

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
September 12, 2018**

**CALL TO ORDER:**

The September 12, 2018 **BOS Conditional Use Hearing for Stephen K. Hughes** was called to order at 6:30 p.m. by Chairman Kevin Cummings. The Township stenographer was not present to record testimony for the hearing; therefore, the Conditional Use Hearing was continued until Wednesday, September 19, 2018 at 6:30 p.m.

The September 12, 2018 **BOS Regular Meeting** was called to order at 7:00 p.m. by Chairman Kevin Cummings.

**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  
Treasurer Pam Williams

**ABSENT:**

None

The meetings were 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**

Pledge of allegiance was led by Chairman Cummings and prayer said by Vice Chairman Sprigg.

**APPROVAL OF MINUTES**

**A motion** was made by Chairman Cummings.

**Second** by Supervisor Stonesifer.

**Discussion:** There were some comments placed on the wrong meeting minutes which Supervisor Decker said should be stricken from the incorrect minutes.

**The motion carried as amended.**

**PUBLIC COMMENT ON ITEMS ON THE AGENDA**

There was no public comment.

**ORGANIZATION REPORTS**

**Police** – Vice Chairman Sprigg said police calls are up 6% for the same period from the previous year, they are up 41 calls. The calls are service calls. Chairman Cummings said in nearby Monaghan Township there were several robberies, items taken included ATV's, and a firearm. One of the robberies happened early morning, the robber wore a ski mask. Chairman Cummings reminded the meeting attendees of the opioid epidemic going on in the area and that everyone needs to keep homes, cars, etc. locked. Chairman Cummings asked that if anyone sees suspicious activity to please contact the Township police commissioner.

**Fire** – A report was submitted.

**EMS** – Supervisor Ryan said there is an advisory meeting scheduled for September 28, 2018 at 10:00 a.m.

**DAA** – A report was submitted. Supervisor Ryan said he thinks the BOS should have a representative at the DAA meetings to see where the water is being run and a reason for where the water is going. Supervisor Ryan said the Township needs to know DAA's intent as it affects the growth in the Township. Supervisor Ryan said the Township needs to concentrate on where they want growth to happen. Supervisor Ryan said he thinks the water should be run along US Route 15 which is the mixed-use area, industrial area and as close to the residential area as it stands now. Supervisor Decker said she would like to see the Township stay rural if possible. Supervisor Ryan said the Township needs a 20-year agenda. Chairman Cummings said the Planning Commission needs to be involved and

have input on this topic. Engineer Brath said the Township currently has 2 vacant seats on the DAA board. Supervisor Ryan said it may be a good idea to invite Sheldon Williams from the DAA to the next BOS meeting to talk more about the subject and answer questions. Chairman Cummings asked to wait until after Mr. Williams addresses the BOS before sending request to Township Planning Commission to begin review.

**Emergency Management** – Email from Laurin Fleming that cleanup of old or unused items in the Emergency building has been completed.

**Route 15 Committee Meeting** – Supervisor Ryan reported the proposed PennDOT “jug handle” project doesn't meet the Township SWM criteria and that a revised plan would be posted once he meets with PennDOT Representative Mr. Murphy to correct the issues found on the proposed project plan. Discussion ensued regarding PennDOT's obligation to the Township on SWM.

**Engineer's Report** – Engineer Philip Brath submitted a report. Engineer Brath said the Century Lane Bridge has a sizable dip at the approach to the bridge and he has spoken with Shiloh Paving who is to repair the bridge on September 17, 2018, weather permitting. Supervisor Ryan clarified the Township road projects that would begin in Spring of 2019 to be West Greenhouse Road, Water Street, and Franklinton Road. Engineer Brath said this is the plan as of now. Supervisor Ryan said he would like to also see work begin on one of the other roads on the five-year plan, preferably County Line Road. Discussion ensued on West Greenhouse Road completion prior to inclement weather. It was discussed that if the project could not be completed prior to inclement weather the project would be delayed until Spring of 2019.

#### **APPROVAL AND PAYMENT OF BILLS**

**A motion** was made by Chairman Cummings to pay the bills as submitted by the Treasurer.

**Second** by Supervisor Stonesifer.

**The motion carried.**

#### **Treasurer's Report**

**A motion** was made by Chairman Cummings to approve the Treasurer's report.

**Second** by Supervisor Stonesifer.

There wasn't any discussion about the Treasurer's Report.

**The motion carried.**

#### **Treasurer's Memorandum**

**#2 Delinquent Taxes Collected by YATB;** Treasurer Williams said the BOS would need to have an agreement in place with YATB if the Board chose them for the Delinquent Tax Collector. Treasurer Williams said it would be more cost effect to use their services. Discussion ensued regarding which year YATB would begin collecting delinquent taxes. It was discussed that it would be for the 2018 tax year.

**A motion** was made by Chairman Cummings that Franklin Township would enter into an agreement with York Adams Tax Bureau to begin collecting 2018 Delinquent Taxes.

**Second** by Supervisor Stonesifer.

A discussion on when do “early taxes” become delinquent and are the notices already out for those taxes.

**The motion carried.**

**#4 Misallocation of Fine Monies;** Treasurer Williams said the amount owed to the Township is approximately \$21,000. A discussion ensued on the total amount owed of over \$1 million to all the York County municipalities that are affected and that **Paradise Township** do not have this kind of money to pay back all at one time. Treasurer Williams gave an example of how one municipality is willing to accept payments and have their funds paid back over a 20-year period. A discussion ensued on a plan for paying back the funds to Franklin Township. Chairman Cummings said he would like to see the money paid back to the Township within 2 years, Vice Chairman Sprigg and Supervisor Stonesifer agreed to receive payment in full within 2 years.

**#4 Training- Treasurer Williams asked permission to attend Budget and Financing training at the cost of \$175.00.**

**A motion** was made by Chairman Cummings to grant permission for Treasurer Williams to attend the training at a cost of \$175.00.

**Second by** Supervisor Stonesifer.  
There wasn't any further discussion.  
**The motion carried.**

**#5 Non-Uniform Pension Plan MMO-** Treasurer Williams said this was discussed in a previous BOS meeting and information was submitted at that time.

**Motion was made by** Supervisor Stonesifer to adopt the Non-Uniform Pension Plan MMO.

**Second by** Chairman Cummings.  
There wasn't any further discussion.  
**The motion carried.**

### **BCO REPORT**

Land and Sea Services submitted a report.

### **ZONING OFFICER REPORT**

Zoning Officer Brian Fahey submitted his report.

**#2** Zoning Officer Fahey said he just wanted to point out the attached letter from the State regarding the placement or removal of a home heating fuel tank. Zoning Officer said the Township currently doesn't have an ordinance on them unless the Board wants to discuss creating one.

**#3** The next to last sentence should read, "The dwindling congregation has NO such desire ..."  
Chairman Cummings asked to go back to #2 on the report and asked Mrs. Gingrich to clarify something she said on the topic at a previous meeting. Mrs. Gingrich said in years past DEP required such tanks be removed based on capacity. Chairman Cummings asked Zoning Officer to continue with #3.

**#4** Zoning Officer Fahey said he has received numerous complaints this month and would like some type of written form that is signed to be in place to help assist when investigating the complaints. Supervisor Ryan said this is the policy that a complaint needs to be in writing and signed. Secretary Adams said she has seen a complaint form and would locate it for printing. Zoning Officer said he only investigate complaints submitted in writing and they must be signed.

**#7** Dave Leininger rental running business out of garage. Zoning Officer spoke with Mr. Leininger who will address the matter.

### **SUBDIVISION AND LAND DEVELOPMENT**

**Fleming/Goda plan** – A time extension request letter was submitted requesting to extend time until January 31, 2019.

**A motion** was made by Chairman Cummings to grant a time extension until January 31, 2019.

**Second by** Supervisor Stonesifer.  
**The motion Carried.**

**Williams** – A time extension request letter was submitted requesting to extend time until January 1, 2019.

**A motion** was made by Chairman Cummings to grant a time extension until January 1, 2019.

**Second by** Supervisor Stonesifer.  
**The motion Carried.**

**Hoffman** – The plan was reviewed and explained by Engineer Brath regarding the moving of the lot line. Lot 1 would increase from 14 to 21 acres and Lot 2 would decrease from 14 to 10 acres. Attorney Neubaum explained the land was originally to be split into 2 parts with 2 heirs receiving land and a 3<sup>rd</sup> heir receiving cash, this has since changed, now 2 of the heirs want cash and 1 heir wants to keep land so the plan is to divide the lots so 1 can be kept in the family and the other is to be sold to get cash to pay the heirs wanting cash. Discussion ensued on a lightening strike indicating a road separating the 2 parcels not being on the plan. Attorney Neubaum said his Engineer say to request a waiver of Township fees other than normal, recording fees, Township Engineer review fees and out of pocket expenses. It was discussed that Parks and Recreation and Road Improvement fees are due

to the Township as part of a condition. Supervisor Ryan asked if fees were paid up to date.

**A motion** was made by Supervisor Stonesifer to grant a waiver for Filing Fees for this submittal of the Hoffman Estate subdivision plan.

**Second by** Supervisor Ryan.

**The motion carried.**

**A motion** was made by Supervisor Stonesifer for conditional approval of final minor subdivision plan of Tax Parcel 29-NB-GB for the Estate of John O. Hoffman contingent upon addressing all the comments on engineer Philip Brath's comment letter dated September 4, 2018 with the understanding that the original plan shall effectively withdraw with signed statements of the three heirs or signatories on the original plan.

**Second by** Chairman Cummings.

**The motion carried.**

**Spiece/Heavenwood** – Engineer Chris Hoover represented the Spiece's and spoke on their behalf. Engineer Hoover said most of the conditions in the plan review letter by engineer Brath have been met but there is one final waiver request regarding landscaping of the property. Engineer Hoover said the ZHB granted a waiver regarding buffer yards but the actual planting within that area falls under the SALDO and that is why he is asking the board for this particular waiver. Engineer Hoover request the Supervisors vote on the entire plan including the waiver request.

**A motion** was made by Chairman Cummings to grant the waiver request regarding landscaping of the property.

**Second by** Supervisor Stonesifer.

**The motion carried 4 in favor and 1 opposed. Supervisor Ryan opposed.**

Engineer Brath said there was a letter of improvements guarantee dated September 5, 2018 which needed to be addressed. Engineer Hoover said the estimated cost of improvements is approximately \$92,000. Engineer Brath said the estimated probable construction cost is \$84,501.60. Engineer Brath said he recommends in accordance with the MPC in the ordinance that the security requirements for improvement should be established at 110% of the probable construction cost which shall be \$92,951.76. This should be provided in an irrevocable letter of credit as exhibit D, or a bond, in the agreed amount prior to recording the plan, bonds or letters of credit should be self-renewing without limitations. Engineer Brath said the Supervisors' approval is needed for that number. There is no proposed septic system until the house is built. Discussion ensued on sewage requirements for the property. It was decided by the ZHB and SEO that none is needed at this time.

**A motion** was made by Chairman Cummings to conditionally approve the final land development plan for Heavenwood Farm contingent upon addressing the following comments of the engineer's letter dated September 5, 2018 with the exception of the landscaping plan requirement, 1) property corner markers or monuments shall be installed or bonded prior to recording the plan, 2) provide all filing fees, recording fees, viewing fees prior to recording the plan.

**Second by** Supervisor Stonesifer.

**The motion carried.** The applicant agrees to have plan recorded within 90 days.

**Eichelberger Subdivision plan review-** no action was taken.

### **MUNICIPALITY REPORTS**

**Solicitor-** solicitor Shaffer said the supervisors asked him to review effects of the fire company merger on the fire equipment the Township had interest invested, he said there would be no change. The new successor will take over and any security interest the Township has will carry over to the new company. Solicitor Schaefer said there is no need to retitle vehicles and there is no need for the Board to act. Supervisor Decker asked about the agreement between Franklinton Borough and Franklin Township. Solicitor Shaffer said nothing changes and the Board could request a copy of the court order from the Orphans Court approving the merger.

Solicitor Shaffer said the Board also asked him to review the possibility of a Fire Tax. He said this comes from the Second-Class Township Code, Section 3205. Solicitor Shaffer said there are different taxes listed, for example there is one for fire hydrants and water service but the one the Board is looking at, is for fire apparatus. Solicitor Shaffer said there is a maximum that can be charged of 3 mils, he said if the board is looking to pass something

like this that it would be done by resolution rather than an ordinance and therefore no advertising is necessary, although PSATS recommends when notice is given for the next budget to include in the public notice what the mills will be for the tax. Solicitor Shaffer said If the tax goes over 3 mills the voters get to vote but under 3 mills the board decides. A discussion ensued on how the tax gets collected and distributed, Solicitor Shaffer said in the Second Class Code, Article 32, Section 3205 Township and Special Tax Levies, (a), (4), (i) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of fire suppression employees of the township or a fire company serving the township. Solicitor Shaffer said also in the Second-Class Code, Article 28, Section 1803, (b) The board of supervisors may by ordinance make rules and regulations for the government of fire companies which are located within the township and their officers.

**Roadmaster** Supervisor Ryan gave his report.

Supervisor Ryan said the new truck is scheduled to arrive by the end of the week and the old truck and bed are going to be placed on Munciacid. Supervisor Ryan said there are 3 road patching projects to complete, Glenwood Road, South Cherry Lane and Bethel Church Road but due to staffing they will be delayed for at least a week. Supervisor Ryan said he is waiting for 1 last letter of authorization from a resident for road encroachment on West Greenhouse Road project.

**Parks & Recreation** – No report was submitted. Supervisor Ryan said he had plans laid out for mowing the parks and ask the Board how they want to submit the mowing for bids. Supervisor Ryan said he needs a precise plan so that all bidders receive the same bid packets. Discussion ensued on the cost of paying a part time employee versus paying a full-time employee.

#### **NEW BUSINESS**

1. Trick or Treat night was set for Thursday, October 25, 2018 beginning at 6:00 p.m. until 8:00 p.m. for the Township.
2. Chairman Cummings said the deadline for the BOS Agenda Items and Report submission is Thursday, October 4, 2018, Secretary will be out of the office on Friday, October 5, 2018 and the Township office will be closed Monday, October 8, 2018 for Columbus Day Holiday.
3. The Board granted Secretary permission to Attend PSATS Annual Conference planning meeting.
4. Secretary Adams asked permission for Engineer Brath to review some commercial fees on the current fee schedule to be sure nothing is missing since they aren't used as much as residential fees. The Board granted permission for Engineer Brath to review the commercial fees.
4. Conditional Use Hearing Case # CUH2018-3 was set by the Board for Wednesday, October 10, 2018 beginning at 6:30 p.m.

#### **OLD BUSINESS**

Supervisor Ryan asked if there were any findings on repealing Zoning. Solicitor Shaffer said Zoning can be repealed. Solicitor Shaffer said if the Board should consider repealing Zoning to do so in the same manner as if it were making an amendment to it. Solicitor Shaffer said everything should be transferred to the SALDO. Solicitor Shaffer said he thinks the Township should have something to fall back on, SALDO preferably. Engineer Brath clarified York County does not have a Zoning Ordinance in place. Solicitor Shaffer said that Shrewsberry received an award for “out of the box” thinking when they created their Zoning as it allowed flexibility to a designated area in Shrewsberry Township.

#### **CORRESPONDENCE**

Correspondence was received from the Township SEO announcing 2019 **may be** his last year as SEO as he is beginning to cut back on his work load and looking to retire soon.

A letter was received by Mr. and Mrs. Cobb expressing their opposition to abolishing Zoning in the Township.

#### **PUBLIC COMMENT (Resident Concerns)**

Mrs. Gingrich said she thinks **getting rid** of zoning is a “hairbrained **scheme**” and the most ridiculous thing she's heard. Mrs. Gingrich said the problem that she sees on one hand, she's heard the Board say the tax base needs to be increased in the Township, on the other hand, if Zoning is repealed, what developer in their right mind is going to invest in significant property, invest in infrastructure and be able to sell houses when he can't assure somebody

that a fertilizer plant, adult bookstore or 20 trailers aren't going to go in next door. Mrs. Gingrich said if there is any seriousness to repealing Zoning she would hope it would be put out for public referendum.

**EXECUTIVE SESSION**

The Board entered Executive Session at approximately 9:30 p.m.

**ADJOURNMENT**

**A motion** to adjourn was made by Supervisor Stonesifer at 9:45 p.m.

**Second** by Vice Chairman Sprigg.

**The motion carried.**

Respectfully submitted,

Teresa Adams,  
Franklin Township Secretary