

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
May 11, 2016**

ROLL CALL

Present were Supervisors John Holder, David Sprigg, Naomi Decker, Kevin Cummings and Michael Ryan. 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 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 Holder led the pledge of allegiance and Vice Chairman Cummings gave the opening prayer.

APPROVAL OF MINUTES

1. Board of Supervisors Regular Meeting – April 13, 2016

Motion: Supervisor Sprigg made a motion to approve the minutes of April 13, 2016. **Seconded** by Vice Chairman Cummings. Supervisor Sprigg noted that under Organization Reports, Police – the third line change “staffing study was requested”. The motion carried.

ORGANIZATION REPORTS

Police – Supervisor Sprigg noted the calls year to date are down almost 5.78%. It was noted that the police are going to look at the feasibility of an ordinance creation that would punitively punish establishments such as motels/hotels for police calls for service due to criminal activity. This is mainly for establishments along Route 30. The proposed ordinance would charge property owners with fine. The Supervisors noted some concerns. It was questioned if there is support for this. Supervisor Sprigg stated that he cannot support this, but it is just in the preliminary stage at this point. The majority of the Board opposed.

Fire – Chief McClintock from Citizens Hose noted there were 6 calls in the township for the month of April. There has been joint training in airway management with ropes and rigging and hazmat classes. There was a railway safety class in Dauphin County. Event coming up is Picklefest.

Chief Whitzel from Franklintown Fire Company noted there were 12 calls in the township during the month of April. Mayfair was last Friday. There was discussion on the agreement for the tanker. Chief Whitzel was asked about the fundraising committee for the fire hall and it was noted that the township needs to ask Tim Trump as he is in charge of that. It was suggested that Mr. Trump should attend the next Supervisors meeting.

EMS – A report was given by Keith Heckert, EMS Operations Manager. It was noted that there were 25 calls with 2 missed in the township during the month of April. One part-time and one full-time EMT have been hired. Currently there are 15 on staff.

DAA – The minutes were received. There was a brief discussion on the sewer line and manhole in Sherwood Forest that was discussed last month with regards to the township paying for the line. It is usually the developer or the person who needs the line that covers the cost. Residents are hooking directly into the line. This could be a homeowners association issue. It was suggested to inform our 2 representatives and have them bring this to Sheldon Williams attention. Supervisor Decker indicated that she would talk to Mr. Williams.

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

Route 15 Transportation – There was nothing to report at this time.

Conditional Use Hearings

It was noted that there are 4 applications for conditional use hearings that need to be set:

1. Alyssa Eichelberger, 1294 S. Mountain Road

Motion: Supervisor Decker made a motion to re-scheduled for June 8, 2016 beginning at 6:00 p.m. prior to the meeting. **Seconded** by Vice Chairman Cummings. The motion carried.

2. Brandon Fox, 123 Stone Head Road

Motion: Vice Chairman Cummings made a motion to schedule the hearing for June 8, 2016 beginning at 6:20 p.m. **Seconded** by Supervisor Decker. The motion carried.

3. Joshua Wert, 850 Range End Road

There was discussion that the form is inadequate as it is not indicating what the use will be used for. The applicant needs to specify. The form needs to be amended under paragraph 2 regarding property information with adding “description of use”.

Motion: Vice Chairman Cummings made a motion to schedule the hearing for June 8, 2016 beginning at 5:30 p.m. **Seconded** by Chairman Holder. The motion carried.

4. John Kuntz, 169 Water Street

Mr. Kuntz was present to inform that he is proposing a cottage industry and a 5,000 s.f. garage for his business of LED light signage. There was discussion between “cottage industry” and “home occupation” but since it has never been changed in the zoning ordinance the home occupation applies.

Motion: Vice Chairman Cummings made a motion to schedule the hearing for June 8, 2016 beginning at 5:00 p.m. **Seconded** by Supervisor Ryan. The motion carried.

PUBLIC COMMENT

Linda Walker, Lost Hollow Road, Complaint

Ms. Walker was present to complain about the property at 233 Lost Hollow Road regarding the junk and the shed. It was noted that the township has own about this property since 1986. Supervisor Ryan indicated that he has addressed some of these complaints and permits were found for some of the building. It was noted that the zoning officer should give a written answer to Ms. Walker and if she does not agree with the zoning officer’s decision she can appeal to the Zoning Hearing Board. Ms. Walker also made a complaint against the zoning officer. It was noted that the Supervisors cannot address zoning as this needs to go before the ZHB. An executive session will be held to discuss personnel and legal determinations. There was discussion on the protected report the zoning officer submits to the Solicitor. A written complaint is exempt from a Right To Know request but the Supervisors should receive the response letters sent by the zoning officer. An

enforcement notice or response letter can be given under the Right To Know. It should be no longer than 30 days to have a written report.

Mr. Yerger stated that the cottage industry language should not be in the zoning ordinance as it is not defined. There are issues in the zoning ordinance that needs to be addressed, with the possibility of a workshop meeting in July. The ordinances also need to be updated on the website.

Brenda Goda & Stan Fleming Re: Purchase of Land (1 acre)

Ms. Goda and Mr. Fleming noted that their issue is with trying to sell one acre from one neighbor to another. There are issues with the original deeds and there is a no build restriction. There is a conflict between the 2 recorded plans. It was noted that subdivision plan is needed.

Charles Bowers, Baltimore Road, Trash Haulers

Mr. Bowers requested that the Supervisors take the necessary steps to do a RFP for one trash hauler. Neighboring communities pay half as what residents do in this township. Mr. Bowers stated that it is up to \$102.00 per quarter. With one trash hauler this would benefit the citizens in the township. It was noted that a lien could be placed on a property if that landowner does not use that one hauler, but there can be exemptions in the contract and it does not have to be mandatory. There could be an opt-out clause. There was discussion with the members of the audience at this time. This will be looked into. Supervisor Decker stated that boroughs are charged less because of less travel time and it depends on the number of residents. With one hauler that would eliminate the competitions. It was suggested to do another survey on who would or would not want one trash hauler. The township can negotiate what services they want to have. It was noted that if it would not be mandatory the cost could be higher to cover the risk of how many sign up. It was suggested to have a RFP written up and then have the representatives from the trash haulers in to discuss this.

John Ross, Ballfields

Mr. Ross noted that the sport organizations need more space for their teams and noted a couple of different options with 1) to purchase new land using grant funding from DCNR and 2) to expand our existing parks. It was noted that a study is needed. There was discussion on acquiring new land and it was noted that there are abandoned fields in other municipalities. Supervisor Decker stated that she is in favor of expanding existing fields but is against DCNR with grants as there are a lot of stipulations and rules that you need to follow. Supervisor Ryan questioned who is buying the snow blower for the walkways. It was also questioned if Monaghan and Warrington Townships are collecting recreation fees and what facilities do they have. There should also be a breakdown of the number of children from each municipality.

Ron Miller, Scotch Pine Road

Mr. Miller had questions regarding the sign ordinance and noted that Mrs. Demey got approval for her sign size which is larger than she had before. There was Board approval for the erection of the sign without going through the Zoning Hearing Board. There was discussion on a Supreme Court ruling regarding signs, but this was for election signs and cannot tell you how long you can have them up. It was noted that Mrs. Demey was replacing signs with other signs. The new ruling needs to be look at and Solicitor Shaffer stated that he will look at this. Mr. Miller stated he needs justification or clarification on the Demey sign and there was discussion on it being a non-conforming use, existing use and is grandfathered.

APPROVAL AND PAYMENT OF BILLS

Motion: Supervisor Sprigg made a motion to approval the payment of bills. **Seconded** by Vice Chairman Cummings. The motion carried.

TREASURER’S REPORT

A report was submitted. Supervisor Ryan commented on the man hours for park and recreation regarding the wages out of the general fund.

Motion: Supervisor Decker made a motion to accept the Treasurer’s Report. **Seconded** by Chairman Holder. Vice Chairman Cummings discussed Act 72 and the splitting up of township accounts over \$250,000.00. Banks can pull collateral and assets that they can use for accounts that are not federally insured. The Board has a fiduciary responsibility to make sure that the township accounts are sound. When the amount on deposit with a particular bank exceeds \$250,000.00 Act 72 comes into play. Act 72 gives banks the power to pledge collateral on a pooled basis so that money in access of \$250,000.00 is protected. The township meets its fiduciary responsibility by using a bank that has such a program.

The township should get quarterly statements from the bank that the township can give to the auditors. It was questioned if there are pitfalls with using such collateral. The law requires that they give the face value and this is not the same as Fair Market value. It was noted that it is easier to move \$250,000.00 to another account. It was questioned if the township is compliant with the law for the taxpayers. It was suggested to move forward and have a money market account for no more than \$250,000.00. The motion carried.

In the Treasurer’s memo under item #5 to recoup the costs of repairs to the Loader and the repair the snow plow the township would need to initiate an insurance claim, FEMA would have to see the insurance policy and claim and the statement of loss or the letter of denial from the insurance company once it is settled. After discussion it was decided not to file a claim. Under #4 for bridge, culvert, and stormwater repairs the different accounts were discussed as to which one they should be put under. For the bridge inspections and culvert repair the township will check with Liquid Fuels.

BCO REPORT

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

ZONING OFFICER REPORT

The zoning officer submitted his report.

SUBDIVISION AND LAND DEVELOPMENT

Lorin Stough DEP Planning Module Package

A memo was received from the township engineer with 5 comments relative to the Component 4A checklist.

Motion: Supervisor Decker made a motion to table the Lorin Stough Planning Module until it is completed. **Seconded** by Supervisor Sprigg. Mr. Stough stated that Mr. Elbel, SEO has completed his part and that Component 4B from YCPC will be forthcoming. The maintenance agreement is a State requirement. The module needs to be approved and permits in hand before Mr. Stough can submit his subdivision plan. A general permit is needed to install the outfall pipe through the wetlands. The motion carried.

There was discussion on the inspection capacity at Clear Springs and looking into the volume of water and looking at getting a stream cleaning permit. There is a foot of water in the tile and it is a township's drainage tile. Mr. Stough is asking the township to look at it. It was noted that the township is not at liberty to enter onto private property.

REPORTS

Engineer

Bridge on Century Lane

Engineer Heerbrandt noted that the site survey has been completed and now the hydrologic analysis is being worked on. Construction drawings and the bid package should be ready by the June meeting along with the cost estimate. It was noted that the bridge is closed as noted by the structural engineer. It was noted that it is possible to just repair instead of replacing the bridge. There was a particle collapse of the bridge at the arch.

Circle Drive Culvert

There is an issue with the depth of the hole being pushed down another half foot but the boxes are designed to sit in a ditch and also designed to pick up running water. There will be 2 boxes installed. A cost estimate was given at \$25,870.00. It was noted that the road crew may be able to install this with help from the State. The State will saw cut the road. There was discussion on if this should be bid out or let the road crew do the work.

Motion: Supervisor Ryan made a motion to bid the project out. **Seconded** by Supervisor Sprigg. The motion carried.

Solicitor

Holding Tank Ordinance

Solicitor Shaffer noted there were minor changes to the ordinance. It is mandatory for the township to have their staff do the inspections on an annual basis. Under Section B.3 will be changed to say "Privy". On page 2 under Section 6, Rates, Charges and Fees, is a provision that the township has the power to collect rates and fees. A Repealer has been added.

Motion: Vice Chairman Cummings made a motion to advertise the Holding Tank Ordinance. **Seconded** by Chairman Holder. The motion carried.

Keystone Purchasing Network

It was noted that Josh Kopp our representative from Municipal Services was contacted and he indicated that the State is looking into the Keystone Purchasing Network but advises against using it.

Per Capita Tax

It was noted that the township has the authority to do this and it was noted that Cumberland County has already omitted collecting the per capita tax. There was discussion if the township wants to collect the tax that an intergovernmental agreement is needed with the school district. It was suggested to reach out and talk to the school district. It was noted that the York Adams Tax Bureau is looking at collecting the per capita taxes.

Solicitor Shaffer stated that he has finished his review of the ordinance list and there are ordinances that have never been amended. It was suggested adding some of these ordinances to the website. A public meeting regarding Comcast should be scheduled to review the agreement renewal for 2017.

Executive Session

An executive session will be needed.

Supervisor Decker questioned the 90-day window of a plan. She also questioned if the perc and probes were still good and when the corner markers were placed. She indicated the Solicitor's invoice dated May 4 in regards to April 26.

Road master

Authorization to Advertise for Stone and Seal Coating Bids

Motion: Supervisor Decker made a motion to advertise for the stone and seal coating bids. **Seconded** by Vice Chairman Cummings. The motion carried.

Concrete Barricades for Century Lane Bridge

The roadmaster had submitted a memo on quotes from Pennsy Supply for concrete barricades. After discussion Mr. Ron Miller stated that he charges \$113.00 each delivered for 2x2x6. It was noted that these can be used again. No decision was made.

500 Gallon Diesel Tank

The roadmaster had submitted a memo for off road diesel tank/pump quote. The current off road tank is 175 gallon capacity and would like to replace it with a 500 gallon tank and electric pump with meter. Discussion ensued.

Motion: Supervisor Sprigg made a motion to purchase the 500 gallon tank and associated parts. **Seconded** by Supervisor Ryan. The motion carried.

Boy Scout Troop

There was discussion on the boy scout troop wanting to clean up a road in the township. It was suggested to reach out to them to see what road they are thinking of cleaning up. They are required to do 4 clean-ups in the first 2 years. It was suggested to go ahead and write up the agreement.

Email from Twin Hills Road Resident

A resident expressed his concern for the speeding on Twin Hills Road and is requesting that speed bumps be installed. Supervisor Sprigg indicated that he has contacted the police as this is a safety issue.

Park & Recreation

Mrs. Hoffman, a member of the Park & Recreation Board, gave the Supervisors a list of items that need to be addressed at the Century Lane Park. It was suggested that the township look at hiring a part-time person to help with the issues. There were comments made about the restrooms and some major safety issues. It was also noted that there is parking on the grass and there is no handicap parking spaces.

OLD BUSINESS

There was no old business to discuss at this time.

NEW BUSINESS

Municipal Map Publications

Information was given to the Supervisors that was received at the PSATS Conference. It was suggested to contact them and get the information.

Workshop Meeting – Steep Slopes

Vice Chairman Cummings asked that a workshop meeting be set up to discuss the steep slopes and that he had given all of the Supervisors reading material months ago. It was noted that everyone had not read everything as of yet. It was suggested to read the material and pick out the best of each articles. A workshop meeting will be set at the next regular meeting. Case law also needs to be read.

Vice Chairman Cummings also stated that he wants to see everything with the police contract. It was noted that the police secretary will be contacted to get this information. Discussion ensued.

CORRESPONDENCE

There was no correspondence to discuss at this time.

PUBLIC COMMENT

Mr. Fahey commented that at the election he was talking to the County D.A. regarding the Pearlman plan.

EXECUTIVE SESSION

The Board of Supervisors went into an executive session at 12:09 a.m. with no action taken.

ADJOURNMENT

The Board of Supervisors came out of the executive session at 12:44 a.m. and adjourned the meeting.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary