
April 8, 2015**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, John Holder, David Sprigg and Naomi Decker. 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. The regular meeting was called to order at 7:00 p.m. 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 Holder gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting, March 11, 2015

Motion: Supervisor Shambaugh made a motion to approve the minutes of March 11, 2015 as submitted.
Seconded by Chairman Lerew. The motion carried.

2. Board of Supervisors Workshop Meeting, March 18, 2015

Motion: Supervisor Shambaugh made a motion to approve the minutes of February 19, 2015 as submitted. **Seconded** by Supervisor Sprigg. Supervisor Decker noted, on page 2 the first paragraph, that the Board was in agreement that the credit card be used only for emergencies. The motion carried.

PUBLIC COMMENT

1. Kathleen Gingrich, S. Mountain Road – Steep Slope Issue

Mrs. Gingrich asked the process to amend the steep slope ordinance, the original steep slope process and the challenge of the curative amendment where the Supervisors were present at the hearings. There is a very extensive record with 6 nights of hearings where Ms. Gingrich proceeded to review what happen at those hearings. The 15% steep slope is appropriate and has been supported by the courts. Testimony regarding stormwater management best management practices did not work to allow for construction in the areas of steep slope. Ms. Gingrich asked that the copy of the Commonwealth Court Opinion be attached to the minutes.

Supervisor Shambaugh stated that the township is in the process of developing amendments. The amendments is to preserve, it is to make it clearer and easier to understand the intent, and not to change anything that is in place.

Bob Eichelberger noted that the process did not involve a lot of the residents and asked about the final draft.

Wayne Kober questioned if this is the only amendment. It was noted that the steep slopes is the only amendment at this time that is being proposed.



Your complimentary use period has ended. Thank you for using PDF Complete.

[Click Here to upgrade to Unlimited Pages and Expanded Features](#)

to be further discussion on the other amendments but this is just were proposed. There was further discussion with the Planning

2. John Westbrook, S. Mountain Road

Mr. Westbrook questioned the issue regarding the tires on an adjoining property. It was noted that this will be discussed under the Solicitor's Report.

APPROVAL AND PAYMENT OF BILLS

Motion: Supervisor Shambaugh made a motion to approve the bills. **Seconded** by Chairman Lerew. Supervisor Sprigg questioned the Solicitor if the township is ready to terminate the agreement with Stacey MacNeal. Solicitor Shaffer stated that the brief will be done in a couple of weeks and that this should be asked again at the May meeting. The argument will take place in June or July, but it is up to the Supervisors how they want to proceed. It was noted that Ms. MacNeal has the historical knowledge regarding this issue. Solicitor Shaffer drafted the legal argument. The motion carried.

TREASURER'S REPORT

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

Item #5 on the Treasurer's memo will be discussed in executive session. Letters from the Township Auditor and the DCED Report are in the Supervisors' mailboxes. The road improvement account was discussed briefly.

BCO REPORT

A report was submitted of the building permits issued for the month of March along with a breakdown of the fees. There has been a slight increase in building permit applications coming into the Township.

ZONING OFFICER REPORT

The zoning officer's report was submitted and Ms. Myers asked if the Supervisors had any questions. A letter was sent to Mr. Peter Cirafici, 105 Chainsaw Road to stop any/all excavation being done. Pictures had been taken of the new road that has been cut into the mountain. The YCCD will be checking into this.

ORGANIZATION REPORTS

Police ó The police report was submitted. Supervisor Sprigg noted that the number of calls is up 3%.

Fire ó Franklinton Fire Company submitted a report along with the yearly report. Chief Whitzel noted that there were 9 calls in the township during the month of March. Chief Whitzel reported that Monaghan, Citizens Hose, & Franklinton fire companies have been in discussions regarding manpower, doing group training, staffing, equipment and the need for the townships' help. Chief Whitzel requested that a burn ban be placed into effect for 30 days as there have been a number of brush fires. Supervisor Shambaugh suggested putting a ban on until the next BOS meeting.

Motion: Supervisor Shambaugh made a motion to put a burn ban into effect from April 13 until May 13. There was a brief discussion since there has been rain and more rain is expected. **Seconded** by Vice Chairman Holder. The motion carried with Supervisors Sprigg and Decker opposing.



Your complimentary use period has ended. Thank you for using PDF Complete.

[Click Here to upgrade to Unlimited Pages and Expanded Features](#)

be held on April 27 at Citizens Hose Co. beginning at 7:00 p.m. Chief Whitzer also noted that he needs to get with the roadmaster regarding the dry hydrants. Vice Chairman Holder stated that any supplies needed should be funded by the township.

Citizens Hose Co. #1 also submitted a report and noted that there were 6 calls in the township during the month of March. A plaque was presented to the Supervisors for their support to the fire company.

EMS ó A report was submitted and it was noted that letters were mailed out regarding memberships. It is \$85.00 for a single and \$95.00 for a family.

DAA ó Minutes were submitted.

Emergency Management – There was no one present to give a report.

NYCRCP Transportation ó There was nothing to report at this time.

SUBDIVISION AND LAND DEVELOPMENT

1. Lexington Fields Sewage Planning Module

The sewage planning module for Lexington Fields is a proposal for 433 townhouse units and it situated north of Franklinton Borough. The proposed development is in the DAA service area but it is proposing a private wastewater treatment plant which will then be turned over or sold to York Water after Phase 1. Component 4A has been completed but it is noted that it is an incomplete module. There was discussion on service by DAA and that there is no letter included that has been dated within the last year. There is also no financial analysis. Engineer Heerbrandt suggested that the module be returned to the developer as incomplete. Supervisor Decker questioned if the module should include plans. It was noted that a module only requires a plot plan, which this plot plan needs more information (i.e. lot size, dimensions). Supervisor Decker noted other submissions required plans, and it was noted that plans for this type of development are extensive and that it can be done either way. Solicitor Shaffer stated that the Lexington Fields plan has been denied and that it is in the courts under appeal.

Motion: Supervisor Shambaugh made a motion to reject the sewage planning module for Lexington Fields and return the incomplete module and that the plan is inconsistent with Act 537. **Seconded** by Vice Chairman Holder. Supervisor Sprigg stated that he is abstaining from discussion and voting on the incomplete module. The rejection of the module comes from the comments from the engineer, both oral and written. Mr. Phil Garland, owner of the property, stated that it is under appeal for 333 units. The motion carried with Supervisor Sprigg abstaining as noted above.

2. Brandon & Kathryn Fox, Final Minor Subdivision Plan, File #2015-02-05

This is a 2 lot subdivision with 2 existing single family dwellings in the Open Space zoning district. There is an existing shared driveway. The applicant is requesting 4 waivers as follows:

1. Section 306.A ó maximum scale on plan, to increase to 1ö = 60ø
2. Section 4.101.C.2.b ó road improvement.
3. Section 4.101.C.2.a ó increase right-of-way from 50ø to 60ø
4. Section 415 ó recreation fee.

signatures, and a shared driveway agreement. Supervisor Sprigg reviewed the waivers that were denied as noted in the minutes from the Planning Commission.

Motion: Supervisor Shambaugh made a motion to grant the waiver request from Section 306.A. **Seconded** by Supervisor Decker. The motion carried.

Motion: Supervisor Shambaugh made a motion to grant the waiver request from Section 4.101.C.2.b. **Seconded** by Vice Chairman Holder. After discussion the motion was withdrawn.

Motion: Supervisor Sprigg made a motion to retain the 50ø right-of-way. **Seconded** by Supervisor Shambaugh. The motion carried with Supervisor Sprigg opposed.

Motion: Supervisor Shambaugh made a motion to table the plan until the next Supervisorsø meeting.

Supervisor Decker noted with this plan that since there is a permanent dwelling to see if a recreation fee was paid for and that evidence be provided. There was no action on this motion.

Motion: Supervisor Shambaugh made a motion to deny the waiver on the cartway width. **Seconded** by Vice Chairman Holder. The motion carried.

Motion: Supervisor Shambaugh made a motion to table the Brandon Fox plan until next month. **Seconded** by Supervisor Decker. The motion carried.

REPORTS

Engineer

There was nothing to report at this time.

Solicitor

1. Tire Issue

Solicitor Shaffer informed the Board that regarding the tire issue on S. Mountain Road that there is no ordinance to enforce this and that DEP will not get involved until there are 500 tires on the site, but he will follow-up on this issue. The solid waste ordinance was sent to DEP, but at this time it is not a township issue. A person could file a private action or the neighbors could work with each other. Chairman Lerew noted concern about mosquitos if water accumulates in the tires and it was noted that that makes no difference for DEP enforcement.

Mr. Westbrook asked if a permit is needed to place 499 tires. Mr. Cummings indicated that if the township changes the ordinance in any way could it address the tire issue as the township needs to do something. It was questioned if the County would have any jurisdiction over this issue. There is no property maintenance ordinance but the township could amend the solid waste ordinance. The junkyard ordinance was used with the Fox property. It was questioned if this is illegal tire dumping. There was a brief discussion on the tires being a rat harbor. At this time Mrs. Gingrich, attorney for Millerø & Calamanø, gave a summary of the issues between the neighbors. Solicitor Shaffer noted that the solid waste ordinance could be applicable or the junkyard ordinance or a separate nuisance ordinance could be drafted.



Your complimentary use period has ended.
Thank you for using PDF Complete.

[Click Here to upgrade to Unlimited Pages and Expanded Features](#)

2. Steep Slope Amendment

Solicitor Shaffer noted that concerns were raised regarding the steep slope and he distributed tonight to the Supervisors a handout to be reviewed showing what is currently in the zoning ordinance and what is proposed. The handouts were also given to the members of the audience. There was previous discussion on the steep slope with having zones A & B. A workshop meeting was set-up for April 29, 2015 beginning at 7:00 p.m. There was a brief discussion on the mountain and with access of slopes less than 15%.

3. Enforcement Notices

Solicitor Shaffer stated that he is working with the zoning officer on enforcement notices.

Road master

A report was submitted. Supervisor Shambaugh indicated that all of the Supervisors had received information on the dirt gravel program.

Park & Recreation

Mr. Ron Gingrich, Chairman of the Park & Recreation Board, informed the Supervisors that last Saturday night at Ponderosa Park someone had driven onto the soccer field and ruined it by someone doing donuts. It was a 4 wheel drive truck and maybe a passenger vehicle with 4 wheel drive. There was a brief discussion on possibly putting cameras up at the park. It seems that vandalism happens during the night time hours.

OLD BUSINESS

There was no old business to discuss at this time.

NEW BUSINESS

1. 2014 Per Capita Exonerations

Information was given to the township by the previous tax collector. It was uncertain what exactly the Supervisors need to act on. It was suggested to contact Mr. Lastoskie to get clarification.

CORRESPONDENCE

1. PSATS Conference

The Township Secretary reminded the Supervisors that they were given correspondence on the resolutions that will be voted on at the conference and asked that the Supervisors review these resolutions and let her know if there are any that need to be voted on differently than what is being supported by PSATS.

PUBLIC COMMENT

There was no public comment at this time.



PDF Complete

*Your complimentary use period has ended.
Thank you for using PDF Complete.*

[Click Here to upgrade to Unlimited Pages and Expanded Features](#)

The Supervisors went into an executive session at 9:15 p.m. with no action to be taken. The Board of Supervisors came out of the executive session and adjourned the meeting.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary