

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
April 11, 2018**

ROLL CALL

Present:

| | |
|-------------------------|--------------------------------|
| Chairman Kevin Cummings | Vice Chairman David Sprigg |
| Supervisor Naomi Decker | Supervisor Eric Stonesifer and |
| Supervisor Michael Ryan | Solicitor Bret Shaffer |
| Engineer Phillip Brath | 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.

BID OPENINGS

No bids were received for the bridge repair on West Greenhouse Road Project.

Motion was made by Chairman Cummings to re-bid Bridge Repair on West Greenhouse Road in the newspaper and on Penn Bid website.

Second by Supervisor Stonesifer

No discussion ensued.

The motion carried.

The bids for various stones are as follows:

| Bidder | Cost | Stone 2A | Stone #4 | Stone #3-A | Stone #3 Clean | Stone #57 | Stone #8 Washed | Stone #9 | Stone #10 | Stone R-4 Rip Rap | Stone R-5 Rip Rap | Anti-skid |
|-----------------------------|---------|----------|----------|------------|----------------|-----------|-----------------|----------|-----------|-------------------|-------------------|-----------|
| York Building Products | Deliver | \$10.70 | \$14.35 | \$10.70 | \$14.35 | \$14.35 | \$15.35 | No Price | \$14.35 | \$17.95 | \$19.95 | \$17.35 |
| Vulcan Materials | Deliver | \$11.20 | \$14.45 | \$11.70 | \$14.45 | \$14.45 | \$14.95 | \$14.95 | \$14.45 | \$20.25 | \$20.70 | \$20.25 |
| New Enterprise Stone & Lime | Deliver | \$15.65 | \$19.55 | \$19.30 | \$19.30 | \$19.55 | \$25.05 | No Price | \$15.80 | \$27.48 | \$31.48 | \$24.30 |

Motion was made by Chairman Cummings to award the Stone Bid to York Building Products as the lowest bidder. York Building Products did submit a Bid Bond.

Second by Supervisor Decker.

Discussion ensued. Vice Chairman Sprigg ask how much Anti-skid was purchased for the previous season. Supervisor Ryan answered 17 loads which equals 23 tons, 300-ton 8 washed for stone chip, 2

loads of R4 per year, will need 300 ton of 2A modified for Water Street and Century Lane projects. 2A stone savings of \$0.50 and \$0.40 savings for Anti-skid with York Building Products. Supervisor Ryan suggested that next year have the Roadmaster give tonnage, so bids can be by the ton and get bids to be closer in price.

Chairman Cummings withdrew his motion to accept York Building Products bid as the lowest bid. Supervisor Decker withdrew her second as well.

New motion was made by Chairman Cummings to accept Vulcan Materials bid as the lowest bid based on the materials that are used the most.

Second by Supervisor Decker.

The motion carried.

APPROVAL OF MINUTES

Motion was made by Supervisor Stonesifer to approve the March 14, 2018 minutes for the regular Board of Supervisors meeting as received.

Second by Supervisor Ryan.

Chairman Cummings had a question regarding the bottom of page 2 of the minutes where it reads he “indicated” to the intent that it should read “commented” on intent. Secretary Adams said he was correct.

The motion carried.

PUBLIC COMMENT ON ITEMS ON THE AGENDA

No public comments were submitted by the citizens.

ORGANIZATION REPORTS

Police – Vice Chairman Sprigg reported nothing to add.

Fire – submitted in packet.

EMS – A report was submitted.

1. **Advisory Committee** – Supervisor Ryan reported all the EMS membership applications have been sent out and are being returned. Medicare and Medicaid are four out of five of all calls in Franklin Township. They have billed out \$518,700 and have collected \$208,201. Salaries are 75% of all the expenses. The Wellsville location is now open from 9 AM until 9 PM and is fully staffed. Upcoming 5k event on May 12, 2018 at the Pickle Fest, Safe School/Emergency Preparedness at the school and Open House Planning. Franklin Township had total of 27 calls by first handler with one missed call. Supervisor Stonesifer clarified the Township had 30 calls with seven missed calls. Supervisor Decker asked who helped with the seven missed calls? Supervisor Ryan said the Township gets credited \$75 per missed call. Supervisor Decker said yes, but who helped with the missed calls? Supervisor Ryan explained they rank the calls. Supervisor Stonesifer said 38 calls were mutual aid calls. Supervisor Ryan said that is the concern that if calls are being picked up for mutual aid then Franklin Township residents are waiting longer for response time and with the assistance of Holy Spirit EMS the response time should change. Supervisor Ryan said the goal of the supervisor’s board would be if there are still missed calls then the hours of coverage should be increased.

DAA –Report submitted in BOS packets. Engineer Brath said there are plans for water extension from Middle School to Franklintown Borough. This is a concern to the Township as far as developments that may be coming to the area. Engineer Brath said it is in the planning stages.

Emergency Management – No report submitted.

Route 15 Committee Meeting – Zoning Ordinance and SWM comments were sent back, next step is a sit-down meeting with representative Will Clark. Compliance with ordinance needs to happen. Roadmaster Ryan is to have meeting with Mr. Clark. Engineer has requested a map of the project area. Reporter Peggy said information is available on the YCPC website regarding the project.

Engineer’s Report – Engineer Philip Brath gave the report to Supervisors in their packets. He reported he had nothing new on the Franklin Glen storm water management. Engineer Brath said the property owner of the pond on Circle Drive is supposed to be working with an engineer on correcting the problem with the pond. Supervisor Ryan ask for Water Street project plans. Engineer Brath said he will have hydraulics in the coming week and the plans have been started.

APPROVAL AND PAYMENT OF BILLS

Motion was made by Supervisor Stonesifer to pay the bills.

Second by Chairman Cummings

The motion carried.

TREASURER’S CORRESPONDENCE

1. Treasurer’s Report

Motion was made by Chairman Cummings to accept and approve reports as of April 11, 2018.

Second by Supervisor Ryan.

The motion carried.

2. Treasurer’s Memorandum

Audit – everything went well with the annual audit.

#4 - WIFI billing; monthly visit vs. contract. Price for regular service call is \$85 per 1 hour, contract price for 12 hours service at a price of \$795 per one year. Supervisor Decker said price per hour is 60 something.

Motion was made by Chairman Cummings to accept a service contract with Stamm Solutions for 12 hours service at a price of \$795 per year.

No Second was made for the 12 hours at \$795 per year.

Supervisor Decker said there is an 8-hour cost provided on the letter.

New Motion was made by Chairman Cummings for 6 hours cost of \$495.

No Second on 6 hours service for \$495.

New Motion was made by Chairman Cummings to accept a service contract with Stamm Solutions for 8 hours service at a price of \$595 per year.

Second by Supervisor Ryan who explained in the past it has taken approximately 4 hours for problem solving and correcting the issue.

The motion carried.

#5 – Employee Handbook; item #16 on agenda, will be addressed later in the meeting.

#3 – Roadmaster Salary; confirmed with PSATS salary is okay as being paid.

#2 - \$14 Charge for policy issue rather than a plan review; Solicitor Shafer said it's more of a policy issue and therefore should be absorbed by the Township.

BCO REPORT

Land and Sea Services submitted report received by Supervisors.

ZONING OFFICER REPORT

A report was submitted by the Zoning Officer in the BOS packets. No issues currently with the Verizon project.

Supervisor Decker said she had questions for the Zoning Officer and request he step to the podium. She ask, "what is the purpose of the Zoning Application?" Zoning Officer Fahey answered to frame a case, to see what they want and why they feel they should have it. Supervisor Decker ask if the specifics on the application are significant. Zoning officer Fahey answered yes, they are significant. Supervisor Decker said so, if the answers are false what should be the consequences of that? Zoning officer Fahey asked why, what happened? Supervisor Decker said you were here you should know. The answers that were provided on the zoning application were false. She said it pertains to the Pearlman subdivision but there was no subdivision so what happens to the answers that were put down that were false. Supervisor Stonesifer said this has nothing to do with the Board of Supervisors whether the answers provided on zoning hearing application were true or not. Solicitor Schaefer agreed this is a matter for a separate board and not the supervisors. Supervisor Stonesifer said the zoning hearing board would have to ask the applicant while under oath if the answers were true or not. Zoning officer Fahey said the zoning hearing board only ruled on what they were asked to rule on which was on steep slopes. Supervisor Decker asked when the zoning application is received doesn't anyone review it to make sure the answers are correct. If the answers are significant why aren't they being reviewed. Zoning officer Fahey said he was unaware the answers were false, rather he had heard through the grapevine that it was litigated in court and went as far as it could and again it would be out of his jurisdiction and that of the boards and would go unnoticed. Supervisor Decker asked if there was no subdivision how it could be written down that there was a subdivision. Zoning officer Fahey ask how the courts ruled it and asked how the courts ruled on it. Supervisor Decker said the plan was withdrawn so it did not exist and therefore there was no subdivision. Zoning officer Fahey ask again if this was litigated in the Court of Common Pleas. Supervisor Decker said it was but after that it was withdrawn. Supervisor Decker said from now on when an application is received it should be reviewed to see if there is a subdivision or not. Officer Fahey said the same could apply to deed restrictions and gave an example of chickens and a mobile home being allowed on a property and he said again this is out of his jurisdiction. Chairman Cummings asked solicitor Schaefer if the application was before the zoning hearing board the information given to the zoning hearing board is not present before the Board of Supervisors that it would be an issue for Linus Fenicle who is the zoning Board solicitor, to go through and see what's accurate. Solicitor Schaefer said they can only act on the information that is in front of them, therefore it's advertised, and that people can speak up if there's an issue, the zoning officer is there to offer any testimony if there are questions and the zoning officer does do a preliminary review, he wasn't sure what happened in this specific case. Chairman Cummings explained a similar case of a deed restriction which prohibited putting up a fence on a property, he asked how someone is to know about a restriction on a property that happened years ago, are we to rely on the advertising for the zoning hearing and what if there isn't any advertising. Solicitor Shaffer said he thinks there is reasonable expectation where if someone calls zoning officer Fahey and says they want to put a fence up in their backyard, can you tell me if it meets your rules, the only rules he is concerned about are the ones implemented by the Township. If there is something there that is to protect an adjacent property owner, it

behooves the property owner to pay attention to what's going on and if they have issues with the fence then they would look at their deed and enforce their rights. Obviously if it's something you are aware of you don't overlook it but it's not reasonable to expect someone to go do hours and hours of research for something where people are coming in and are supposed to be sworn in under oath and telling the truth. Chairman Cummings asked if there should be wording on the application to verify the information is accurate, so zoning officer Fahey doesn't have to spend eight hours of billable time to the Township verifying information. Solicitor Shaffer said there should be a statement says everything there verifying is true and correct, the question always comes back to if something is inaccurate who is ultimately harmed, is the Township ultimately harmed because something in the ordinance wasn't followed through, no, it's something that was in the deed. Solicitor Schaefer said the Township is not the police of deeds. Supervisor Decker asked at what point is a street address issued for a property. Solicitor Schaefer said he didn't know, at some point there should be coordination with the developer, the post office and the Township. Zoning officer Fahey said it use to be the developer would go to the post office and then the post office would go to the Township. The Township would review the numbering guide book and use the next logical number in the sequence to establish the new address. Supervisor Ryan said this procedure is still used today. Chairman Cummings said going back to the original issue of false information on the zoning hearing application the matter should be taken up with the zoning hearing board.

Supervisor Ryan talked about the Verizon project on Greenhouse Road, he said zoning officer Fahey should issue driveway permit for \$1000 per cut and if they have multiple cuts then a \$5000 bond would be set, even if it's just boring the surface. Zoning officer Fahey said engineer Brath is to set the amount for the bond. Supervisor Ryan said when they are doing the boring it goes through all the gutter lines underneath the curbs and that's where all the water problems are being created in Twin Hills development from the groundwater. When they bore it's not deep enough into the ground? Engineer Brath said a stipulation needs to be put into the contract.

SUBDIVISION AND LAND DEVELOPMENT

1. Harmony Bethel Time Extension Request – solicitor Shaffer said the time extension request is to deal with an issue that came up at the York County Taxing Assessment office. There were two lots that were donated separately and in 1997 they were consolidated. They did not come before the Township at that time instead they went to the recorder's office with the deed to show the two lots had been consolidated. The plan was brought to the Township the previous year and all the information on the current plan was based on the deed of consolidation which had never been in front of the Township, so when we went to record the current plan based on the time frame set by the board, the tax assessment office said the tax records did not reflect the consolidation that was done with the recorder's office, so they have asked for a retroactive time extension because of the deadline for recording was up on April 10, 2018. Solicitor Shaffer said the time extension was submitted before the deadline expired. Solicitor Shaffer said that he did suggest a waiver request be submitted since nothing was before the Board in 1997. Solicitor Shaffer said once the waiver request is granted he will write a letter stating the waiver has been granted so the plan can be recorded, and tax assessment office can change their records to reflect that instead of becoming two lots there were two lots that became one lot and one lot that is now two lots. Supervisor Ryan said, so, the waiver of the 1997 SALDO clears up consolidation and now we have the equitable owner on the plan, that should complete the plan. There are no other problems other than that. Solicitor Shaffer asked if the names were okay the way they appear on the plan. Engineer Brath and solicitor Shaffer discussed and reviewed the names and information on the current plans and easement agreement. Solicitor Shaffer and said he was comfortable with the corrections made to the plans.

Motion made by Supervisor Stonesifer to grant 60-day extension with deadline of June 14, 2018.

Second by Supervisor Ryan.
The motion carried.

2. Harmony Bethel Waiver Request – Waiver of 1997 SALDO was requested to have subdivision plan recorded at the York County Courthouse.

Motion was made by Supervisor Stonesifer to grant the waiver of 1997 SALDO to clear up the consolidation of the plan for recording subdivision plan as approved by the BOS.

Second by Chairman Cummings.
The motion carried.

3. Heavenwood Farms Time Extension request – meet condition requirements set by BOS.

Motion was made by Supervisor Stonesifer to extend time to meet condition requirements as set by the BOS until July 18, 2018.

Second by Supervisor Ryan.
The motion carried.

REPORTS

1. Solicitor

Stonford case – will be writing a brief and going back to court to argue. DAA involved in case.

Elicker case – will be arguing in months to come.

Steep Slope review – has not had chance to review as he has been working on another pressing matter in his office. Completed draft to be submitted for May 9, 2018 meeting.

Open Space Ordinance - 4-acre minimum to 2-acre minimum – waiting on York County to review and send comments, once received and reviewed ready to send for advertising.

2. Roadmaster

Cherry Lane road closure – set to be closed 9-2 for 1 day, May 3, 2018. Notices to be mailed to citizens. Roadmaster said he would like Township to do the bridge work on Water Street themselves. He said they spoke with a Liquid Fuels Representative from Penn DOT, the current stone and chip of the roads is not adequate and have a developed a 5-year plan to work on the roads in the Township and listed the order of the streets to be repaired. Titles have been obtained for the equipment that had Certificate of Origin, insurance policy was reviewed, and equipment no longer owned by the Township was removed from the policy. The new mower was added to the insurance policy. A tarp is needed for the new truck purchased by the Township to cover the bed when hauling blacktop/tar. Supervisor Ryan said is currently comparing prices for tarps.

ESM –Roadmaster gave report, no changes. Engineer explained ESM is the materials used to repair dirt/gravel roads to ensure surrounding area is not being contaminated by the materials used. He said Penn State has Low Volume Road Program on their website for further explanation.

3. Parks & Recreation – nothing to report currently.

Supervisor Ryan said septic pumping is scheduled for Thursday, April 19, 2018 and it was brought to his attention that the lids on the tanks need to be secured so no one can remove them and fall inside the tank.

NEW BUSINESS

1. Corrections to the Dillsburg Banner article on Trash Hauler have been made by the paper and a notice was placed on the Township website to inform the citizens of the error.

OLD BUSINESS

1. Annual Newsletter – The board agreed they would like to do an annual newsletter, Chairman Cummings asked if a draft could be ready for May 9, 2018 meeting. Some items to include are: trash, MS4, roads, website sign up, police, Parks & Recreation, Planning Commission, Emergency Management.

2. Employee Handbook – Treasurer Williams said she did reach out to PSATS, she reviewed their online library where she found 2 sample township handbooks. Treasurer Williams said PSATS doesn't have a sample one to share or use as a guide. Supervisor Stonesifer advised his employer uses HR Resolutions, the point of contact is Karen Young. The fee for HR Resolutions is \$420 for the review.

Motion was made by Chairman Cummings to have the handbook reviewed by Karen Young at HR Resolutions at a cost of \$420.

Second by Supervisor Stonesifer.

The motion carried.

CORRESPONDENCE

1. Picture showing an example of Steep Slope was submitted by citizen Charles Bowers for the Supervisors review.

PUBLIC COMMENT

1. Mr. Stough ask for a bid break down.

2. Supervisor Ryan said Republic Waste did call about trash bid results, there was a break down in communication on Republic's side, previous manager did not communicate with new manager about bid.

EXECUTIVE SESSION

No executive session this meeting.

ADJOURNMENT

Motion to adjourn by Chairman Cummings at 8:34 p.m.

Second by Supervisor Stonesifer.

The motion carried.

Respectfully submitted,

Teresa Adams
Franklin Township Secretary