

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
June 8, 2016**

ROLL CALL

Present were Supervisors John Holder, David Sprigg, Naomi Decker, Kevin Cummings and Michael Ryan. Also present were Solicitor Bret Shaffer, Engineer William Hill, and Secretary Nancy Zentmeyer. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA. The meeting was called to order at 5:00 p.m. Guests and visitors are on the attached sign-in sheet.

CONDITIONAL USE HEARINGS

John Kuntz – Case #2016-06

Mr. Kuntz, Mr. Chris Hoover, P.E. and Mr. Fahey, Zoning Officer was sworn-in to give testimony. Mr. Kuntz is requesting an accessory structure over 1,000 s.f. and a home occupation at 169 Water Street. Mr. Kuntz makes LED signs. A subdivision plan of this property was done a few years ago by Mr. Todd Lyons for the present owner John Flanagan. The property has 14 acres and is located at the intersection of Water Street and S. Mountain Road. The accessory building will be the same colors as the home. Mr. Kuntz indicated that the accessory building is for his business and there will be no more than 2 employees besides him. The square footage of all the current buildings equals 2.222% or 13,614 s.f. and will be adding 4,200 s.f. The building will be sound proof and business will be conducted entirely inside, only the dumpster will be outside. There will be no client traffic as the product will be produced on the premises and sold to other sign companies. It is an automated operation and no signs are being proposed to advertise this business. Mr. Kuntz receives only 2 deliveries per week. The height of the building will be 22'. Mr. John Flanagan was sworn-in at this time to answer questions. Mr. Flanagan stated that there is no apartment in the home. It was questioned whether a land development plan is needed. Truck traffic is a concern and that a wetland study was not done. The hours of operation will be 8:30 a.m. until 6 or 6:30 p.m. The property was posted and properly advertised. Mr. Fahey indicated that Mr. Kuntz has met all of the criteria.

Motion: Vice Chairman Cummings made a motion to approve the conditional use request, that the single family dwelling remains as is, any future owner of the property that this conditional use under Section 420 does not apply to them, Section 420.K has to be adhered to deliveries curtailed and any other complaints would be a violation, and any outstanding items including the stormwater management plan. **Seconded** by Supervisor Sprigg. Supervisor Decker asked about a land development plan being required. Solicitor Shaffer noted that a home occupation goes with the land but if the use expands beyond what is anticipated right now whether with this owner or another owner, it would fall out of favor with the zoning ordinance and would be shut down. The motion carried with Supervisors Decker and Ryan opposing. Supervisor Decker noted she opposes because of the water issue.

Alyssa Eichelberger, Case #2016-03

Ms. Eichelberger and Mr. Fahey were sworn-in to give testimony. It was noted that the property was posted and properly advertised. Ms. Eichelberger is requesting a home occupation of a hair salon at 1294 S. Mountain Road. The property is currently vacant and is on 13 acres. She is planning on building a home in the spring of

2017. The home will be 2,200 s.f. and the salon will be 440 s.f. She is planning on a sign but it will only be 2x2. There will be necessary parking as the State requires. There will be no deliveries. Section 603 of the zoning ordinance has been addressed. There will be approximately 4 customers per week and the salon will be part of the home.

Motion: Supervisor Sprigg made a motion to approve Case #2016-03 for the conditional use request for a home occupation. **Seconded** by Supervisor Decker. **Motion:** Supervisor Sprigg amended his motion that the home occupation will remain as part of the home as shown in the drawing, Exhibit #1. **Seconded** by Supervisor Decker. The motion carried.

Brandon & Kathryn Fox, Case # 2016-04

Mr. & Mrs. Brandon Fox and Mr. Fahey were sworn-in to give testimony. The property was posted and properly advertised. It was noted that the Fox's are requesting a granny flat at 123 Stone Head Road. Attorney Linsenbach noted that there is currently a subdivision plan by the Fox's of a 12 acre lot with one lot becoming 9.9 acres. There is currently an existing home which is vacant. There is well and septic but a new septic system will be installed for any new dwelling. The parking is sufficient and there will be no negative impact on the surrounding area. The current subdivision plan has been approved but is not recorded. The following exhibits were presented: #1 – picture of existing home; #2 – another view of the existing home which is 1,100 s.f.; #3 - sketch of home which is the principle residence; and #4 – subdivision plan (page 2 granny flat). There is one common driveway that is shared. There will be no more than 2 people occupying the granny flat. The legal memorandum that was submitted as part of the application was reviewed.

Motion: Supervisor Sprigg made a motion to approve Case #2016-04 for the conditional use request for a granny flat conditioned upon the subdivision plan being recorded and the fees being paid. **Seconded** by Supervisor Decker. The motion carried.

Joshua Wert, Case #2016-05

Mr. Wert and Mr. Fahey were sworn-in to give testimony. The property was posted and properly advertised. Mr. Wert is requesting a conditional use for an accessory building larger than 1,000 s.f. at 850 Range End Road. It was noted that Mr. Wert's garage had burnt down and he is proposing a 40x40 building in the same location. He will be using the same driveway. The stormwater management plan will be submitted to the engineer for review. There will be no commercial use. Mr. Wert is proposing a rain garden but he is not opposed to another type of stormwater management plan.

Motion: Vice Chairman Cummings made a motion to approve the conditional use request for an accessory structure larger than 1,000 s.f. **Seconded** by Chairman Holder. The motion carried.

The hearings closed at 6:45 p.m.

The regular meeting began at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND PRAYER

Chairman Holder led the pledge of allegiance and Supervisor Sprigg gave the opening prayer.

BID OPENINGS – STONE & SEAL COATING

The bids for various stones are as follows:

<u>Bidder</u>	<u>Type of Stone</u>	<u>Price Delivered</u>
New Enterprise	#2A	\$13.36
	#4	\$17.86
	#3A	\$17.86
	#3 Clean	\$17.86
	#57	\$17.86
	#8 Washed	\$21.96
	#9	No Bid
	#10	\$13.71
	R-4 Rip Rap	\$23.48
R-5 Rip Rap	\$25.48	
Vulcan Materials	#2A	\$11.00
	#4	\$14.00
	#3A	\$11.25
	#3 Clean	\$14.00
	#57	\$14.00
	#8 Washed	\$14.00
	#9	\$14.00
	#10	\$13.50
	R-4 Rip Rap	\$15.00
R-5 Rip Rap	\$16.00	
York Building	#2A	\$10.60
	#4	\$13.85
	#3A	\$10.60
	#3 Clean	\$13.85
	#57	\$13.85
	#8 Washed	\$13.85
	#9	\$14.85
	#10	\$13.85
	R-4 Rip Rap	\$17.60
R-5 Rip Rap	\$19.60	

Motion: Supervisor Sprigg made a motion to award the stone bid to Vulcan Construction Materials **Seconded** by Supervisor Ryan. **Motion:** Supervisor Sprigg amended his motion conditioned upon the bond being properly submitted. **Seconded** by Supervisor Ryan. The motion carried.

The bid for seal coating is as follows:

<u>Bidder</u>	<u>Bid Price</u>
Hammaker East	\$44,711.94

It was noted that this is the only bid that was received.

Motion: Supervisor Decker made a motion to award the seal coating bid to Hammaker East. **Seconded** by Supervisor Sprigg. The motion carried.

CHIEF BENTZEL, NYCRPD – POLICE SERVICE AGREEMENT

At this time Chief Bentzel was present to answer questions on what legally binds the township with what it costs being part of the police department. The Charter was established in 1972 and has been amended from time to time. On November 20, 1990 a letter from the township was received asking what it would cost for service for the township to be a member. A joiner agreement was then signed which binds the township to the police department. The Charter of 1986 indicated that it renews annually. This is considered a living document. It would take 2/3 of the members to disband the police department. The Commission which is a member from each municipality is who the police department works for. The union contract with the police officers is until January 1, 2019. Collective bargaining is done through a committee. As of 2014 the shifts went from 8 hours to 12 hours. The staffing study is based on the 911 calls. Chief Bentzel stated that the police walk every school building every day during the school year. The township has not done any changes in at least the last 10 years. It was noted that 1 unit = 10 hours a week.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – May 11, 2016

Motion: Supervisor Sprigg made a motion to approve the minutes of May 11, 2016. **Seconded** by Supervisor Ryan. The following changes were noted: page 2 under Public Comment, Linda Walker the 3rd line change “own” to “known”; page 3 under Charles Bowers to add “if they didn’t pay their bill a lien could be placed on the property”; page 4 under the motion of Treasurer’s Report change “access” to “excess” and page 5 under Bridge on Century Lane correct the spelling of “hydraulic”, correct the spelling of “partial” and under Circle Drive Culvert change “hole” to “ditch”. The motion carried.

Board of Supervisors Workshop Meeting – May 23, 2016

Motion: Vice Chairman Cummings made a motion to approve the minutes of May 23, 2016. **Seconded** by Supervisor Sprigg. Supervisor Decker noted under Emergency Operations Plan change “It” to “Is”. The motion carried.

ORGANIZATION REPORTS

Police – Supervisor Sprigg noted that he had nothing more to add.

Fire – Chief Whitzel from Franklinton Fire Company noted there were 9 calls in the township during the month of May. Supervisor Sprigg noted that the township needs a copy of the fire company’s most recent Charter and Bylaws. Chief Whitzel noted that he will pass that information on.

Chief McClintock from Citizens Hose Co. #1 noted that there was only 1 call in the township during the month of May. At this time Mr. Dean Trump who sits on the Board of Directors at Citizens Hose spoke with the Supervisors. Supervisor Ryan asked what are the plans of the Board. It was noted that the Board does make changes to the Bylaws from time to time. The EMS is working on re-staffing. The EMS reports to the Board of Directors only. The recent situation was a surprise to Board of Directors. It was noted that there are 5 members on the Board of Directors. Concerns were made and recommendations were given, and there are some personnel issues involved. It was asked what steps are being taken to improve these situations in this matter. It was noted that there had been problems with filling administration positions. The individual who took over has a financial background and was on 6 months’ probation. The business manager is the go between the fire

company, EMS and the Board of Directors. It was noted that the meetings are open. Their Bylaws are changed from time to time and are reviewed by an attorney. The fire chief is now the Chief of Department.

Steering Committee – Mr. Frank Wirth was present to discuss the Steering Committee. They have done the fact finding period starting in January 2015. It was noted that volunteers are getting hard to find. Need to move forward and they are working with DCED which is giving them guidance. The merger and consolidation with the structure of a new organization was discussed with looking at other organizations to see how they merged. The EMS would be part of the merger. The fire companies have been doing joint training together. Also discussed was financing for capital improvements. The time frame is to have a draft by the end of the year. The meetings are held on the 3rd Monday night of the month and are held at Citizens Hose. It was noted that paid drivers has been considered but not at this time. Supervisor Sprigg noted that an email was sent on May 12 asking about the status of contacting fundraising volunteers and he has not received a response. It was noted that there are people in the community willing to help.

EMS – A report was given by Keith Heckert, EMS Operations Manager. There were 21 calls in the township for the month of May and there were 3 missed calls. They are continuing to work on staffing.

DAA – The minutes were received. Supervisor Decker did talk with Mr. Williams at DAA and noted that until there are issues with Sherwood Forest and there are failures then it would be a project and it would have to be worked with DAA. Act 537 was briefly discussed.

Emergency Management – There was nothing to report at this time.

PUBLIC COMMENT

Tara Cornwall, 1045 County Line Road

Mrs. Cornwall informed the Board that she currently cannot get internet to her home. She has been in contact with Comcast, CenturyLink, and Verizon trying to get internet. Currently under the franchise agreement with Comcast, under Section 4 it is stated that it is for t.v. only. Mrs. Cornwall submitted a bill she has received from Comcast at a cost of \$10,700.00 to run cable ½ mile to her home. It was noted that she has also contacted the FCC and the PUC. It was suggested that since the franchise agreement is up for renewal in 2017 that internet access should be part of the discussion with Comcast.

APPROVAL AND PAYMENT OF BILLS

Motion: Supervisor Sprigg made a motion to approval the payment of bills. **Seconded** by Supervisor Decker. There was discussion on the SoHo bill which was for repair of the Treasurer’s computer and the York Mail Service bill which is for Mrs. Harpster for the mailing of tax bills. Also discussed were the donations for the fire departments in July, but are the Supervisors comfortable with releasing these monies or until the information requested is given to the township. Act 8 was mentioned. The agreement documents for the tanker will be drafted and a resolution is also need which will be drafted and voted on next month. The motion carried.

TREASURER’S REPORT

A report was submitted. The Treasurer also submitted a memo which has a few items that need action taken. With regards to Act 72 and accounts being insured up to \$250,000.00. If the township keeps all of their accounts at Members 1st they will need to establish a tax ID # for each account. It was noted that the township

cannot have more than one tax ID #. Discussion ensued and then it was suggested to move monies to other banks.

Motion: Vice Chairman Cummings made a motion that all accounts are to have under \$250,000.00. **Seconded** by Supervisor Sprigg. The motion carried with Chairman Holder opposing.

There is training coming up at PSATS for the establishing, managing and the legal accounting and auditing requirements for municipal budgets at a cost of \$80.00.

Motion: Supervisor Ryan made a motion to have the Treasurer attend a training session in September at PSATS and for the Treasurer to also attend a grant writing school. **Seconded** by Supervisor Sprigg. The motion carried.

It was agreed to contact Waste Management and have them start picking up every week at the township office for the next 6 months. #2 under the Treasurer's memo regarding the Capital Reserve Fund was discussed with the 20% of the Liquid Fuels Fund being placed into the Capital Reserve Fund.

BCO REPORT

A report was submitted of the building permits issued for the month of May along with a breakdown of the fees.

At 9:50 p.m. the Board took a short break and reconvened at 9:57 p.m.

ZONING OFFICER REPORT

The zoning officer submitted his report and noted that his record keeping is becoming difficult. Mr. Fahey noted that besides having hours on Mondays and Fridays he is planning on also having hours on Wednesday.

SUBDIVISION AND LAND DEVELOPMENT

Lorin Stough DEP Planning Module Package

It was noted that everything has been submitted since the comments in the engineer's letter of May 9, 2016. The township secretary needs to sign pages 5, 8 & 9 and the Board needs to adopt the Resolution. With regards to the narrative there was discussion on what the module is for.

Motion: Chairman Holder made a motion to approve Resolution 2016-3 for Plan Revision for New Land Development for Lorin Stough. **Seconded** by Supervisor Ryan. Supervisor Decker noted on page 7 the lots vs. the EDU's was discussed. It was noted that Mr. Stough's engineer contacted DEP. It should be 3 EDU's. The motion carried.

Harry Fox Recorded Subdivision Plan – Driveway Relocation

Mr. Eric Johnston presented a request for a minimum use driveway for Lot #1 of the Harry Fox subdivision plan. When the plan was recorded it is proposing 2 joint use driveways. The property in question is proposing the use of the 51 acre lot for livestock and agricultural equipment and this would not be harmonious with a residential use. Mr. Johnston is asking the township to submit an Awareness letter to PennDOT for this other driveway. Mr. Johnston also noted that there is 300' of sight distance. The township is not in favor of the change in the location of the driveway.

Motion: Supervisor Sprigg made a motion to deny the applicant's request for the letter advising PennDOT of the driveway. **Seconded** by Supervisor Ryan. The motion was withdrawn.

Motion: Supervisor Sprigg made a motion to deny the request of submitting the awareness letter. **Seconded** by Supervisor Ryan. The motion carried.

Susan Heck, Waivers Requested

Mr. Todd Lyons presented a sketch plan representing Mrs. Heck's property on Rocky Ridge Road. Mrs. Heck did go before the Planning Commission to get their comments on waivers from the recreation and road improvement fees. Mrs. Heck would like to do a lot add-on with giving land to a relative. This would be a minor subdivision plan. It was noted that waivers are usually done after a plan has been submitted to the township. There would be new road frontage with the lot gaining the additional 10 acres. Mr. Lyons stated that Mrs. Heck would like direction on which way to draw up the lots with regards to the road improvement fee. It was noted that the Supervisors cannot commit but waivers on the fees have been done before. The waivers could be considered since there will be no impact. It was suggested to have the waivers submitted for the recreation and road improvement fees and then it can be voted on at next month's meeting.

REPORTS

Engineer

Bridge on Century Lane

Engineer Hill stated that the permit will be submitted to the State by the end of the month. There was discussion on the wetlands and the research if this is a bog turtle area. A box culvert is being proposed and the hydraulic study has been done. More details will be given next month.

Circle Drive Culvert

It was noted that the bid opening for this project is July 13 with a maintenance bond of 10% submitted with the bid packet. There is concern from the neighbor with regards to the rip rap to be installed and it was questioned if it could have a grass discharge instead. That part of the bid packet could be pulled out now and have an addendum added.

Solicitor

Holding Tank Ordinance

Motion: Supervisor Sprigg made a motion to approve the Holding Tank Ordinance #2016-2. **Seconded** by Chairman Holder. The motion carried.

Comcast Agreement

Solicitor Shaffer noted that this is tabled at this time.

Sign Ordinance

Solicitor Shaffer noted that this is tabled at this time.

Trash Collection

Solicitor Shaffer indicated that he has contacted PSATS and that recycling is mandatory at 5,000 residents. There was discussion on doing an RFP and that different options are available. There was discussion on the township doing the billing or have the trash hauler do the billing. It was suggested to send letters out to the

different haulers and have their representatives attend a meeting. It was suggested to wait until the township hits the 5,000 residents. The haulers will be notified.

Boy Scouts – Road Adoption

Solicitor Shaffer noted that he is still working on this, but did bring up the issue of the boy scouts keeping their supplies in the road shed here at the township building. The proposed road is Tuckahoe Road. After a brief discussion it was suggested that they should keep their supplies elsewhere.

Executive Session

An executive session will not be needed.

Road master

2008 Ford F550 Engine

There was discussion on either replacing or repairing the engine for the 2008 Ford F550 engine. It is a 6.4 L, V8 diesel with 50,000 miles. The township did receive quotes for both repairing and replacing the engine.

Motion: Supervisor Sprigg made a motion to replace the engine and to go with the quote from Staub’s Auto at a cost of \$13,134.21 with a one year warranty. **Seconded** by Chairman Holder. The motion carried.

Park & Recreation

Mr. Gingrich, Chairman of the Park & Recreation Board reported on a few items. At Ponderosa Park the water system was shut off and it was noted that if the pressure isn’t right it will automatically shut down and then restart. The maintenance crew is working in both parks. At Century Lane Park the restrooms are being upgraded, working on the walking bridge and the main parking lot is being expanded. The basketball area is also being worked on. There will be new signage regarding the lightning rods that were placed on the pavilions, the horseshoe pits will be moved several feet with regards to the shelter on Chainsaw Road. It was suggested to hire a handyman on an as needed basis but needs to be insured or bonded. The walking bridge at Ponderosa needs work before paving can be done, the handicap spaces at the parks will be taken care of. The flagpole at Century Lane Park needs a new rope and painted by July 4th. The walking bridge boards are cut.

OLD BUSINESS

Cut-off Date for Agenda Items

Motion: Supervisor Decker made a motion to have the cut-off date for agenda items the Friday before the meeting. **Seconded** by Supervisor Sprigg. The motion carried.

NEW BUSINESS

Workshop Meeting – Steep Slopes

It was decided to set the workshop meeting date to discuss steep slopes for July 20, 2016 beginning at 7:00 p.m.

CORRESPONDENCE

Vanguard Cleaning Systems

This correspondence was recently received and was given to the Supervisors for their review.

PUBLIC COMMENT

Randy Miller, Glenwood Road

Mr. Miller commented on the letter he had received from Solicitor Shaffer.

Municipal Map Publications

The Supervisors had asked for more information on the amount of maps the township would receive and it was noted that they cannot be re-ordered as it is a one-time run, but the township could order more than 400.

Stormwater Management Maintenance & Monitoring Agreement

A stormwater management agreement needs the Chairman's signature notarized for a new home being constructed on Gameland Road.

Motion: Supervisor Sprigg made a motion to have Chairman Holder sign the agreement. **Seconded** by Supervisor Ryan. The motion carried.

ADJOURNMENT

Motion: Supervisor Sprigg made a motion to adjourned the meeting at 1:00 a.m. **Seconded** by Supervisor Ryan. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary