

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
September 14, 2016**

ROLL CALL

Present were Supervisors 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

Vice Chairman Cummings led the pledge of allegiance and Supervisor Decker gave the opening prayer.

Vice Chairman Cummings asked that anyone in the audience who wishes to speak during the meeting to please come forward and state their name and address.

APPROVAL OF MINUTES

Board of Supervisors Workshop Meeting – July 20, 2016

Motion: Supervisor Decker made a motion to approve the minutes of July 20, 2016 with minor changes she has marked on the minutes and presented to the secretary. **Seconded** by Supervisor Ryan. The motion carried.

Board of Supervisors Workshop Meeting – July 27, 2016

Motion: Supervisor Decker made a motion to approve the minutes of July 27, 2016 with 2 minor changes: #1 – page 1 the \$500.00 is for a “zoning hearing” and #2 in the last paragraph, 2nd line “add-on lots or less than 4”.. **Seconded** by Supervisor Ryan. The motion carried.

Board of Supervisors Regular Meeting – August 10, 2016

Motion: Supervisor Decker made a motion to table the August 10, 2016 minutes for corrections. **Seconded** by Supervisor Sprigg. The motion carried.

ORGANIZATION REPORTS

Police – Supervisor Sprigg noted that calls are going up 1.7%.

Fire – Chief Whitzel from Franklinton Community Fire Company noted they had 11 calls in the township during the month of August. There were 2 incidents with a Route 15 fatality and a fire rescue at Highland Park. A motion was made to merge the 2 fire companies. They have hired an attorney and he will be filing the paperwork for the new name. A letter will be sent to York County for a new station number. The business plan is being put together. The steering committee will be presenting this information and everything is moving smoothly. There are between 10 and 12 officers working on the guidelines. For the present time there will be separate budgets.

Chief McClintock from Citizens Hose Co. #1 noted they had 7 calls in the township during the month of August. Carroll Township has signed a Resolution of Support for the merger which will be coming from Chairman Ritter. Both fire companies will be submitting 2 separate budgets and that this will be the last year for that.

Burn Ban – Both fire chiefs asked that this be extended because of the dry conditions. Carroll Township also extended their burn ban.

EMS – A report was given by Keith Heckert, EMS Operations Manager. There were 18 calls in the township for the month of August. There were 3 missed calls that were after hours. Another employee has been hired.

DAA –The minutes were received. There was a brief discussion on the Sherwood Forest sewer line. It was suggested to have a representative attend the meetings.

Emergency Management – Mr. Fleming stated that on September 17 there will be a drill exercise which will be evaluated by the County. An inventory of the equipment will be done and Mr. Fleming is going to purchase tags at a cost of \$200.00. Mr. Fleming thanked the township for the back-up fuel tanks and also thanked all who assisted at the fatal accident scene. It was noted that there will a meeting held tomorrow night at Carroll Township with the York County Commissioners. The mutual aid agreement was discussed and it was noted that permission is needed for the Solicitor to review this.

Motion: Supervisor Ryan made a motion to grant permission for the Solicitor to review the mutual aid agreement. **Seconded** by Vice Chairman Cummings. The motion carried.

Supervisor Ryan noted that detour signs are needed as it was hard to get the traffic from coming up to the scene of the fatal accident. The township did try to reach out to Latimore Township.

Route 15 Committee Meeting – It was noted that the next meeting is scheduled for October 20 in Adams County at the York Springs Fire Hall from 6:00 – 8:00 p.m. There will be another meeting on October 25 at Northern York High School from 6:00 – 8:00 p.m. The new intersection plans are at the township office.

PUBLIC COMMENT

Jarrod Klein, Range End Road

Mr. Klein noted that he received a letter indicating that he is in violation of the junkyard ordinance at 707 Range End Road. Mr. Klein indicated that the vehicles on the property are in running and driving order. Mr. Klein is subletting the property from the property owner and the primary lessee. It was noted that there are 5 vehicles and 2 trailers that are his and the other vehicles on the property are not. It was noted that the vehicles need to be registered. Mr. Richard Anthony, the primary lessee was present also and indicated that they are working on getting the property cleaned up. Heather Bledsoe, the property owner's daughter, questioned the fines.

Kathleen Gingrich, 1150 S. Mountain Road

Mrs. Gingrich presented a letter to the Supervisors and Solicitor regarding the action taken at the August 10, 2016 BOS meeting with the unlawful removal of Ronald Gingrich from the Park & Recreation Board. There are 2 points Mrs. Gingrich addressed the Board. #1 – information to be placed on the website, such as the steep slope documents, that it is a working file that people can access. Vice Chairman Cummings noted that this is

still a work in progress. There was discussion on the steep slope file to go through the procedure of meetings, hearings etc. with researching this and being open minded. #2 – in regards to the executive session with the removal of Mr. Gingrich, Mrs. Gingrich quoted the Second Class Township Code, Article XXII, Section 2204(b). It was noted that there was an allegation of Mr. Gingrich going after Vice Chairman Cummings at a Park & Recreation Board meeting and that no one from the Park & Recreation Board where asked what had happened. Mrs. Gingrich referenced a letter that Rick Hoffman had submitted and that the Board refused to do an investigation. #3 - Mr. Gingrich had received information from an employee with un-due stress. Vice Chairman Cummings noted that in the executive session the Board received advice from counsel.

Bob Eichelberger, 182 Chainsaw Road

Mr. Eichelberger stated that he is a victim of severe erosion and sedimentation and has appealed to the Board to not diminish the current zoning ordinance involving the steep slopes. Mr. Eichelberger handed out a letter to the Supervisors with some information regarding changes to state law that might make the township responsible for damages to people’s property caused by storm water run-off.

APPROVAL AND PAYMENT OF BILLS

Motion: Supervisor Sprigg made a motion to pay the bills as submitted. **Seconded** by Supervisor Decker. There was discussion regarding the Staub Automotive bill. There is an overage of \$6,107.68 on the repair of the truck. There were issues with the fuel pump and other mechanical problems other than the motor. Mr. Staub noted that the work done was at half the normal rate. Supervisor Decker questioned the Russell Standard Corp. bill being higher than what the bid price is. It was noted that the quantity used was more than quoted in the bid. The overrun is not the township’s fault and that the township should only pay the bid price. **Motion:**Supervisor Sprigg amended the motion to pay the bills with Russell Standard Corp. to be paid the bid amount. **Seconded** by Supervisor Ryan. The motion carried.

TREASURER’S REPORT

Motion: Supervisor Decker made a motion to approve the treasurer’s report as submitted. **Seconded** by Vice Chairman Cummings. It was questioned if the file cabinet has been purchased yet and it was noted that it has not. The motion carried. The Treasurer was told to go ahead and make the purchase.

BCO REPORT

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

ZONING OFFICER REPORT

The zoning officer submitted his report and noted amendments. 707 Range End Road issue – everyone is cooperating. 171 Chainsaw Road – Mrs. Gingrich asked why they got a permit. Mr. Fahey noted that the dirt was moved when the home was built to construct a retaining wall and this was before the zoning ordinance went into effect. Mr. Eichelberger indicated that the work was done much later, after the home was built. 704 Range End Road – a final inspection to move it back and the property owner is being cooperative. It was suggested to give the property owner until October.

SUBDIVISION AND LAND DEVELOPMENT

Glenn Wentz Land Development Plan, File #2016-06-23

Mr. Terry Sheldon, the Wentz’s engineer, was present to represent this plan. This plan noted the construction of a 4,800 s.f. equipment storage shed, additional gravel surface, and associated stormwater management facilities.

It was noted that the Planning Commission did recommend approval of the land development plan along with 4 of the 5 waivers.

The following waivers were acted on.

1. Section 306.7.B.2 – maintaining a distance between the top/toe of a stormwater management basin embankment and an adjacent property line.
Motion: Vice Chairman Cummings made a motion to approve the waiver request from Section 306.7.B.2. **Seconded** by Supervisor Decker. The motion carried.
2. Section 402.C.2.a – providing a dedication of land for widening the existing right-of-way.
Motion: Vice Chairman Cummings made a motion to approve the waiver request from Section 402.C.2.a. **Seconded** by Supervisor Ryan. It was noted that the Spencer Thornton subdivision on Lost Hollow Road ties into this farm and has a 50’ right-of-way. The motion carried.
3. Section 402.C.2.b – improving the roadway or providing a fee in lieu of improvements.
Motion: Vice Chairman Cummings made a motion to approve the waiver request from Section 402.C.2.b. **Seconded** by Supervisor Decker. The motion carried. Supervisor Ryan added that this is only a storage shed for a home based farm.
4. Section 415 – dedication of land and/or payment of a fee for recreation.
Motion: Supervisor Decker made a motion to approve the waiver request from Section 415. **Seconded** by Supervisor Ryan. The motion carried.
5. Section 514.A.1.2 – providing financial security for the installation of public improvements. It was noted that it is common practice to insure that the improvements are completed and that the township does not take care of the improvements.
6.
Motion: Vice Chairman Cummings made a motion to deny the waiver request for Section 514.A.1.2. **Seconded** by Supervisor Ryan. The motion carried. It was noted that a comment was made at the Planning Commission that if the stormwater management was put in prior the security is not needed.

Motion: Vice Chairman Cummings made a motion to approve the Glenn Wentz Land Development Plan subject to the engineer’s comments dated August 18, 2016. **Seconded** by Supervisor Ryan. The motion carried.

Lorin Stough Planning Module

Mrs. Sandy Stough and Mr. Eric Diffenbaugh were present to discuss the planning module. A letter had been received from DEP requesting more information. A sample of an agreement from DEP was reviewed. It was noted that the Stough’s are responsible for all the fees, that once a year someone will test the system, but it should be at least 2 times the first year. There are 2 systems with this proposal, so 2 agreements are needed for the 2 outfalls; one for the 600 gallon tank and one for the 400 gallon tank. Mrs. Stough noted that they need protection so that the township does not go out 10 times a year. The agreement was reviewed with the following: #2 the rate capacity in no case will be greater than 1,000 gallons per day; #3 a qualified inspector designated by the township at least 1x per year and the owner shall submit to the township the fee of \$100.00 per inspection and that it will be deposited in the escrow account on or before installation; #6 there were

concerns if the property is sold and the upkeep is not done. A lien on the property is the township's safeguard. #8 the owner shall provide the township with a performance/maintenance bond or other security in the amount of \$5,000.00 and that the security instrument shall be due to the township within 30 days of the receipt of the WQM permit from DEP. It was questioned if the amounts in #3 & #8 are sufficient and what about price increases. It was noted that this information needs to be returned to DEP within 30 days which is October 2. It was noted that this needs to be researched. It was suggested to file for an extension.

Sofia Pearlman Subdivision Plan

It was asked if the markers are in. This will be discussed in executive session.

REPORTS

Engineer

Bridge on Century Lane

It was noted that the township received the bog turtle clearance and can now apply for the permit. It will be a GP #11 permit and will submit the paperwork by tomorrow. The engineer has been in contact with the State.

Circle Drive Drainage Project

There was discussion on the this project with the neighbor across the street not wanting the rip rap installed. This has been discussed with the contractor. The alternative is plastic matting is to be installed. There is an additional cost of \$5,210.00 for the changes. It was noted that this was discussed before the contract went out and it should be part of the bid. It was asked if the discharge goes into the homeowner's property and it was noted that it does not. This is in the State's right-of-way. It was noted that this should be a non-issue as this was discussed and approved changing that before the bid went out. It wasn't an issue before why is it now.

Solicitor

Boy Scouts Road Adoption

Solicitor Shaffer indicated that he has talked with Mr. Knoebel and these questions were asked:

1. Is the road crew available to pick up the litter collected as it could be more than trash.

It was noted that anything the township can properly dispose of except for hazardous materials or electronics.

2. Does the township have signage indicating litter crew ahead.

The township has "road crew ahead" signs that could be used.

Solicitor Shaffer indicated that he will have a resolution to the Board as soon as possible, hopefully for next month's meeting. This is just a resolution and not an ordinance. The Boy Scouts will be attending.

Executive Session

An executive session will be needed.

Roadmaster

The road report was submitted. Line painting will be done soon. The road crew is working on the swales. The fuel tanks are in and need wired. A letter should be sent commending them on the work done.

Parks & Recreation

There was nothing to report at this time.

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OLD BUSINESS

There are concerns with the walking path to the school from the Twin Hills development with regards to association fees, maintaining, and a snow blower to be purchased.

NEW BUSINESS

Accept Resignation of Supervisor John Holder

Motion: Supervisor Decker made a motion to accept the resignation of Supervisor John Holder. **Seconded** by Supervisor Ryan. The motion carried.

At this time appointments were made to fill the vacancy of positions Mr. Holder held.

Motion: Supervisor Decker made a motion to appoint Vice Chairman Cummings as Chairman. **Seconded** by Supervisor Ryan. The motion carried.

Motion: Supervisor Decker made a motion to appoint Supervisor Sprigg as Vice Chairman. **Seconded** by Chairman Cummings. The motion carried.

Motion: Chairman Cummings made a motion to appoint Supervisor Decker as the Administrative Liaison. **Seconded** by Vice Chairman Sprigg. The motion carried.

At this time it was noted that the Board received a letter from John Ross of the Park & Recreation Board that he is resigning from that Board.

Motion: Chairman Cummings made a motion to accept the resignation of John Ross from the Park & Recreation Board. **Seconded** by Supervisor Decker. The motion carried. Supervisor Decker noted that Mr. Ross has done a lot of work for the Park & Recreation Board.

Trick or Treat Night – Set Date

It was noted that the surrounding municipalities have set the date of October 27 as Trick or Treat night.

Motion: Supervisor Ryan made a motion to set the date of October 27, 2016 from 6:00 – 8:00 p.m. as Trick or Treat Night. **Seconded** by Chairman Cummings. The motion carried with Supervisor Decker abstaining for personal reasons.

Copier Proposal

The Supervisors had received a proposal from Toshiba for a new copier. It was noted that this will be discussed next week. It was also noted that the township should get proposals for a new sound system, one that should be digital. It was suggested to contact SoHo.

Susan Heck Subdivision

Supervisor Decker noted that Susan Heck has withdrawn her subdivision plan.

CORRESPONDENCE

Health Insurance

The Supervisors had received figures for health insurance for the upcoming year. This is information that would need to be discussed at the budget meeting.

PUBLIC COMMENT

Ken Swomley, Franklinton Road

Mr. Swomley questioned how much has been spent to repair the bridge so far. Supervisor Ryan indicated that he will get the number and get back to him. Mr. Swomley also commented on the fatal accident that took Mrs. Thomas's life at the intersection of Route 15 and Hickory Road and questioned what caused it. There was discussion that the white lines at the sides of the road need to be more prominent at the intersection. It was suggested that a letter of recommendation be sent to PennDOT.

Kathleen Gingrich, S. Mountain Road

Mrs. Gingrich noted that with Mr. Holder resigning the Supervisors have 30 days to appoint someone to fill the vacancy. Chairman Cummings noted that the township did receive 4 emails from residents that are interested in serving. The Board will be conducting interviews. It was also noted that this is for the first time the Board has met in order to advertise this position and it would not appear in the Banner until September 23. Mrs. Gingrich noted that there may be others in the township that are interested in this position. If the Board does not appoint within the 30 days then the Vacancy Board Chairman along with the Supervisors have another 15 days to make a decision.

EXECUTIVE SESSION

At 9:40 p.m. the Board of Supervisors went into an executive session with no action to be taken. The Supervisors came out of executive session and adjourned the meeting.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary