

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 14, 2018**

ROLL CALL

Present were Supervisors David Sprigg, Naomi Decker, Kevin Cummings, Eric Stonesifer and Michael Ryan, Solicitor Bret Shaffer, Engineer Phillip Brath, and Secretary Teresa Adams. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA. Visitors please refer to attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

Chairman Cummings led the Pledge of Allegiance and gave the opening prayer the regular meeting was called to order at 7:00 PM

RFP BID OPENING FOR TRASH

RFP Bids for Trash Hauler were opened. 2 bids were submitted 1) Waste Management has a bond, their bid per dwelling is \$64.14 per quarter, Option B is \$6.00 per bag; bid 2) was from Penn Waste also has a bond, their bid per dwelling is \$73.95 per quarter and Option B is \$7.50 per bag. Chairman Cummings indicated a second envelope was submitted with Penn Wastes bid. Penn Waste representative said second envelope was the financial statements for the company. Supervisor Ryan address the public to let them know solicitor Shaffer needed a moment to review the bids.

Chairman Cummings suggested to skip to Agenda item 17 – Correspondence - Rhonda Harpster review mailing reimbursement request while the solicitor was reviewing the bid proposals.

CORRESPONDENCE

1. **Rhonda Harpster** – Review mailing reimbursement request; Mrs. Harpster read a letter she had prepared for the board of supervisors. In her letter she is requesting \$.25 for each per capita tax letter she mailed totaling 3581 per capita tax 2018. If all per capita taxes were paid total income amount per capita would be \$17,905 which does not include the penalty amount. In 2017 she collected \$14,718.80 in per capita taxes this amount does not reflect what JP Harris will recover in delinquent taxes. Mrs. Harpster interjected that she would like to suggest is not in the letter to use York Area Tax Bureau for delinquent tax collection. They charge less, easier to deal with and get more money back. She has spoken with representatives from Carroll Township, Dillsburg Borough, Warrington Township, who recommend York Area Tax Bureau. Mrs. Harpster said she didn't have exact numbers, but the Bureau could also attach wages for delinquent taxes. Mrs. Harpster went on further to report the county has paid \$.75 for real estate tax bills to be stuffed into envelopes which she has not passed on to the Township. Mrs. Harpster said this year the county has hired an outside firm to mail the real estate tax bills and they do not include the per capita tax bill. She said that most households who pay real estate tax have two names on the deed and tax bill therefore they get one real estate tax bill and two per capita tax bills to total three tax bills. She also advised that she includes return envelopes for each tax bill which the county does not provide. Mrs. Harpster said to her account she mailed 1344 single per capita tax bills most of these taxpayers being renters and the other 2237 taxpayers being homeowners she was able to insert the real estate tax bills in with the per capita and mail them together. She also included with her letter a copy of an article in the Dillsburg banner written about tax collector Marcy Renshaw from Warrington Township who also has requested compensation. Chairman Cummings computed the amount of compensation based on \$.25 multiplied by the number of per capita tax bills of 3581 for a total compensation of \$895.25

Motion: was made by Chairman Cummings for the reimbursement of compensation to Rhonda Harpster tax collector in the amount of \$895.25

Second by Supervisor Stonesifer. No discussion ensued. The motion carried.

RFP BID OPENING FOR TRASH

Discussion: Solicitor Shaffer said he just wanted to be sure the bids complied with the anti-collusion statements and each had a financial statement. They both do have the information. Both bids are fully compliant with the bid requirements. Supervisor Sprigg ask do we make the award of the bids contingent upon passage of the ordinance or how does the motion work. Solicitor Schaefer said we weren't sure whether the bids would come in and be agreeable so the proposed contract that was circulated as part of the bid package said that acceptance of the terms would be contingent on the townships passing of the ordinance by the time the service dates starts. Solicitors Schaefer said the board has until July 1 to pass an ordinance, and the ordinance cannot be passed at this meeting because the ordinance must be advertised but board may vote on the contract and if the ordinance is not passed the contract becomes void without penalty to the Township which is the way solicitor Schaefer set it up. Supervisor Ryan commented that the ordinance is prepared and ready to go. Supervisor Sprigg said with one small change. Supervisor Ryan added there was an open-ended amendment. Solicitor Schaefer said the ordinance can be adjusted and will not interfere with the contract therefore if the board has something specific they would like to discuss it can be done at this meeting or next month's meeting. There is enough time to discuss. Supervisor Ryan said he had a question if people already have existing contracts that are not a part of an apartment complex or trailer park, would they be allowed to ride their existing contract until termination date? Chairman Cummings commented that he felt the ordinance needed additional time for consideration than was allowed in the meeting and he suggested possibly having a workshop the following month to allow further discussion of the ordinance. Solicitor Schaefer said his suggestion would be to vote on which company to choose and schedule a time for a workshop or time at next month's meeting to discuss the ordinance. Supervisor Stonesifer ask if the \$64 included all the fees such as recycling, fuel surcharge, or with those fees be on top of the rate quoted? Tom Stang from Waste Management introduced himself and said the fee is all inclusive but does not include wheeled carts. 3- gallon recycle containers are provided. The recycle container is like a Rubbermaid container. Solicitor Schaefer clarified on what the cart is, it was indicated it would be a 96-gallon container on wheels. Supervisor Ryan inquired if a 96-gallon container was an additional charge. Representative Stang indicated it would be an additional charge for that size container. Supervisor Ryan asked if a 96-gallon cart was equal to two bags and representative Stang advised more like three bags. Supervisor Ryan ask what does the contract include how many bags and where are the residents going to get the bags? Representative Stang said the resident would put the bag out that the bid was for a low-volume customer. Supervisor Ryan said the contract was not for low-volume but rather for the elderly resident trying to put a bag out. Chairman Cummings in solicitor Schaefer said their understanding was that the bid was for low-volume customers. Solicitor Schaefer said his understanding was the person selecting the bag and tag would not have to participate in the annual contract. Mr. Stang commented the cost of recycling is figured into the cost of the six-dollar bag. Supervisor Sprigg ask if Waste Management were rewarded the contract the resident would be required to use Waste Management's 96-gallon cart for trash? Mr. Stang advised no that is not the case. He said if the resident wants the 96-gallon cart the \$64 price would change. The cart was not figured into the price of the \$64. Chairman Cummings said he currently has a 96-gallon container he is paying \$66 but now with the new contract he will be going backwards but just to clarify the 96-gallon cart is not included in the bid price. Mr. Stang said that is correct. He said he called to get some clarification on the program, that it is voluntary, the residents may not call another contractor to pick up trash he said his concern was that residents would be able to opt out and then contact another servicer for trash removal. Supervisor Ryan asked if we could get the maximum and/or large items that would be picked up, so the public would know. Mr. Stang said the contract

would include one large item in addition and up to four 32-gallon containers per household. Basically, if you have one cart at 96 gallons plus a black plastic Hefty bag you could set them out for pickup. Supervisor Ryan's question was if you have 96 gallons plus should 1 hefty bag you would still be under the quota for the quarter. Supervisor Ryan clarified the example as having your own 96-gallon cart. Mr. Stang said this is correct. Mr. Stang said if you own your own cart and follow the example you would still be under the \$64 charge. Chairman Cummings asked if he currently has a Waste Management cart under the new contract would it be removed? Supervisor Ryan re-asked the question if a resident has a cart currently through Waste Management would it be removed? Mr. Stang said yes it would be removed because the cart was not included in the \$64 price. Mr. Stang said the only carts to be removed would be green in color with a WM on the side. Chairman Cummings asked the representative from Penn waste to clarify their price, does it include the 96-gallon cart? Penn waste representative Joel advised the 96-gallon cart is not included in their price. Supervisor Ryan said it looks like residents should choose either bag or cans. Mr. Stang said the drivers have an iPad in their truck to log which system they are using. Treas. Williams asked where they would buy the tags. Representative Stang said it would all have to be worked out with the Township in the contract. Mr. Stang clarified the 96 gallons is not the white kitchen bags.

Motion was made by vice chairman Sprigg to accept the contract contingent upon the passage of the ordinance that the board awards the exclusive municipal collection and disposal of municipal waste to Waste Management at a bid of \$64.14 per quarter, per dwelling or \$6.00 per bag option.

Second by Supervisor Stonesifer.

Discussion: Supervisor Decker said she has fought one hauler because of Mr. Stang for 18 years because she heard Mr. Stang speak at a PSATS meeting and at that meeting she said that Mr. Stang told the audience they should never elect to go with one trash hauler because it reduces the competition and that's not a good thing. The individual hauler can charge whatever price they want to because there is no competition. Mr. Stang said it's not that the hauler could charge whatever they want because the bid number is for a 2-year contract and the number would stand for 2 years until the contract ends then it could be extended or put out to rebid. Mr. Stang said what he did say was that you would lose competition if you went from an open market residential contract which the Township has, where the residents can pick and choose. Once you go with a single hauler you lose the opportunity for the home owner to pick and choose whomever they want. Mr. Stang said that he doubts he would have said to go with one hauler contractor because once they are in the door then you're locked into the price. Mrs. Decker agreed that he probably did say that much. Chairman Cummings clarified that part of the discussion was on the bid proposal and the other was on the ordinance. Solicitor Shaffer suggested the board vote on the contract and have further discussion later the ordinance. He went on to say the advertisement indicated the meeting was regarding the bid opening. He suggested to vote on the bid proposals and later discuss the single hauler matter. Discussion circled back around to the 96-gallon containers being provided at an additional cost to the \$64. If the homeowner owns their own 96-gallon container the cost would be the \$64 as proposed in the bid. Resident Ken Swomley spoke, he said that he has an issue with bag sitting out as they tend to get torn open and trash gets scattered. He said he quite often sees this problem. He said right now trash cans are being provided to the residents and he sees a problem with the residents having to buy their own trash cans. Mr. Swami said that he did not hear if the trash hauler is providing the trashcan war how much it would cost. Mr. Wenrich ask is there a delivery or pick up fee for a 32 gallon recycle container because he's being charged \$50 for an empty trash can. Is there a charge for recycle bin and what is the cost of the 96-gallon container the residents do not want? Mr. Stang answered no there would not be a delivery or pick up fee. Mr. Wenrich ask if that is in the contract? Mr. Stang answered no it is not in the contract and it's not part of the contract. Solicitor Schaefer said the contract that was sent out prices were based on trash pickup so therefore the contract says trash hauler is providing recycle containers. Solicitor Schaefer said the only way the prices could fluctuate would be if York County solid waste facility increased or decreased their price that would be passed on to the customer but it's not in the power of waste management or Penn waste to adjust the price. Chairman Cummings

called for the vote to accept the bid proposal. Supervisor Decker opposed saying that she is against the whole thing.

The motion carried with one opposed vote by supervisor Decker. Waste Management ask if the board of supervisors would like someone to represent them when the ordinance is discussed. Chairman Cummings said there will be discussion regarding the ordinance in another session and that it would be in the best interest of Waste Management to have someone available at the meeting to answer questions the residents may have. Chairman Cummings said there would be an earlier meeting which would be the second Wednesday of March. Supervisor Ryan ask if the ordinance was going to be approved that all the board members and solicitor had received a copy of the ordinance with dates set. Supervisor Ryan pointed out that the ordinance was ready to go, he also said that everyone received a copy and should have been prepared to discuss the ordinance and decide at the meeting. He suggested to advertise two-week notice, public meeting, and the ordinance should go before the Board of Supervisors at the next monthly meeting. Supervisor Decker said she believes the Township needs to advertise 30 days before passing the ordinance. Solicitor Shaffer said the advertising is two consecutive weeks within the 30 days of when the ordinance is passed but there needs to be a public hearing at the meeting before the vote. Solicitor Schaefer suggested to do a workshop for the next meeting to establish the language of the ordinance and any questions answered. Chairman Cummings said the vote will either be up or down, and the board needs to decide to have a workshop for further discussion on the wording or make a motion to advertise the public hearing for the ordinance.

Motion was made by supervisor Ryan to advertise the ordinance of Franklin Township to establish exclusive municipal collection of municipal disposable waste and to have a public hearing.

supervisor Sprigg said he did have one comment regarding the 5 o'clock time to set out trash the preceding day to trash pickup. Point being in the winter time at 5 o'clock it gets dark so the older folks that live in the Township that would take their trash out would be taking it out in the dark. The suggestion was made to change the wording to set the trash out no earlier than the day before pickup.

Motion to advertise was amended by supervisor Ryan that the trash would be taken out no earlier than one day prior to pick up.

Second by Chairman Cummings

The motion carried to advertise.

APPROVAL OF MINUTES

Motion was made by Chairman Cummings to approve the January 10, 2018 minutes as received.

Second by Vice Chairman Sprigg.

Discussion: Supervisor Decker said on the second page that would be the treasurer's report that was approved. So, change that in the title and at the end a motion. Then 1 says Treasurer's report right down below get rid of that. Supervisor Ryan clarified to say get rid of the words that say Treas. Pam Williams submitted a report? Treasurer's Memorandum is next, that is Pam's comments about things that needed done or whatever. The treasurer's report is the financial end of it that the only thing that gets approved which is above that. Except for the bills. Supervisor Ryan said he didn't see where anything was being approved just that a report was being submitted. Supervisor Decker said it's titled treasurer's report. Secretary Adams asked permission to speak and explained the reason the titles were changed was because treasurer's report was listed twice. Secretary Adams clarified that supervisor Decker's request to have number 1 titled Treasurer's Report removed and list the motion and second just below the title treasurer's report which is underlined, in capital letters, and in bold print. Supervisor Decker said that is correct. Supervisor Ryan commented that he didn't know when the board ever voted on the treasurer's report, he said he votes on paying the bills. Supervisor Stonesifer and Supervisor Decker both said the report is voted on each month as well as the bills. Supervisor Ryan said the report is about the memos. Supervisor Decker disagreed and said the report is on financial things. Chairman Cummings said it's

about how much is in in the bank accounts. Supervisor Ryan clarified with the treasurer there should be the report and the memorandums. Supervisor Decker said that is all there should be. Chairman Cummings indicated he had one thing, but Supervisor Decker said she had one more correction which was on page 4 at the top, the motion was made by supervisor Ryan to grant the waiver section 4.101.C.2.B; get rid of from “waive” forward. Including the word waive. It should read motion was made by supervisor Ryan to grant the waiver from and then the section. Chairman Cummings had a comment to make on the last page under public comments Mr. Clauser requested copy of the steep slope ordinance, it says Mr. Cummings denied as still a work in progress, he just wanted to state for the record the denial was based on the board’s policy, currently, until there is an actual final document, he didn’t want to come across to the public as some sort of fiat as that is not the case.

The motion was carried no one was opposed.

ORGANIZATION REPORTS

Police – Supervisor Sprigg reported. One highlight to bring up, he knows folks are not happy with Northern Regional Police doing routine stops on US Route 15 but it’s not always just the traffic end of it. There was one traffic stop that resulted in the police finding 1072 packets of heroin in the possession of a 32-year-old male from Virginia as well as marijuana and cocaine. It has a much further reaching oversight rather than just checking speed. Speed usually results in being pulled over but then it goes from there and this is one of the things that you don’t see in the paper, but it happens. You may have heard rumors about Northern Regional expanding. Northern regional Police Department has been approached by four municipalities in Southern York County to provide police service to them. They are working on a charter right now, as most of you may know, there is a police commission of eight members to oversee the police department, if the four new members are taken in they will not serve on the board of commissioners. The police service will be sold to them just as a contract. Just as any general contractor would sell a service that’s what Northern Regional would do for those four municipalities, if it goes that far. It’s 6 to 9 maybe 12 months down the road before everything is settled. Just for what it’s worth the Township pays for 7 ½ units of police coverage which equates to 75 hours of coverage per week here in the Township, that equals 3900 hours per year that we pay for Northern Regional. Based on our current contract our hourly rate of coverage comes out to \$82.63 there are some figures floating around Sprigg just wanted to give some accurate numbers. Chairman Cummings commented since the subject of the police department was being discussed, roughly 2 months ago at the end of the supervisors meeting supervisor Sprigg had mentioned in passing that there was a possibility of a merger with Southern so he had mentioned to Supervisor Sprigg with not knowing any of the details of what the potential merger might be, that he was going to inquire on the cost of what it would be for Franklin Township to go with Carroll Township Police Department. So, in looking at that, Carroll Township’s hourly rate is higher. We are currently paying \$82.63 to Northern York Regional, Carroll Township is \$86.67. The buck stops here Chairman Cummings said he thought we were getting less units said he thought we were at 4 ½ to 5 units or 60 hours per week, he didn’t realize we were closer to 75 hours. So, when the apples to apples comparison is made it is approximately \$4 per hour cheaper. Chairman Cummings concern has been the proximity where we are geographically, being isolated as Franklin Township, he said he submitted a memo to the supervisors internally. He said he had incorrect information, he thought the Township was getting less hours per week that he should have looked in depth, he said that he thought the cost savings would have been drastically more. The analogy he was using was the potential of going with Southern that they were going to become voting members which is not the case, the townships one out of eight votes would be diluted to one out of 12 on the commission. That point is mute. The other concern was, again if they were moving southward, to use the analogy, we are kind of like Alaska and the rest of the Northern York Regional is like the continental United States. Were they looking to move north to help us out somewhat, obviously they’re not coming into Warrington or Washington townships. Chairman Cummings expressed his respect for the officers and chief of Northern York Regional Police Department, he said this is not an issue where they are not doing their jobs as they risk their lives every day, an

example is that we see the heroin epidemic. Chairman Cummings said his concern was the response time and the possible savings, the hourly rate is not there, the only potential savings there could have been was the time lost in paying for the commute back and forth to Dover, so how much of the shift is lost in travel time back and forth to Dover and could that have possibly been offset by coverage from Carroll Township. On average coverage is approximately 10 hours a day of coverage on three shifts where Carroll Township is at eight hours of coverage, approximately 56 hours as opposed to 75 hours, approximately \$253,000 per year which is a \$70,000 per year savings, but there are a lot of factors involved, we are obligated, if the Township were to leave to go with Carroll Township, 1) to get permission of the commission to leave, 2) obligation to the officers, as far as funds they have coming to them. Basically, the Township would be paying the following year, with no coverage from them. That's the way the contract structured there is no getting around that. 3) The Township would have to absorb an upfront cost of going with someone else. This was instigated by not knowing where the merger was going with Northern Regional. Vice Chairman Sprigg said the information was confidential until one month ago and that's why nothing was mentioned previously. Supervisor Ryan went on the record to say that if he is sitting on the board of supervisors he would never vote to go with police coverage from Carroll Township. Chairman Cummings said he was only looking into it from a geographic perspective and a cost analysis and the cost analysis is just not there. Resident Mr. Stough had a public comment and said just for information when the contract was executed point of time starting was when they hit the Franklin Township line. Vice Chairman Sprigg said he thinks that is still the case. Mr. Stough said it's when they come and when they go that is the time clock. He said the Township is not to be subsidizing travel time. Chairman Cummings said again he wasn't looking to stir the pot but trying to look out for the best interest if the direction was to go south.

Fire – no report was submitted.

EMS – A report was submitted.

1. **Advisory Committee** – Supervisor Ryan reported the second ambulance went online January 29, 2018 eight hours a day, Monday through Friday. Membership mailers will be sent no later than March 1, 2018. Single membership is \$85 per year, family membership is \$100 per year, expenses for trucks, facilities and personnel for EMS is currently \$99,400. They have recovered \$90,000, they are \$10,000 in the red. They took a total of 135 calls, 27 in Franklin Township, for missed calls. Billing information, Paul Castopol mentioned it Carroll Township meeting trying to get into the Banner, so they could report, a lot of calls about the membership, there is no billing to the membership but any billing to third-party is feasible and will happen. Private insurance Medicare and Medicaid are third-party billing companies. If you have no insurance the cost is billed directly to the patient. If you have a membership and you take a ride in an ambulance you will not receive a bill, but if you are on Medicaid, Medicare or private insurance EMS will bill the third-party for the rest of the bill. One of the cases was the person was on Medicare, received a check, had to sign it and send it to EMS. The patient wanted to know why she was billed when she had a membership. If all you pay is the membership EMS would disappear they wouldn't have enough to operate. So, they must be able to bill third parties. The problem they said that arrived was that never happened before with Dillsburg because they did not bill third parties, that's why they were in the shape they were in and why they made the changes and other reasons. EMS does bill third parties, they do bill the insurance companies. Supervisor Decker asked if a change is going to be made where the insurance company sends the check to EMS instead of the patient. Supervisor Stonesifer said EMS does not have any control over that. Supervisor Ryan said since 9/11 all the insurances changed. Insurance companies do things completely different even with contractors. They do not pay the contractor, they pay the person, the person signs off, and the person must give the check to the contractor. One of the biggest reasons is due to insurance fraud. People get estimates or want to do things themselves thinking they're going to collect the money but then they find out the check is made to the person that did the

proposal. Mrs. Decker said the companies were losing money because they were being sent to the patient and the patient did not forward it to the provider. Chairman Cummings said he had a question regarding the committee but was asked to hold his question until supervisor Ryan finished the report. Supervisor Ryan said there is talk of Carroll Township not being contracted in the group. When the contract originally came out it dealt with two ambulances on services ALS and BLS the understanding from Geisinger EMS management group is that Carroll is not willing or in agreement to sign a contract and they are looking at different measures of how they are going to handle that. Supervisor Ryan said he made a statement that the Township would leverage their position if it runs into a mutual aid problem. Mutual aid is where you have an outside service that provides a service because they are there, at no cost to you. If that's going to be the case, we are more than likely going to use some leverage. Chairman Cummings said he still had some concerns about finding out the status of what Carroll Township is doing. He said they donated and did not sign on like other municipalities. So his question all along is memberships, how does it benefit the citizens of Franklin Township when they are going to pay \$35 per call which is a lot less than we were bargaining in previous years regardless if we pay \$35 at the Township where you are with your membership, if you have your membership you get your ambulance ride, if you don't you get the bill, so, Carroll Township is not signed on with this, if Geisinger were to sell memberships to Carroll Township residents how is that fair to Franklin Township, Dillsburg Borough or the other people that have signed on to this? So, I'm viewing this as the ball is in Geisinger's court as my previous letter said in the Banner months ago I have a that lives in Carroll Township in Elm Croft, leave me I would like to get a membership for her. But as a supervisor I'm looking what's fair for the residents of Franklin Township so I'm looking at how Geisinger is going to handle this with Carroll Township because my understanding is the dollar amount they made was \$6700. Supervisor Ryan said that was what was budgeted. Chairman Cummings said again you have all these municipalities that have signed on to this and he's just curious to see how Geisinger's going to handle this. Supervisor Ryan said they have come out with what they suspect their management group is going to do but it's up to them what they're going to do but it's not up to supervisor Ryan to announce he will let them make that announcement. Supervisor Stonesifer ask are their hands not tied, they must answer the calls. So Geisinger really does not have a choice to not answer Carroll Township calls. Supervisor Ryan said that's incorrect. Supervisor Stonesifer said again they must answer Carroll Township calls. Supervisor Ryan said no, they can refuse ALS service, he said he told them a long time ago that was their problem. He said we don't live in Carroll Township, that's up to Geisinger EMS to negotiate the contract, we have our contract, we are set with that, if we come into a mutual aid where we have missed calls at that point we can use our leverage. That's his advice.

DAA – No report submitted.

Emergency Management – No report submitted.

Route 15 Committee Meeting – supervisor Ryan said he had a question, he said in the Dillsburg banner a man wrote a book and, in the article, it was mentioned that they are going to start the Michigan jug handles in 2020. He said he can't speak for the accuracy of the article in the paper, but he thought if that were the case they would have to prep for 2018/19 and he would be surprised if none of the boards of supervisors in any of the townships or municipalities would've heard about this and apparently the talk was coming from Will Clark and others in the group that they've always met with so if they know this is going to be the case may be we should have a representative reach out to see exactly what's going on. Apparently, they already know what they are going to do, if they know what they're going to do the might as well inform the public. Supervisor Decker said she supposed that's what they're doing over at County Line Road or somewhere over a little farther. Supervisor Ryan said the article in the paper said they've already mandated to close down roads and everything. Reporter Peggy from the

Banner said yes all that was passed the end of January last year in Carroll Township, they said this is it this is what you got were not opening it up anymore. Supervisor Decker said that was part of that when she reported last time. Reporter Peggy said yes, it's a done deal. Supervisor Decker asked if Peggy remembered exactly where that one was? Reporter Peggy said yes it was Carroll Township. Supervisor Decker said no, the jug handle. Reporter Peggy said County Line Road, because they're going to do that weird thing it's going to look like a rest stop and a couple of the roads are going to be where you can't do a left-hand turn. Supervisor Ryan said that's the first he's heard that it's a done deal. Supervisor Decker said they showed a diagram of it back then. Supervisor Stonesifer said he remembered that and he thought it was all still proposed. Supervisor Decker said no, that was their decision on how they're going to handle it. Supervisor Ryan said when he was at the meeting and ask them what they were going to do with all the stormwater management instead of dumping it on all the residents they said oh yeah, we're going to investigate all that. This isn't done yet. Engineer Brath said all the stormwater management must come through us. Chairman Cummings said his concern with that is stormwater management must be on their parcel, please correct me if I'm wrong Engineer Brath. Engineer Brath agreed that is correct. Chairman Cummings continued, saying as far as the setback, they may design the jug handle and it may be within their setback but storm water for that jug handle still must be within their property line otherwise you're talking eminent domain. Engineer Brath said he would assume they're going to need more property. He said he didn't know how they would do a jug handle without asking for more property. Chairman Cummings said so, will be hearing about this soon. Engineer Brath said if they're going to do this in 2020 than they're going to start showing it. Reporter Peggy said she travels Route 15 enough to know there was a lot of surveying last summer. If she's not mistaken that was to do their preliminary surveys to get all their permitting and whatever they need as far as properties, procurements, and so on and so forth, out of the way. That would've been their original survey. Surveyor Lyons said they've been out within the past couple of months too. Supervisor Decker said she did not read that article. She said she read the title and maybe the first paragraph or two but did not finish it. Supervisor Ryan said apparently, it's a good book the guy writes about all the accidents and it being a bad corridor and he thinks it was stated as the worst in Pennsylvania. Reporter Peggy said that is not true one of the reasons we had so many problems getting things done in the beginning and Wayne Kober had to fight like a dog, this is one of the least dangerous corridors in York County. It's way down like number six or seven on the list. They didn't even want to look at it. Supervisor Decker said she wouldn't want to live in the first five.

Engineer's Report – Engineer Philip Brath gave the report

There are still some different compliance activities. Were still working on Franklin Glen storm water basin, Brett sent out a letter on January 23, 2018 to the Homeowners Association, they were supposed to call and meet with us within 10 days, we still have not heard from them. Supervisor Ryan ask who the engineer is for them. Engineer Brath answered he does not know. Supervisor Ryan said he thought engineer Brath was the engineer. Engineer Brath said he is not the engineer for the Homeowners Association, he is the engineer for Franklinton Borough. Supervisor Ryan said he thought they would have sent it over to the Township and had a representative call for an extension or something. Engineer Brath said not that he's heard of and they have not requested an extension either. He said it's a Township issue and a Borough issue too, they are concerned about it. He said unless board wants to take the next step, he would recommend calling and move the meeting up. Unless the board wants to take the next step, which is enforcement. Solicitor Shaffer confirmed it is a Dillsburg address, correct? Even though it's on the edge of Franklinton Borough. He said his mail never came back. There was some discussion within the board if the address is Dillsburg or not. Supervisor Sprigg ask Mr. Bowers if it is a Dillsburg address. Mr. Bowers said if it's in the Township it is a Dillsburg address, but he can't speak for the ones in the Borough. Supervisor Ryan ask if there was a PO Box on the mailing. Solicitor Shaffer said he sent it certified. He said it did not come back and he sent it to President of the homeowners Association. Engineer Brath said he did verify that's the correct name. Solicitor Brath said he also sent the letter regular mail. Engineer Brath said he will contact

them and the Borough has contact them before as well. Supervisor Ryan ask what's our notification policy do we double notify? Solicitor Shaffer said the association was to notify us within 10 days or an enforcement letter could be sent, or we take equitable action. Supervisor Ryan asked if we have seen any action from Franklinton Borough as far as fixing their end of the problem up there. Engineer Brath ask which end of their problem. Supervisor Ryan said maybe taking some of the humps and crowns out of the road to keep the water from rolling on the Township and running across the street where it ought to be going, into the inlet. Engineer Brath said no he has not drafted a letter but if the Township wants he will draft a letter. Supervisor Ryan said he figured we were already at that stage. He said we looked at it over a month ago and was pretty sure the Board wants the issue addressed, we're trying to address our end of it so he thinks it's time Franklinton Borough should be addressing their end of it, obviously the mayor is aware of it as he did speak with him about it and they are aware of it so if they're aware of it then they ought to be appropriating funds to go ahead and take care of it, at least the deficiencies that they know they have. Engineer Brath said some of the things that they have done as far as letters going out to the residents, to repair swales and stormwater facilities, as far as where some of the storm water has been directed that is something that has not been approached with them. If the board would like Engineer Brath to write a letter expressing the board's concerns he will do that. Vice Chairman Sprigg said he personally would like to see that happen. Supervisor Ryan asked if a motion is needed for the letter. Engineer Brath said he only needs to be ask to write the letter. Supervisor Ryan said that Mr. Adams is aware of the inlet and obviously they will have to do that when there are more suitable conditions. He said he would imagine it is something that would be engineered and planned as far as the whole basin because the whole basin is going to have to be addressed and obviously we would have to get part of the Homeowners Association involved as they are liable for the expenses of this. Mr. Bower spoke up to say that was accepted by the Township he was interrupted by supervisor Ryan ask to hold on, then he asked for clarification from engineer Brath. Engineer Brath said yes right but it's a Township thing to do, we are pushing our requirement that it be finalized which they've done in their drawings, plus were going to try to push them a little further to include, because we don't have any record that they increased or accounted for the additional homes they added to that area into the flow basin. The other flow that is going into that basin is from the borough. So, there are two things. The Homeowners Association itself is responsible for the additional area that it is sending to the basin. The Borough is responsible for the flow they have directly going into the basin. So, those are two separate letters, two separate issues. Mr. Bowers said he is confused the Township was the overseeing body at the time, that it was done, the Township approved it and released the bonds. It seems to him the Township has some responsibility in that, that they did not ensure it was done correctly. Supervisor Stonesifer said more units were added after that. Mr. Bowers said there were no more units added they were there originally. He thinks if the Township were to do some calculating, and this is from word of mouth according to a dump truck driver, the Township will find the pond is not near the size it needs to be. He said knowingly it was done that way. If you take the drawings the Township approved you're going to find the pond is not as big as the drawings show and the Township went ahead and approved, it like that. So, it certainly seems to him that the Township has some liability in this. Engineer Brath said if the drawings were incorrect then Solicitor Shaffer, correct me if I'm wrong, based on the developer not the Township, the Township reviews the plans. Chairman Cummings asked Mr. Bower if he has an estimated time of when that took place. Mr. Bowers answered approximately 20 to 20 couple years ago. He went on to say he wants to tell exactly what he was told he knew the man well that was receiving the fill out of the retention pond and he was anticipating in receiving a lot more and the truck driver told him this is all your getting and he asked why he wasn't getting the rest of it. Truck driver said it's on solid rock, they're done and it's not going to be as big as it's supposed to be. Engineer Brath said that's interesting knowledge. Mr. Bower went on to say he thinks they built a house on where the rest of the pond was to be. Supervisor Ryan said that made sense to him because there is a storm catch basin on the other side that's supposed to be from there to the pond, which goes right to where the house is at, instead of it going there it goes right down the road into the sedimentation pond then right into Mr. Bower's backyard. Mr. Bower said there

is a 2 by 4-foot ditch and it does not take all the water. Supervisor Ryan said he knows, he has pictures, they were down. Mr. Bower said he feels bad for the people in the homes because they are all innocent to this. When they received this, they did not have an engineer check out all the storm water management they assumed the municipalities were overseeing it and it was done correctly and it's not. At one point in time he hired an attorney to look into this and a developer said if they gave him an indemnification letter he would give them the proof of how wrong it is. He said what dummy would indemnify. Supervisor Ryan said it's not going to be a Township problem, we looked into charter things and it's a Home Association problem. Solicitor Schaefer said he did some tracking on the letter and he does not think the Homeowners Association president got it. Mr. Bower said the only ones with the Franklinton address are those that go to the post office to receive their mail. Anyone that gets home delivery is Dillsburg address. Engineer Brath ask if the address given was Dillsburg as that's the address he received. Solicitor Schaefer said someone can take the address out and post it on the door. Solicitor Schaefer suggested maybe the Homeowners Association president winters in Florida. Chairman Cummings inquired as to who will post the letter, will it be the zoning officer or who. Solicitor Schaefer said it doesn't matter who posts the notice. Supervisor Stonesifer said he drives by their every day he could post the notice. Chairman Cummings said to go ahead and post the notice and ask if it also needs to be sent certified mail. Solicitor Schaefer said no it's just a notice. Surveyor Lyons asked if the facilities are still private or if the Township took them over. Solicitor Shaffer said it's through the Homeowners Association. Surveyor Lyons said the only other way to find out if the pond is built correctly is through an as built versus the plan. Engineer Brath said he doesn't think that was ever done. Surveyor Lyons said exactly, some townships when they do put in stormwater management facilities they want an as built before they take the facilities over or sign off on it. Engineer Brath said one more thing to address 105 Circle Dr., he received a call from potential buyer of the property, the embankment was washing away from the pond and allowing water on to the Township road. He looked into the situation, he receives some pictures of it, and contact supervisor Ryan, supervisor Ryan ask him to wait see what the board of supervisors would like to do on the issue if they would like him to look into it. This should be a pond that would have a DEP permit associated with it because it's very close in size. He said he does not know if it has a permit. He said it reaches close to 100 acres and that is what triggers the permit. Said he has not been back out and does not know if it has been repaired. He said it does need to be repaired properly. It may require a DEP permit to be repaired properly. It is a home owner issue not a Township issue, however, it does need to be repaired properly. Supervisor Stonesifer said it is right along the road. Engineer Brath answered yes. Supervisor Ryan said the Township repaired the road where the initial blowout took place. Engineer Brath said it appears to be a continuing problem because he was told about it he took a quick look at the Google image of it and the Google image shows it eroded away. But when the buyer went out and took pictures he shows it to be in pretty good shape not eroded. But it is something that has occurred before. Supervisor Ryan said if the pond does blowout it will take nearly 20 to 30-foot section of the road out. There are currently 2 culvert pipes there now. They did fix and repair the erosion there from the initial failure but if it decides to go it will be quite a mess. Supervisor Stonesifer said it is on private property. Chairman Cummings said we know there is an erosion issue and confirmed with engineer Brath the Township is not doing any engineering work. Engineer Brath said that is correct. So, can we just send a letter? Engineer Brath said yes, a letter can be sent. Chairman Cummings wanted to know who was going to send the letter the engineer? He said there needs to be notification that the Township is not going to be doing any engineering on the issue. Engineer Brath said he recommends the Township observe that the repair is made the correct way. He said it appears to him a rock was just thrown into the area and not fixed correctly, and this is why it failed again. The other issue is there is not an appropriate spillway. It should have an appropriate spillway and that's what is causing the problem. The water is coming in to the area through a stream which filled up the area and could not get through the overflow fast enough, so it ran over the end of the embankment. So, there are some design issues there. If DEP is involved than they can handle it to make sure it happens. If DEP is not involved it would take more of the townships time to make sure the issue is being corrected properly. Supervisor Stonesifer said the property has

been vacant for many years and this is going to be an issue, but it does need to be addressed. Supervisor Ryan said notification should be sent to the current deed holder that the Township is going to DEP, EPA or whoever to have them come out and look at the situation and the property owner can hire their own engineer or whoever but let them know it is not on the Township. Chairman Cummings asked engineer Brath if he is going to contact DEP to find out if the repair requires a permit. Engineer Brath said yes, that was going to be the next step. Supervisor Ryan said once we notify them that it's unstable and the property owner fails to make the repair then it creates a liability to them. Surveyor Lyons said you will have to go back 20 to 25 years because the property was there when Mr. Crook owned it and it's been there a long time. Engineer Brath said you cannot tell from pictures how much water is in the pond either. Supervisor Ryan said over an acre at least. Engineer Brath said he would take some limited steps, notified the owner, see if it is permitted and then form the Township from there to see what to do.

Clauser-request for time extension related to enforcement. Should be a letter from Mr. Hoover on this. He's ask for an extension based on the zoning ordinance for steep slope. There are some areas of steep slope he has cut through, put his driveway, Engineer Brath didn't know if they have any comments on that or would like to comment on that. Engineer Brath said he knows the storm water management that has been submitted to the County, but he doesn't have anything on that, but he has asked for an extension. Engineer Brath asked if the Township filed corrective actions. Solicitor Shaffer said in the past where the resident is taking positive steps the Township has not gone forward but the solicitor can't tell. 2 and 3 on the letter don't seem to be real concerns but if he's waiting on something to change with the steep slope section I'm not sure what that is, he may still move along while that's pending. There are still things there that need to be corrected. Engineer Brath agreed there are other things that need corrected. Engineer Hoover request permission to address the board he said they are moving forward with the two items they can take care of and have addressed the issue with the county conservation District they want a few little corrections to the E and S plan to be made than that will be approved. We will be submitting to engineer Brath's office the storm water management plan from what Mr. Clauser had done out to the site. However, the issue relative to the steep slope considering the possible amendment to your zoning ordinance relative to the provision we would like to see how that's going to play out over the next 30 to 45 days just because if the ordinance doesn't change then we must comply with the current requirements. We would have to appeal before the zoning hearing board to seek some type of relief. Chairman Cummings spoke, regarding steep slope we still don't have a final there were some comments from our solicitor that need to be addressed that are detailed so as much as your client would like to know I'm sure Mr. Grove would like to know. He's been waiting years for an answer on it. But I do not see any answer on steep slope in the next 35 to 40 days. There's no way. The issues that are going to be addressed by the solicitor from the draft that was sent to him, I think you're looking at a good chunk of a meeting to a possible workshop just fixing that aspect of it. Before it could be advertised, best case scenario and I don't see that happening and 35 to 45 days. Engineer Hoover said he guessed that if it come down to the other two items storm water management and erosion control could they perhaps get a longer extension on the steep slope issue. He said the work has already been done. He said Mr. Clauser is not doing anything else additionally. So, this issue is just a matter of ordinance compliance. And the only way to get ordinance compliance is to seek relief from the zoning hearing board. Supervisor Ryan ask if anyone has determined what the slope was preconstruction? Engineer Brath also ask if they determined how much is the slope. Engineer Hoover said yes, they did do that. They did a survey of the area and some areas are 15% or greater that were disturbed for the installation of the driveway. According to the ordinance those areas obviously can't be disturbed at all. But the reality of it is the only way he could access his site is the location he put the driveway in because PennDOT and the site distances and the alignment of the roadway, so for him to have access is governed by PennDOT who controls roadway access and if he grosses off that right away he is then in the 15% slope. Supervisor Ryan said he hopes that's not the excuse for every steep slope he takes care of in Franklin Township because he doesn't think that will fly. Engineer Hoover said it's not an excuse. Supervisor Ryan said

it clearly states there is no disturbance at 15% or over. He said this is an “I did it and I’m sorry”, and we understand but were trying to and that practice. Engineer Hoover said he does not disagree but the only difference between where they’re at now if Mr. Clauser had realized this requirement he would’ve appeared before the zoning hearing board before the disturbance would’ve occurred. Engineer Hoover said there’s no way you can access the property without crossings 15% slope. Supervisor Decker said this is not true. Engineer Hoover said it’s on the application for PennDOT. Supervisor Decker said yes, but where it enters it is not 15%. Engineer Hoover said once you get beyond that or down and to the left or the right you’re at 15%. He said once you get 50 feet beyond the roadway it starts falling off in any direction. So, there’s no way this man’s going to access that site without crossing that 15% slope. Supervisor Decker said that depends on how far you want to go back. Engineer Hoover said you at least must get beyond the setback on it. But again, that’s why we’re here, if the Township changes the ordinance than the clients issue would go away. Chairman Cummings said this has been a discussion for years and it’s not going to happen within the timeframe. Realistically the argument comes down to the issue was a zoning hearing board issue. Because you should have been going before the zoning hearing board indicating this is what I want to do your ordinance creates a hardship for me because I can’t get beyond the setback and I think this would be a valid argument for you. I understand now where you’re coming from on that. Solicitor Schaefer said the proposals that are going to come out will require conditional use on it anyway so there will be some type of hearing and there’s going to be a cost. Engineer Hoover said they’re not trying to avoid the cost to just trying to avoid the least complicated process. Solicitor Schaefer said if they feel strongly about the variance he would just go through with that. Engineer Hoover said from a timing standpoint that’s what they’re going to be forced into doing. Engineer Brath agreed. Solicitor Schaefer said he’s not going to take action to enforce something if they’re going to the zoning hearing board. Engineer Hoover said that’s the direction it appears they will be going. Supervisor Ryan said what he’s thinking is if they are in violation of the 15% steep slope and that’s the only access they have, go to this zoning hearing board, if they deny you then you’re done the lot is a non-building lot. You can’t pass it until there would be variance and an ordinance change that would increase the amount of slope that you can use then the lot would become your building lot again. Otherwise it is what it is right now. Engineer Hoover said, or we look at taking it by government entity. Supervisor Ryan said that is always their right. Engineer Hoover said then you make it basically non-buildable. Chairman Cummings said again this is a discussion it’s been going on for years, it’s in the process but it’s not going to happen in the next 35 to 40 days and if that’s the timeframe than he thinks they’re not going to have an answer. Engineer Hoover said as long as they know that where preceding ahead with these issues and that Mr. Clauser isn’t going to be faced with any enforcement action. That is all there looking at getting. From what he’s heard the solicitor say as long as they’re moving ahead and showing progress there will not be any enforcement action taken. Supervisor Ryan ask if the Township is the only one involved or is the county still involved? Engineer Hoover said the county has some review problems that he thinks can be cleaned up. Engineer Brath said he spoke with the county representative and she said they were close. Engineer Hoover said that gave them the direction they needed, and they’ll comply with the other items indicated in the letter and make an application to the zoning hearing board.

PUBLIC COMMENT

There were no comments from the audience currently.

APPROVAL AND PAYMENT OF BILLS

Motion was made by supervisor Sprigg to pay the bills.

Second by Chairman Cummings to pay the bills.

Discussion Supervisor Decker said she had a question about an invoice and would like to step down for public comment on that. She said I gave the board a plan in December and it was to sell and add on lot. I gave each member of the supervisor’s board a copy and I also gave a courtesy copy to the engineer and the solicitor, so they

would know what's being discussed when it came before the board. I received an invoice for the review of the lot. The lot was already approved, it was completely approved years ago, so it was not a new submission it was only a note on the plan that said she needed to come before the board to proceed if she wanted to sell it. So I went to the board gave courtesy copies and now I've received a bill for two hours of time and all that was done was a lightning strike moving it from one side to the other, \$238 and I'm asking for relief from that because I don't see how registered engineer could spend two hours trying to figure out what was going on moving a lightning strike from one side of the property to the other. If you had questions and couldn't understand it I have a telephone. Which was five minutes instead of two hours. She said I have a real problem with that. Engineer Brath said he received a plan and wasn't sure what to do with it when he did get it. He said he did communicate that back to the Township through emails. Especially when it came on the agenda to talk about in front of the Board of Supervisors. It was something that he did look at and there were a couple of issues on it that he wasn't sure. Probably a phone call may have helped with it. Mrs. Decker said she could have told him within five minutes. Engineer Brath said but there were a couple of different things which included the fact subdivided and should have been recorded with that lot being added to the other one but now it was being removed from it. So, he just wanted to look at the county tax parcel information and that was done. Mrs. Decker said she saw on the description of his work that he checks to see if it was able lot of its own, if it had its own tax ID. Five minutes, is all that takes. Engineer Brath said he wanted to make sure he had some information in case the board ask his thoughts or comments on the subject. Make sure he understood. Mrs. Decker said this invoice really upset her, but she thought okay maybe she should be glad this happened because our residents are also paying engineering invoices and I'm going to have a really close ear if they have comments or complaints about their invoices because this is out of line. Solicitor Stonesifer said he had two questions 1) was it presented at the planning commission? Mrs. Decker said no it was not. Supervisor Stonesifer said if it would have been would this have been addressed there at no cost because you are at the meeting? Engineer Brath said probably yes. Supervisor Stonesifer said he's not taking anybody side he just once an answer to his question. Mrs. Decker said she will answer that. She said it did go to the planning commission but not this planning commission. She said she submitted it back in 2014 when Charlie was on. She said I don't know if you remember it or not Charlie. Mr. Bower said no he did not remember it well. Mrs. Decker said they did not know what to do with it, but they did say she needed to get a deed of consolidation. Mrs. Decker said she gave a copy of the minutes of that meeting. Supervisor Stonesifer said yes but there was confusion. Mrs. Decker said she did not go to this planning committee because now she is sitting on that board and could be taken as more of a buddy system, so she didn't mention it to them. Mrs. Decker said she is not arguing. Supervisor Stonesifer said no it was more for the public's information. Engineer Brath said part of it was that he didn't know what to do with it when it came so he asked Township what's this for, what to do with it, where's the paperwork that goes with it. He then did a quick review to see what was going on with the plan. Supervisor Ryan said you said you were supposed to do a deed of consolidation and did you do that? Mrs. Decker said she's working on it, the recorder of deeds holds the deeds. Supervisor Ryan ask when Mrs. Decker was in to see the planning commission when Charlie Bowers sat on the board that they told her to do a deed of consolidation, was that on lot 1? Mrs. Decker said no. Supervisor Ryan asked if he misunderstood what she said. Mrs. Decker said when she went for the planning commission when Charlie was on, they said if you sell it you must get a deed of consolidation. She said she didn't sell it and she did not have a buyer until December. Mr. Ryan said thus came the comment on the plan, that you had come before the Township to sell it. Mrs. Decker said no, that was part of the agreement on the original subdivision. It was written on the subdivision. Supervisor Ryan read the comment this lot not to be sold separately without Township approval. Mrs. Decker said this is why her attorney said she needed to bring it before the board. Chairman Cummings said obviously because that's what it says. Mrs. Decker said however there are people that have notes like that on the plan and they're not required to do what's on the plan. Same kind of notes. Supervisor Ryan said he would agree with that statement. Chairman Cummings said I agree when the plan was originally handed to him it was as a courtesy and it comes down to what Mrs. Decker

just stated as agreement to sell that's when he personally on a Saturday almost a week later emailed the solicitor saying I need to know for Wednesday's meeting what standing do I have as a supervisor to give a yes or no whether someone can sell something, so, I don't know exactly how long it takes Phil to look something up on the tax record or not. I know that I had asked the solicitor to say what grounds do I have to say. I don't see how a supervisor can tell someone whether they can sell something. But that was answered. The question arising to the Lot 1 and the lightning strike, again that was answered but I know that I personally put in a little bit of time, but I don't know what it's for, I know it's two hours, but I don't know the dollar amount is not my business. Mrs. Decker answered \$238 which should've taken a registered engineer about five minutes to decipher what was going on there when you see a red lightning strike. Engineer Brath said he did decipher what was going on there but it didn't make any sense when the property should have been added to the other property, the big property. It must not have been recorded that way. Which was how it was stated it was to be recorded. So, he wondered if Mrs. Decker were subdividing or had to subdivide. He said he couldn't tell why she didn't have to go through a subdivision process considering that was already supposed to be added to the big lot. It turns out that it wasn't added to the big lot, so she didn't have to do that. Mrs. Decker said it was .633 or so acres and being that amount you can't just let it stand there by itself. So it was an alternative then, the board, Lorin was on it, must have said ok, you can keep that by itself, you have to show it or adjoin it to another property, now I don't know this as a fact but I'm trying to think what may have happened there, but then you have to come back to the board to let them know what you're doing. Engineer Brath said the notes say the purpose of this subdivision is to subdivide lot number 9 into 2 building lots and add the remaining land to Lot 1, so it was never added, so that threw me for a loop. So, I wondered what's going on here. So, a phone call probably would have helped. I did call into the Municipal office. Supervisor Ryan said that's what changed his mind as he runs a straight line on the book rule. If he would have seen it like that, with the lightening strike on one side, note on the plan says it goes with Lot 1, the 30 acre lot, that has to be subdivided, the reason he votes not to subdivide that to do the deed of consolidation for the simple fact that you are paying taxes on the 30 acres which is a separate lot. If it would have been adjoined to that 30-acre lot, I would have voted to subdivide that lot because everybody else would have had to do that too. Mrs. Decker said she wouldn't have asked him to do that. Supervisor Ryan said that he had the advantage to speak with Mrs. Decker to find out it was 2 separate lots. Mrs. Decker said the Engineer would have known the same thing had he ask her. Supervisor Ryan said he is explaining the process, so everyone understands, and it's done fairly the reason being it was 2 separate tax parcels. Chairman Cummings said he was going to give Mr. Stough the benefit only because his name was mentioned. Mr. Stough said since he was a part of the board during the time the plan was submitted, the note was put in for the same reason it's there today, because it was a substandard lot. And he doesn't know why the line was left there but it was left because at the time that piece was being attached to number 1. If she's taking the lot and putting it with a different lot, he doesn't know why at the time of the approval, that it wasn't created as one lot, because it couldn't be accessed and doesn't meet the criteria. Chairman Cummings said his question was why the land wasn't just kept on the 2 parcels. Mr. Stough said in his subdivision they indicated its part of something. He said he doesn't know why it was separately deeded. Mrs. Decker said it was because it was substandard. Several conversations broke out at the same time on the matter. For some reason the note was allowed to be placed on the plan and the land was allowed to be deeded by itself. Mr. Stough said the symbol on the plan indicates the land is part of a parcel and the note doesn't matter. Mrs. Decker said it has its own tax parcel number. Mr. Stough said he doesn't know how she got that, it's after the fact. He said what they approved was to be part of parcel 1 and that's why they did that and that's the way it's still done today. He said he was here at the meeting when she ask for this and he couldn't understand how she was adding it to Lot 9 and taking it off Lot 1 without them doing a subdivision. He said he would concur with her initial question about engineer billings, not Phil's but up until he got his subdivision approved he paid for 3, 9-hour reviews of the same plan they moved the lot line for a lot line. He paid one engineering bill to review it at first, and if a different engineer was coming to a meeting and he wanted to be prepared to talk about it he paid for

another nine hours. Then it came into last year changing, and Phil reviewed it for six or seven hours, and the comments were there and all we were doing was defining or delineating whatever changes had to be made, so, Mr. Stough concurred with Mrs. Decker, and he has said over and over the person doing the subdivision should pay their engineer the fees that command off of the subdivision plan should be from our engineer to protect the Township. But somehow this got changed not only an hour Township, Carroll Township I have paid thousands and thousands of dollars for reviews and every time there's more and more comments than we pay our engineers to do it and we pay the townships engineers to do it. He said he has stack of engineering bills for the past three years that are duplicate and there's Phil looking at something maybe not duplicating because he didn't see it before and once he did a review there were no more bills from him until he got his approval. But he does say that the consumer or resident is held hostage to those double billings. He said he thinks that Mike can verify that he has spoken with him about overlapping bills. Supervisor Ryan said yes, he questions them, and he has watched the engineering bills and solicitor bills pretty good. Mrs. Decker said to move on she would appreciate relief from that if that's possible. Engineer Brath said he did spend that amount of time, he knows that's a little high. Mrs. Decker said that's a shame. Engineer Brath said they did talk about it and he mentioned it here too. Mrs. Decker said she's not somebody he doesn't know and she's talking as an individual and not a board member. Engineer Brath said they did talk about it here in the office. Let me see what I can do about the bill. Mrs. Decker said there was something brought to the planning commission that night that caused a lot of confusion and that was something Mr. Brath addressed with another deed of consolidation or declaration of consolidation. Engineer Brath said yes there was. But that didn't have to do with this one. Mrs. Decker said no she knows. Engineer Brath said except that you are doing a similar type thing. Decker asked but who pays for that or where does that go? Engineer Brath ask the deed of consolidation? Mrs. Decker said no the bill for looking into that for whoever? Engineer Brath said he only brought it up here, he didn't spend any time on that. He brought it up at the planning commission and here he said he also knows they did one before. Mrs. Decker said thank you and resumed her position on the board. Chairman Cummings said the engineer said he would look into the matter so please hold off on the engineer's bill. Chairman Cummings said they are amending the motion to pay the bills. He asked who made the motion and second to pay the bills. Treasurer Pam Williams said we still have to pay Phil that's what you are approving. Somebody has to pay Phil. Chairman Cummings said right still hold that would. Engineer Brath said he's not going to charge the Township. Vice Chairman Sprigg said he made the motion.

Amended motion was made by Vice Chairman Sprigg to pay the bills with the exception of the bill from engineer Brath pertaining to a two-hour block pertaining to the Decker bill.

Second by Chairman Cummings. Supervisor Ryan said he just wanted to comment to make the board aware there is actually a grievance policy through the Township on how a grievance, for engineering billing and such and he's not so sure we shouldn't be using that rather than saying hey were going to look into this. There's a policy that strictly states how this is taken care of. Know that we've had other residents take that line, some do it, some don't, but that's actually what should be happening here. Engineer Brath said he like to make a statement because I've kind of been thrown under the bus here for engineering fees and the fact is a lot plans come in and are not adequate, we endlessly as engineers see plans that don't meet the ordinance requirements so yes you paid an engineer to develop a plan and it comes in and we get 68 comments or 30 comments or 50 comments on these things and because they didn't read the ordinance before they submitted the plan over and over and over again I've had plans where somebody didn't look at the ordinance and let me tell you I sat on the other side of the table and when I submitted a plan I've looked at the ordinance and the people that have viewed my plans came back with four or five comments and they were the typical sign here date this seal this pay your fees that's the only comments I would get back unless I was trying to do something interesting and different that required some kind of communication in the review so I hear you guys I hear you ask about these fees and I understand and yes it's an expensive process but we have to defend the townships and when these plans come in their not meeting these requirements. Chairman Cummings said that he had a comment to in regards with what he hears both sides of this

and he knows when he looked into the matter he had some questions, you said that you put two hours on that, I have no way of disputing that, I do believe there is an issue with billing, I know the time that I was looking at it, and I'm not an engineer, it may have been five minutes or it may have been two hours, but I agree with what supervisor Ryan is saying in regard to a grievance policy because at what point do we stop trusting the billing hours. I understand Mr. Stoughs point of reviews but I think this one for me personally was a little bit confusing if he says it was two hours it was two hours. And believe me I have nothing but respect for supervisor Decker I am not looking to give her a financial burden either but for the record if we have a policy that is a grievance for billing and has to be the same for every person in the Township and I don't want it to appear as if a supervisor is being treated any different. I don't believe that to be the case here I believe the questions that were asked at the hearing last time were asked. Supervisor Stonesifer ask what is the policy? Solicitor Shaffer said it's in the municipalities plan code. Supervisor Ryan said it's a fee that's paid for it to go before the engineer review board and they'll decide. Solicitor Stonesifer said he would amend the motion for all engineering bills at this point. Vice Chairman Sprigg said he would withdraw his motion. Supervisor Stonesifer said he sure to be a refund situation and that the board should pay the bills they have in front of them. Chairman Cummings said there are obligated under the MPC code. Solicitor Schaefer said that's the policy estate prescribes. He said the board asking can they do something different then yes. Chairman Cummings said yes as far as trying to establish the same policy for each person in the Township there must be a barometer there has to be description as to why, could be yes could be which way is the wind blowing, there's got to be a policy that we need to be following. And I'm not looking to add to supervisor Decker's burden either but. Engineer Brath said all she must do is send a note saying that she requests I look into the bill and confirm the amount. That's the correct policy and it's up to me to respond to that. **Motion** to pay the bills as they stand by Chairman Cummings.

Second by supervisor Ryan.

The motion carried.

PUBLIC COMMENT

Harry Naill 2 Albert Ln., Dillsburg he understands the board is looking to rezone the whole Township. He said he's a real estate broker for 32 years and is well versed in land subdivision. The board advise they are not looking to rezone but they are looking at zoning ordinance changes on certain specific aspects of the zoning but not to rezone the entire Township. Mr. Naill said he thinks there are areas where the wrong zoning is in place and wanted to know what the Township is willing to do about it. Specifically, he wanted to look at Albert Lane. He spoke about how expensive subdividing is to complete and smart zoning. He gave a brief description on smart zoning. He wants to subdivide a lot to build a home. His total lot size is 1 ¼ acres. The board advised under open space he would need a minimum of 4 acres to be able to subdivide. A discussion ensued regarding steep slope. Mr. Naill was advised with water and sewer residential is 10,000 square feet to subdivide.

TREASURER'S CORRESPONDENCE

1. Treasurer's Report

Treasurer Pam Williams submitted a report.

Motion was made by Vice Chairman Sprigg to accept the treasurer's report.

Second by Chairman Cummings.

No discussion.

The motion carried.

2. Treasurer's Memorandum

Memo item #2 decision to send proxy to make a quorum to make a vote.

Memo item #3 regarding an actuary charge of \$500 per plan per report year for GASB 67 and 68 reports /pension plan. The board has the choice of having the cost deducted from the assets of the plan or having a separate invoice sent. The board agreed to take the cost from the assets.

Treasurer received a letter from Adams electric regarding a safety light program. They installed and maintained a poll at the intersection of Franklin Church Road and Hidden Creek Road. They are doing away with the current program and updating to LED lighting and would like to know if the Township would like to make monthly payment of \$14 or remove the light? The decision was made to remove the light.

BCO REPORT

Land and Sea Services submitted report received by Supervisors.

ZONING OFFICER REPORT

A report was submitted by the zoning officer. 2:37:25

Zoning Officer Fahey reported on his recent training he said the course pointed out there are some procedures, things we do, that are improper, incomplete and he thinks that we need to close that loop.

Zoning Officer Fahey said there are two demolitions going on in the Township currently. He addressed paragraph 6 of his report the “Note” part, regarding the demolition that was taking place and said there is a state law that requires a demolition permit which was a misunderstanding by the previous board and there isn’t any opt out option. He said there are currently no fees for a demolition permit and suggested the next time the fee schedule is completed to include a demolition permit fee.

Zoning Officer Fahey spoke about the building of recreational cabins on residential properties, this type of structure is currently excluded from UCC building permit and it is permissible. He also went over the requirements for the recreational dwelling. He said this is something that must be recognized by the Township.

Zoning Officer Fahey showed the board a copy of a book of state forms he received at the training to use as a resource. He can use the form and if there is no fee schedule by resolution issue the permit for free in accordance with the state requirements and then set fees.

Zoning Officer Fahey said there are issues to be addressed regarding manufactured housing, things that were previous allowed or not allowed, that are in violation of state law and needs to be tightened up.

Zoning Officer Fahey spoke about issuing UCC building permits that the permit does not apply to changes made to the interior of a dwelling and do not need to be issued if changes are being made on the inside. He mentioned possible ordinance to be created for the changes to the interior of the dwelling.

Zoning Officer Fahey said a fee schedule needs to be developed for zoning codes. He briefly went over a Boy Scout project to install a climbing tower and zip line across the lake and said this project is currently on hold.

Zoning officer Fahey the said he received a complaint about burning along the Route 15 corridor he showed the board pictures. He said we cannot allow the burning of buildings due to the content inside of them such as rugs plastic rubber etc. he also reported on snow removal issue especially on abandoned properties. He asked for some type of ID to show residents such as photo ID badge or business cards, as he’s walking around inspecting sidewalks for snow removal. Business cards are to be ordered. He commented that you cannot charge to haul timber across public roads. Supervisor Ryan said there’s not a charge it’s so that they get permits to travel the roads during certain times of the year, so they aren’t damaging the roads.

SUBDIVISION AND LAND DEVELOPMENT

Gingrich recognition for time extension- surveyor Lyons spoke on behalf of the Gingrich’s. He said he submitted time extension the evening of the last board meeting. Said he would also like to discuss the plan as there were

only two items that were required, and they fulfilled them based on DEP getting back to them with the code, and the engineer going through stormwater management calculations. Engineer Brath said he has started going through the storm water management calculations and planning and he has some comments that were submitted seven days ago but he doesn't have them back as of yet. He said he should have them within the next couple of days. Surveyor Lyons asked if engineer Brath had looked at anything else other than the stormwater management. Engineer said that is correct. Surveyor Lyons said the plan had been updated as comments were removed from the plan. Engineer said it is helpful when he knows changes have been made. Surveyor Lyons said it gets monotonous every time a change gets made that a letter comes out with checklists and so on. Mrs. Gingrich spoke saying they were told they only needed a few things for the plan to be complete. She said she waited several weeks for an answer from DEP only to find out the letter was submitted without the Township officials signature which is why she did not hear back. She said she concurs with Mrs. Decker's concern regarding engineering fees. She suggested moving subdivision and land development toward the beginning of the agenda so that she and other residents don't have to wait around and pay additional engineering and solicitor fees. She said when they were to the previous board of supervisor meeting there were only two things that needed to be corrected before the plan could be finalized and signed other than the stormwater management issues. She said if there are more than the storm water management issues she needs to know that now. There was discussion between surveyor Lyons and solicitor Schaefer regarding the trenches and who was responsible for taking care of them as they benefit Lot 3. Engineer Brath said it's only been seven days he hasn't had time to review comments quickly it's 15 days. This Mrs. Gingrich said that she had checked with the Township on the time remaining. Supervisor Ryan went over cut off prior to a meeting for information to be submitted.

Hoffman plan revision-this plan is incomplete, a new plan was submitted but not paid. Discussion ensued about the current plan that was submitted. The plan was submitted but no payment was made. The current plan is to change the property line. If they want to move forward with the current plan they need to start the process all over by paying the fees, going through the planning commission, and having York County planning review the plan and so on.

Heavenwood Farm plan submission - this plan submission is incomplete. They originally notified the adjoining neighbors on the conditional use hearing, but they also have to do it when they have their plan submitted. They have paid their fees, when spoken with the engineer, he is aware they need to do this. The dates are still good. The engineer may send in a letter of extension which he is willing to do. The plan will be reviewed March 5, 2018. The plan runs out April 25, 2018. Discussion ensued if any action was necessary to be taken by the Board of Supervisors since the plan is incomplete. Section 302. F of the SALDO was reviewed. Solicitor Schaefer said board may vote to deny based on the incomplete plan submission but per the SALDO guidelines no action needs to be taken by the board at this time due to incomplete plan submission.

REPORTS

1. Solicitor; Del-Wayne - solicitor Schaefer said he just needs to know when to send the letter to the recorder of deeds office.

Elicker - stormwater enforcement notice expires February 15, 2018; does the board want to follow up on the storm water enforcement notice. Either the zoning officer or the solicitor would follow up with the district justice is office.

Solicitor Schaefer request an executive session.

2. Roadmaster

ESM-supervisor Ryan has completed the first phase of the ESM training. This was just a meet and greet session. Representative Mr. Peacock did come out and inspect two of the areas that are being considered for work. Supervisor Ryan will be attending another class May 9 and 10, 2018 and become certified and be able to train employees.

Lights at the park-representative from the light company was finally available to inspect the polls. It was determined that the Township does own the light poles. Electric company owns the one pole and the Township owns the other. There is 100-amp service at the park supervisor Ryan called Bittner electric, S & R, to get prices on putting lights up. They need one pole. They will have to ditch with the electric line 500 feet up the parking lot and the other one they can put a mask which will light up both parking areas. They will be getting prices for this as well they just didn't get them in time for the meeting.

Concrete benches-the wood was not the correct size, so it has to be adjusted to the correct size and then the Park benches at Ponderosa can be put together.

Potholes-are being repaired.

3. Parks & Recreation

Mrs. Decker said there was no January meeting, so the reorganization meeting will have to take place in February. She also told the board she would like to resign from the Parks and Recreation board effective tonight February 14, 2018. She said she knows she needs to write a letter of resignation and she will be submitting that to the board. Said she was on the board since it was formed it has been an interesting position. The board thanked Mrs. Decker for her service on the board. Mrs. Gingrich expressed interest in being on the Parks and Recreation board. Discussion ensued on advertising the position but was suggested that word-of-mouth would be the best advertisement.

OLD BUSINESS

1. Steep Slope Ordinance review - discussion ensued about site-specific slope. Supervisor Ryan explained slopes are defined by the rise and fall of the land. Supervisor Stonesifer clarified it's the start and stopping points. Chairman Cummings said based on the Solicitor's review he feels a separate workshop is necessary to clarify what the solicitor has found. Discussion ensued if the ordinance should be sent back to the planning commission for more review. Solicitor said at this point he should minimize drafting comments and just guide also he doesn't need to be a part of the next step. The Solicitor's said there are other things that need to be corrected but if the current issue is in right then nothing else falls into place. Engineer Brath should also receive a copy of the memo. Chairman Cummings said engineer Brath is to review and place his comments on the ordinance. Supervisor Decker suggested a joint workshop. Chairman Cummings said the solicitor reviewed the ordinance and he came up with a section on how steep slope is measured and there are some points that need to be clarified as that is the basis of the section. He said he thought the original one was clear but then you get into site-specific and measurements. Chairman Cummings address the public to say he wants to allow the engineer the opportunity to review the Solicitor's findings as the Solicitor's review was sent to the board members only as attorney-client privileged information. And he said he wants this to be done right. Board discussed members concern regarding cost for implementing the revision to the ordinance and land usage. Mr. Swomley said when he talks to people about steep slope they have no clue what it is. They think it's about the mountain. Chairman Cummings said it's about all of the Township not just the mountain. Mrs. Gingrich said when reviewing the original ordinance that has been setup from the planning commission both the solicitor and the engineer had commented that they didn't like the grandfathering, so they were supposed to be looking at that and to her understanding what was supposed to be in that review was alternative language from their concerns about that particular section. Supervisor Ryan said the board needed to discuss steep slopes that every month they get on the subject and it gets pushed aside. He said the board was elected to work on this so now it needs to be worked on. He said he has other things he would like to work on and asked the board to get moving. Discussion ensued including comments from the public regarding the percent of slope and the restriction of building on certain percentage of slope.

NEW BUSINESS

Plan racks - supervisor Ryan said the racks have arrived and need to be installed. Should be in place for the next meeting.

Escrow funds -supervisor Ryan said when they get down to 50% were going to inshore they be replenished.

124 Capitol Hill Rd.-supervisor Ryan said SEO did an inspection and the property owner is in graywater compliance.

Employee handbook review and resolution-discussion ensued board members did not have time to review changes. Supervisor Ryan said these were changes that were discussed and approved in the previous year. He also said there were a few things added to the book. Chairman Cummings said to table the review and resolution until the next month's meeting.

Door locks/rekeying-discussion ensued on a new key system versus rekeying or changing the current locks. Treas. Williams said no record was ever kept of who had a key out or when they were turned back in. Supervisor Ryan said that start a new policy and have everyone sign out keys. Supervisor Decker said when employees leave the keys should be changed. Chairman Cummings said a quote is needed.

Fee schedule resolution-tabled until next month's meeting.

Payroll Direct Deposit Option- secretary Adams said the employees were inquiring about direct deposit. Treasurer Williams said Intuit is the company that would be used to process the deposits and the cost would be \$1.75 per direct deposit which is probably why it was never done in the first place. The cost would have to be covered by the employee or the Township.

Motion was made by Chairman Cummings to approve direct deposit for those who want to sign up and the Township consumes the fee of \$1.75 per direct deposit.

Second by Vice Chairman Sprigg.

The motion carried.

PUBLIC COMMENT

There wasn't any further public comment.

EXECUTIVE SESSION

The Supervisors went into an executive session at 11:10 p.m. The Supervisors came out of the executive session at 11:15 p.m. No Action was taken.

RE-ADJOURNMENT

Upon coming out of Executive Session; there were no decisions made during the Executive Session.

ADJOURNMENT

Motion to adjourn at 11:17 p.m. by

Second by.

The motion carried.

Respectfully submitted,

Teresa Adams

Franklin Township Secretary