

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
June 13, 2018**

**ROLL CALL**

Present:

Chairman Kevin Cummings  
Vice Chairman David Sprigg  
Supervisor Naomi Decker  
Supervisor Eric Stonesifer  
Supervisor Michael Ryan

Solicitor Bret Shaffer  
Engineer Phillip Brath  
Secretary Teresa Adams  
**ABSENT:** Treasurer Pam Williams

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.

**CALL TO ORDER:**

The June 13, 2018 BOS Regular Meeting was called to order at 7:00 p.m. by Chairman Cummings.

**PLEDGE OF ALLEGIANCE AND PRAYER**

Pledge of allegiance and opening prayer were led by Chairman Cummings.

**PUBLIC HEARING**

Franklin Township Zoning Ordinance Section 609(G) Amendment Text: Open Space Zone - Maximum Density from 4-acres to 2-acres and amend Section 202, Open Space Zone (O), Subsection F; plan to adopt.

There wasn't any public comment at the hearing.

**A motion** was made by Chairman Cummings to adopt Ordinance 2018-2 with amended text as described above.

**Second** by Supervisor Stonesifer.

**Discussion:** Chairman Cummings said he was pleased with York County Planning Commission's decision to vote in favor of the change.

**The motion carried.**

**APPROVAL OF MINUTES**

**Motion** was made by Chairman Cummings to approve the minutes as received for the May 9, 2018 Regular BOS Meeting.

**Second** by Supervisor Stonesifer.

**Discussion:** Supervisor Decker said there were a few corrections to be made to the minutes, Solicitor Shaffer's name was misspelled throughout the minutes, she asked the Solicitor's name be corrected, at the top of page 5 change the wording in the second sentence to read, "from the center of the road to the right of way", and under Zoning Officer Report correct "may be" to read "maybe", and the word "decision" to be "decide", correction needed on page 6 to "NPDES".

**The motion carried.**

## **APPROVAL OF MINUTES cont'd**

### **May 23, 2018 BOS Workshop Minutes**

A **motion** was made by Chairman Cummings to approve the minutes.

**Second** by Supervisor Stonesifer.

**Discussion:** Supervisor Decker said to correct the spelling of the Solicitor's name throughout the minutes.

**The motion carried.**

## **PUBLIC COMMENT ON ITEMS ON THE AGENDA**

Surveyor Lyons was present to represent Stanley Fleming for the Goda/Fleming Reverse Subdivision Plan. Surveyor Lyons said the plan goes back to August 10, 2016; Parcel NB - 73C was to be combined with Parcel NB - 73 but was never added, the purpose of his presence is to seek Zoning Officer's interpretation to take plan to Zoning Hearing Board if needed. Engineer Brath asked what the old plan indicated, was Mrs. Goda to consolidate the Lots. Engineer Brath said he needs to review the old plans which he has not located yet. Supervisor Ryan said they are in the Township plan closet to be categorized by the Township Planning Commission. Engineer Brath said the plan is currently before the Planning Commission and needs to be completed there.

## **ORGANIZATION REPORTS**

**Police** – Vice Chairman Sprigg said he doesn't have anything further to report, a report was submitted.

**Fire** – a report was submitted. Supervisor Ryan said he did reach out to Scott McClintock about using Wellsville as first call for fire police for the Route 15 Corridor, Mr. McClintock said the current coverage is adequate, York Springs and Upper Allen are still closer than Wellsville but if additional assistance is needed they will be in contact with the Township. Supervisor Ryan asked if the fire company merger was complete. Chairman Cummings answered, no. Supervisor Ryan said he's been receiving correspondence with one name as if the merger were complete, he said he's wondering if they should send a representative to the Township meeting to bring the board up to speed. Chairman Cummings said there is a letter that he received from Rob Brady in which he will address later in the meeting and he will have further input when the board gets to that point. Supervisor Decker asked where is Rob Brady from. Supervisor Ryan answered, he's a state representative that oversees all the mergers in the state of Pennsylvania. Chairman Cummings clarified that Rob Brady no longer works for the state as the state canceled the program he was working under. Chairman Cummings said Rob Brady owns his own company and when he was employed by the state was the sole person in his department for the entire state of Pennsylvania. Chairman Cummings said he was hired by the fire companies in the Dillsburg area as a consultant for the merger.

**EMS** – A report was submitted.

1. **Advisory Committee** – Supervisor Stonesifer reported he attended the meeting so Supervisor Ryan could attend another meeting with Representative Dawn Keefer. Supervisor Stonesifer reported there were 25 calls with only 1 missed call. Total calls for the area were 110, missed calls were 8, since the second unit is open and fully operational. The meetings will be switched to quarterly meetings. They are forming a fire committee in the first meeting is June 29, 2018 does the board want to send a representative to the meeting. A discussion ensued on forming an advisory board for the merged fire companies. Chairman Cummings said they're looking to change the board structure and would like to have representation from the fire department, two or three citizens and /or businesses in the community and from the municipalities. Chairman Cummings suggested to get Rob Brady to attend the next

Township meeting to give an explanation. Reporter Peggy Williams said nothing can be completed or moved ahead with the merger until the orphan's court completes their paperwork. Chairman Cummings said he feels a business owner from the community would be an asset to the advisory board. Discussion ensued on the topic. Chairman Cummings said he would ask Rob Brady to attend the next Board of Supervisors meeting.

**DAA** –Report submitted in BOS packets.

**Emergency Management** – Laurin Fleming was present and reported on future emergency training class to be held. Mr. Fleming said he just needs to coordinate the dates for the class. Mr. Fleming said that he will advertise the class once he has the details. He reported still having internet issues with his laptop connecting to WIFI. Supervisor Ryan said technician Jason Stamm was out and is directly connected to monitor and troubleshoot the issue at hand. Supervisor Ryan asked about the number of sand bags available, and if it's possible to use them for an upcoming project he will be working on. Mr. Fleming said he could use them, but the bags will have to filled with sand as they are not full.

**Route 15 Committee Meeting** –

Supervisor Ryan reported he had a meeting with Representative Dawn Keefer and several other representatives regarding projects in the area. Supervisor Ryan reported there are some issues along the Carroll Township portion of the corridor but currently there are no major issues in Franklin Township section other than some possible storm water issues that could occur once the Route 15 corridor project begins in the Township.

Supervisor Ryan said that MS4 was a big topic at the meeting. Supervisor Ryan said he brought up the topic of farm plans which local farmers submit to file for various exemptions, he suggested the Board may want to review farm plans in the township and may want to work collectively with the county to collect data toward next submittal for an exemption from the MS4 fees. Supervisor Ryan said MS4 fees are extremely expensive for the Township. Discussion ensued on the cost and budgeting to cover the cost of the fees. Chairman Cummings asked Supervisor Decker to find out point of contact information on farm conservation plans.

**Engineer's Report** – Engineer Philip Brath submitted his report to Supervisors in their packets. He reported he had nothing further to add to the report submitted.

**APPROVAL AND PAYMENT OF BILLS**

**Motion** was made by Supervisor Stonesifer to approve and pay bills.

**Second** by Chairman Cummings.

Discussion by Vice Chairman Sprigg on charges from Chemung. Supervisor Ryan said they are for repairs, tile work being done on roads in the Township. Supervisor Decker asked if bill for Roxy Cressler for the ZHB transcript was to be paid by her. Solicitor Shaffer explained it's a bill for the ZHB.

**The motion carried.**

**TREASURER'S CORRESPONDENCE**

**1. Treasurer's Report**

**Motion** was made by Chairman Cummings to accept the Treasure's report.

**Second** by Supervisor Stonesifer.

**Discussion;** Supervisor Decker said the Township financials look to be in pretty good shape thanks in part to Supervisor Ryan's direction.

## **2. Treasurer's Memorandum**

**Item #2** Berkheimer contract for air conditioning, does it cover breaks in the units. Supervisor Ryan said anything out of warranty is not covered.

**Motion** was made by Chairman Cummings to renew the contract at the cost of \$255.60

**Second** by Supervisor Stonesifer.

**The motion carried.**

**Item #3** Adams Rescue Mission \$10 per month fuel surcharge fee for picking up recycling.

**Discussion** ensued, would keeping the Township Recycle Center open conflict with Waste Management contract for recycling. Treasurer's recommendation is to pay the annual fee of \$120.00. Chairman Cummings said he would contact Tom Stang, Waste Management representative to see if keeping the recycling center open is a conflict of interest due to recycling being picked up by Waste Management. This was tabled until July's meeting to get response from Waste Management.

## **BCO REPORT**

Land and Sea Services submitted report.

## **ZONING OFFICER REPORT**

A report was submitted by the Zoning Officer.

Zoning officer Fahey said he had a file that he just received and did not have a chance to review regarding a property that had a log cabin on it, the property has no sewage system. Zoning officer Fahey said the system currently there is no more than a pile of rocks. Zoning Fahey said he wasn't sure, but he believes this is an issue the SEO would have to investigate. Supervisor Ryan said a building permit can be issued for the property, but he did see something on the plan that looked like the new structure was not the same size as the existing foundation which could be an issue later. Engineer Brath said a holding tank may be placed as solution to sewer and Supervisor Ryan said there is a holding tank ordinance in place.

Chairman Cummings asked for an update on Davis scrap yard in a Residential Area. Zoning Officer Fahey reported there are new issues that have come up. Supervisor Stonesifer said it's time to enforce the ordinances and allow Solicitor Shaffer to deal with the issue. Secretary Adams verified Zoning Ordinance Enforcement notices have been sent by certified mail and regular mail and the certified mail was signed as received by Cody Davis. Zoning Officer Fahey said Mr. Davis did call him on 3 occasions and he did return those calls, leaving voice messages but has not heard back from Mr. Davis. Supervisor Ryan said, then the Township's concern is for non-compliance.

Chairman Cummings asked for a status update on Mr. Young's property on Range End Road. Zoning officer Fahey said the matter is now in the hands of the Army Corps engineer, Tiffany Crum. Engineer Brath said the Army Corps was out to the property address and scolded Mr. Young because they were to the property once before. Engineer Brath said Mr. Young had delineated where the wetlands were, the same gentleman that previously visited told Mr. Young he was in violation. Engineer Brath said Mr. Young is to receive a letter from the Army Corps engineer stating what he needs to do, and Mr. Young said he would pull back and wait for instructions on what he is to do.

Chairman Cummings asked zoning officer Fahey about “the three little pigs and the wolf”, item 5 in his report. Zoning officer Fahey he said currently the Township does not have an animal control officer or affiliation with the SPCA. Zoning officer Fahey shared a story about an actual wolf that showed up at his door and what steps were taken to capture the animal and the results of the capture. He also mentioned a wild hog that was roaming the area and the concern for the safety of children in the area. Officer Fahey said that he thought the police were called on that matter but again there wasn’t any animal control officer. Officer Fahey said he has been in contact with a young lady who works at the Helen Krause animal foundation who is interested in becoming the townships animal control officer. Secretary Adams said she spoke with this person at close of business that day and has a contact name and phone number.

Supervisor Ryan said he had a comment pertaining to item number 11 on the zoning officer’s report regarding the tearing down of a building that was blocking progress on the project being completed on S. Mountain Rd. supervisor Ryan said the property owner has six months to sell the lot as a whole lot or get it recorded.

Zoning Officer Fahey said he just received information on the construction of a barn turned into a wedding chapel and reception area and would like to seek the boards opinion on the plan. Vice Chairman Sprigg asked zoning officer Fahey to put it on July’s meeting agenda for review. Solicitor Schaefer said he and zoning officer Fahey could review and discuss the information.

Zoning officer Fahey thanked the board for passing the minimum acreage lot requirements to be 2 acres.

Zoning officer Fahey said he would like to request a setback changed to 10 feet. Chairman Cummings and supervisor Ryan both said this is a planning commission item and needs to go before them first.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **1. Heavenwood Farms – Time extension request**

**A motion** was made by supervisor Stonesifer to accept the time extension request through August 30, 2018.

**Second** by Chairman Cummings.

**Discussion** ensued: Supervisor Ryan said that he understood there was talk of the plan going before another Board. Engineer Brath said there are some other open items pertaining to zoning and SALDO that require attention and these items may go before the zoning hearing board. Supervisor Ryan said he spoke with engineer Hoover and there was some confusion on a determination engineer Hoover received from zoning officer Fahey. Supervisor Ryan said he believes the solicitor needs to clear up the confusion and let the board know where the plan stands. Solicitor Shaffer said there are no exceptions for what they are doing within the SALDO for the proposed use of the property. Supervisor Ryan said he wanted to clarify, it’s not the boards interpretation or the zoning offers interpretation that’s changing the plans it’s the engineer’s comments that the plan must meet the SALDO regulations. Engineer Brath said there is only one SALDO issue, the rest are zoning issues. Engineer Brath said that he believes engineer Hoover feels the plan is not subject to some of the things in the zoning ordinance. Engineer Brath said could be a way out of it. Engineer Brath said he cannot remove his comments until he is sure the plan is in compliance with zoning. Zoning officer Fahey said it’s his understanding if there’s conflict with the SALDO the board has the power to act but if it’s a conflict with zoning that it’s the zoning hearing board.

**The motion carried.**

**2. Hoffman Subdivision Plan – 2<sup>nd</sup> plan submission;** No one was available to represent the Hoffman's.

## **REPORTS**

### **1. Solicitor**

Solicitor Shaffer said he will be preparing a brief for the Elicker case and is also working on the argument for the Stoneford case. Supervisor Stonesifer asked about the status of the SWM plan for the Elicker case. Engineer Brath said Mr. Elicker has created enough of a disturbance to warrant getting an NPDES permit and he doesn't want to get the permit until his ability to use the property is determined, so, he is moving forward, slowly, but he is moving forward. Supervisor Stonesifer asked if it was time for enforcement. Solicitor Schaefer said the enforcement notice is now past 30 days and was sent correctly, he would be filing a complaint with the district justice along with a complaint for the Davis issue, just needs to get copy of certified mail receipt. Chairman Cummings asked for maximum pressure to be applied to clean up the issue.

**2. Roadmaster** Supervisor Ryan reported on the West Greenhouse Road Bridge project, he estimated the cost of the project to be \$76025.20 with guardrails. Supervisor Ryan said there should be a markup price of at least 10% for any unseen costs. He said the prices are unit prices for the materials to be used. The Township needs to provide at least 50% of the labor to keep from paying scale wages and if the costs are \$10,900 to \$20,100 and below he can get 3 phone bids. The highest price received for setting footers is \$9,000.00. The bridge will be 20 feet across. Estimated time for project completion is 4 weeks. Cost to submit the application is \$2,000.00. Supervisor Ryan said we're looking at September timeline. Supervisor Ryan said total cost of project would be paid from Liquid Fuels account.

**A motion** was made by Supervisor Stonesifer to apply for the permit for the bridge work.

**Second** by Vice Chairman Sprigg.

**Discussion** ensued on estimated cost as \$85,000, concern of unforeseen delays hindering the paving of the road once the bridge is installed to later than mandated October 15 deadline for paving.

**The motion carried** to apply for the permits needed to install the bridge.

**3. Parks & Recreation** – Terry Hoffman submitted a report to each of the supervisor. She asked for an explanation of how the walking bridges will be repaired. Supervisor Ryan said the walking bridges in Century Lane Park have archways that go from one embankment to another and to be ADA compliant the archway must be dropped down. Supervisor Ryan said the parapet walls must be angled with the headwalls then the new bridge will span across and have a concrete top making them ADA compliant. Supervisor Ryan said if the bridges are removed the replacement bridges need to be ADA compliant.

Chairman Cummings asked how the new work order process was going. Both supervisor Ryan and Mrs. Hoffman agreed the process is working well. Supervisor Ryan said the bridge project is on a work order as well as painting the picnic tables in both parks. Supervisor Ryan advised the picnic tables in Ponderosa Park are completed but he is having a difficult time finding affordable paint to complete the tables at Century Lane.

Engineer Brath asked why the bridges weren't being constructed of wood. Supervisor Ryan said due to the arch in them the wood warps which can cause someone to trip and create a lawsuit against the Township. Supervisor Ryan discouraged the use of rocks to build the bridge due to liability reasons, children getting hurt. Supervisor Ryan said however the bridges are constructed it needs to be, so they can't be destroyed due to vandalism.

Mrs. Hoffman said the picnic tables are infested with red mites and need to be sprayed to treat the problem. A discussion ensued on treating the picnic tables for red mites.

**A motion** was made by supervisor Stonesifer to treat the picnic tables as needed.

**Second** by Chairman Cummings.

**There wasn't any further discussion.**

**The motion carried.**

### **NEW BUSINESS**

**1. Road Occupancy Fee Resolution** – engineer Brath said the current Township fee schedule does not have a road occupancy fee and should have one. Supervisor Ryan explained this fee is for companies like Verizon and Comcast that need to install lines in the ground in the Township right-of-ways to ensure they are restoring the right-of-way's back to their original form. Chairman Cummings clarified the road occupancy fee, in part, is to offset the cost of the Township engineer and Township roadmaster inspection of the right-of-way's after completion of work.

**A motion** was made by supervisor Stonesifer to adopt resolution 2018 – 1 for road occupancy fee resolution.

**Second** by Chairman Cummings.

**Discussion:** secretary Adams said the resolution number should be 2018 – 2.

**The motion carried as amended.**

**2. Trash Ordinance change to item #10** - A discussion ensued on changing item #10 of the Trash Ordinance which states, "No collection shall be scheduled for any Sunday or Monday". The supervisors agreed the ordinance couldn't be changed at the meeting as an ordinance change has to be advertised to the public and other criteria must be met before changes can be completed. It was discussed the request for the change was made by Waste Management because of the mailing list forward to them indicating the number of residents in the Township was higher than the number of residents listed in the bid. The number of residents used on the bid was based on an old census and the mailing list was compiled using the Road Numbering guide, so the mailing list was approximately 500 more residents than the census. Supervisor Sprigg pointed out the letter sent indicated no tires may be picked up, but the ordinance indicates 1 tire may be picked up.

The supervisors decided the contract and the ordinance were in line with each other and the pickup day would remain as Thursday. Solicitor Shaffer said the specifications clearly state 1 tire is allowed for pickup. The trash pickup day will be Thursday as stated in the letters sent to the Township residents.

**3. Review and discuss - Workshop Meeting** for possible change to Livestock Ordinance

in a Residential Area, Chairman Cummings said he did review a couple of ordinances pertaining to this subject one was the PA Association of Boroughs, non-commercial keeping of bees, chickens and goats and another was Cumberland County, PA Urban Ag ordinance. Vice Chairman Sprigg said when looking into the matter the Board needs to consider not only zoning but the amount of property. Chairman Cummings said the articles do talk about the density of the neighbors but also discusses the health of the livestock as far as how much land does an animal need. Chairman Cummings said he would like to have a few more articles to compare and would forward those to each of the Board members as well as to the Township Planning Commission for them to review before scheduling a workshop. Discussion ensued on deed restrictions.

**4. Request for Conditional Use Hearing** by Barbara Kohr, 172 Locust Grove Rd., for a Granny Flat was withdrawn. Zoning Officer Fahey confirmed the request was withdrawn.

**5. Request to replace paper shredder;** gears worn off, no longer shreds paper.  
**A motion** was made by Chairman Cummings to purchase a bigger better shredder.  
**Second** by Supervisor Stonesifer.  
**The motion carried.**

**6. Review carpet cleaning proposal** from Above and Beyond Cleaning Services.  
**A motion** to deny carpet cleaning was made by Supervisor Stonesifer.  
**Second** by Chairman Cummings.  
**The motion carried.**

**7. Review and discuss workshop meeting Granny Flat** in Residential Area/Open Space. Supervisor Sprigg asked why it is different, procedurally speaking, to have a Granny flat in open spaces than it is in a residential area. Supervisor Stonesifer said this issue was sent before York County planning commission and there has been no decision by the county on this matter at this time. Supervisor Decker said she noticed in the residential zone that you can have a semidetached house, you can have a double and a detached house. Supervisor Decker said maybe when it was written they were thinking that you have those opportunities to use instead of a Granny flat. Supervisor Decker said there is no definition. Discussion ensued on lot size, residential versus open space for having a Granny flat. Chairman Cummings said this item will be placed on the agenda for July's meeting and asked Secretary Adams to reach out to York County planning commission to find out the status on Granny Flats.

### **OLD BUSINESS**

**1. Steep Slope Ordinance – Sent to YCPC; scheduled to discuss at July 17, 2018 YCPC meeting.**

**A motion** was made by Supervisor Stonesifer to send Chairman Cummings as Representative for the Township and speak on behalf of the Township.

**Second** by Vice Chairman Sprigg.

**Discussion:** Chairman Cummings clarified that as a representative of the Township he would be answering any questions the committee may have and explaining the work the Township has done to get the ordinance to YCPC. More discussion ensued regarding request from Sharon Boyer of the YCPC for a revised zoning map to show the areas of steep slope. Solicitor Schaefer said he anticipates Ms. Boyer to say if the Township does not have a revised zoning map it's not a big deal.

**2. Alternate SEO** - Secretary Adams said she was in contact with SEO Vince Elbel and he was okay with the choice of Gary Morrow to be appointed as alternate SEO. Secretary Adams also spoke with Gary Morrow who said he is willing to accept the position as alternate SEO.

**A motion** was made by supervisor Stonesifer to a point Gary Morrow as the alternate SEO.

**Second** by Chairman Cummings.

**The motion carried.**

**3. Employee Handbook** - an approval letter was forward to Karen at HR solutions. Secretary Adams said she received an email from Karen saying she would respond in the coming weeks.

### **CORRESPONDENCE**

1. **Hoffman Subdivision plan** - a discussion ensued regarding the number of plans being submitted for the subdivision. Engineer Brath said it is his opinion the plan is a final subdivision plan, they are moving lines around but even with the change it is still being subdivided into two lots. Once the plans are resubmitted there are to be no additional fees it's just a revision of the approved plans. Chairman Cummings said any other plans submitted need to be removed as a condition to the submittal of the revised approved plan.

2. **Rob Brady email** - Chairman Cummings said according to the email they are applying for a grant and part of that process is approval of the municipalities service. Dillsburg borough passed the request at their meeting and Franklinton Borough passed it at their meeting. Regarding the last line, Mr. Brady removed the language that specifically asked for financial assistance and what that would mean is that people would lend a hand to help with office procedures, making photocopies etc. engineer Brath said they are asking for in kind, volunteer, and private resources. Supervisor Ryan asked why they needed the money. Engineer Brath said to help offset the cost for the startup of the company. A discussion ensued regarding funding of the new fire company, it was discussed that the grant would cover 50% of the funding but how was the remaining 50% to be raised. The question was asked, what is "in-kind" resources. Most of the supervisors were uncomfortable with this wording that it could mean a monetary donation would be required at some point.

**A motion** was made by Chairman Cummings to adopt the resolution for a grant for the merger of fire companies into one company.

**There wasn't any second on the motion.**

Discussion continued the term "in-kind resources" and that it could mean a request for a monetary donation sometime in the future. Supervisor Ryan asked what happens to the fire equipment when the two companies merge will they keep multiple tankers and trucks, or what happens to that equipment.

**No action was taken to approve or deny the grant request.**

### **PUBLIC COMMENT**

1. **Harry Naill, 2 Albert Lane** -Mr. Naill wants to subdivide his lot located in Open Space district, Mr. Naill said it should be zoned Residential and therefore is zoned wrong. Total Lot size is 1.15 acres. Chairman Cummings asked how much land will be with each lot once it is subdivided. Chairman Cummings said part of the issue is zoning but once you get into subdivision then it's a SALDO issue. Engineer Brath said lot size for public water and sewer is 10,000 square feet. Engineer Brath said the lot lies within an open space zone. Supervisor Ryan said that spot zoning is illegal. Engineer Brath said that Mr. Naill would have to seek a variance. Chairman Cummings told Mr. Naill he would have to present his case before the zoning hearing board first.

### **EXECUTIVE SESSION**

There was no Executive Session held at this time.

### **ADJOURNMENT**

**Motion** to adjourn by Chairman Cummings at 10:25 p.m.

**Second** by Vice Chairman Sprigg.

**The motion carried.**

Respectfully submitted,

Teresa Adams

Franklin Township Secretary