

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
MEETING MINUTES
October 10, 2018**

CALL TO ORDER:

The October 10, 2018 **Conditional Use Hearing for Stephen K. Hughes, 210 Stonehead Road, Dillsburg** was called to order at 6:00 p.m. by Chairman Kevin Cummings.

ROLL CALL

PRESENT:

Chairman Kevin Cummings	Solicitor Bret Shaffer
Vice Chairman David Sprigg	Engineer Phillip Brath
Supervisor Naomi Decker	Secretary Teresa Adams
Supervisor Eric Stonesifer	Treasurer Pam Williams
Supervisor Michael Ryan	

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 and prayer were led by Chairman Cummings.

Conditional Use Hearing Case # CUH2018-2 (6:00 p.m.)

The conditional use hearing continuation was called to order by Chairman Cummings. Sworn in to give testimony were Zoning Officer Brian Fahey, 490 Capitol Hill Rd, Dillsburg, Steve Hughes, 210 Stone Head Rd, Dillsburg, Philip Brath, Township Engineer by Stenographer Roxy Cressler.

Chairman Cummings asked zoning officer Fahey if he visited the property and measured for steep slope and if so, what were the results. Chairman Cummings explained to the property owner the reason for this question was to determine the percentage of slope which would determine if the case should proceed as is.

Zoning officer Fahey said he did the measurements and it was determined that there was an area in the far rear corner that was slightly above 15% slope. Zoning officer Fahey said the slope was man-made and the hearing application was received prior to the recent steep slope ordinance that was passed.

Chairman Cummings asked engineer Philip Brath about the results of his findings. Engineer Brath said along the rear corner he determined slope to be slightly over 16%. Chairman Cummings clarified that his question pertains to the area of disturbance, what is the slope. Engineer Brath said it ranges from 16% to 9% of slope. Zoning officer Fahey said the man-made slope that was created will disappear.

Chairman Cummings asked where the proposed storm water management would occur. Engineer Brath indicated on the plan sketch and said it would go on a flat area of the property and the storm water from the additional impervious will be piped over to another location.

There was discussion regarding the measurement of the slope in that it's a mathematical equation, supervisor Ryan said the definition of slope is the rate of change of a line, it's the change in the Y value divided by the change in the X value and referred to in the change of the rise over the change of the run in the line. Supervisor Ryan said this is the way slope was originally measured and the way that it is currently measured. Supervisor Ryan said the measurement is the same on the old ordinance and the new ordinance. Supervisor Ryan explained the definition of upgrade is property possessed by a surface or grade that rises, the act of raising something to a higher level or grade by adding or replacing some components, so was their ground added to the ground after the cut was made to make that rise which is considered over 15%. Mr. Hughes said he did not add anything. Mr. Hughes said the improvements he's making to the ground and addition will make his property better.

Chairman Cummings reviewed the steep slope ordinance Section 205.C. Chairman Cummings clarified the slope was man made created by Mr. Hughes at the time he built the original structure. Chairman Cummings reviewed the submission dates of the original construction were prior to 2006 at the time zoning was enacted.

Submitted for evidence as Exhibit 1 was the conditional use application with attachments and as Exhibit 2 was a topographical map with attachments. An oversized drawing was submitted by Zoning Officer Fahey as Exhibit 3. The

drawing was not to scale, the property was properly posted, and the hearing was advertised in the Dillsburg Banner newspaper two times prior to the original hearing date in August 2018.

A motion was made by Chairman Cummings to approve the Conditional Use Hearing Case #2018 – 2 for Stephen K. Hughes, 210 Stone Head Rd., Dillsburg, PA contingent upon the approval of the storm water management plan.

Second by Vice Chairman Sprigg.

Discussion: there was no further discussion.

The motion carried.

CALL TO ORDER:

The October 10, 2018 **Conditional Use Hearing for Trevor Baim, 497 Capitol Hill Road, Dillsburg** was called to order at 6:30 p.m. by Chairman Kevin Cummings.

Conditional Use Hearing Case # CUH2018-3 (6:30 p.m.) sworn in to give testimony were Trevor Baim, 497 Capitol Hill Rd., Dillsburg, zoning officer Brian Fahey, 490 Capitol Hill Rd., Dillsburg, Teresa Adams, Franklin Township secretary, Franklin Township engineer Philip Brath.

Secretary Adams said the hearing was advertised twice in the Dillsburg banner on September 20 and 27, 2018. Zoning officer Fahey said the property was properly posted for the hearing approximately 2 to 3 weeks ago.

Chairman Cummings said Mr. Baim was before the conditional use hearing board to ask for approval to construct a 30 x 40 garage which equals 1200 sq. ft. and anything over one thousand square feet requires a conditional use hearing. Chairman Cummings asked if there was a designated area for a second for backup sewage system for the sand mound system already in place. Chairman Cummings said he just wanted to clarify that the garage wasn't being constructed in this designated area for the backup sewage system. Mr. Baim said there is another place to the side of the house that is designated for the sewage system. The garage would not be placed in that area. Chairman Cummings asked if the garage would have electric. Mr. Baim said it would have electric. Chairman Cummings asked Mr. Baim if he was aware that a structure over 1000 sq. ft. requires the storm water management plan and Mr. Baim said that he is aware of that.

Engineer Brath clarified that the entrance way to the building would need to be part of the calculation when configuring the storm water management plan. Mr. Baim said yes, that was taken into consideration when calculating the storm water management and that he only intends to have a stoned driveway and not a paved driveway. Mr. Baim said the structure is going to be used for personal use and he understood it cannot be changed from personal use.

Zoning officer Fahey said he wanted to clarify that there is no steep slope issue and engineer Brath asked if the property was listed on the tax map parcel. Supervisor Ryan pointed out the property in the tax parcel book as MB 2N.

A motion was made by Chairman Cummings to grant conditional use for Mr. Trevor Baim at 497 Capitol Hill Rd., Dillsburg, PA contingent upon an accepted, approved stormwater management plan to include the impervious gravel driveway has to be factored in with the building itself for the stormwater management.

Second by supervisor Stonesifer.

Discussion: no discussion ensued.

The motion carried.

A motion was made by supervisor Stonesifer to adjourn the meeting at 6:37 PM

Second by Chairman Cummings.

The motion carried.

CALL TO ORDER:

The October 10, 2018 **BOS Regular Meeting** was called to order at 7:00 p.m. by Chairman Kevin Cummings.

PLEDGE OF ALLEGIANCE AND PRAYER

Pledge of allegiance and prayer were led by Chairman 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

APPROVAL OF MINUTES

1. Employee handbook workshop meeting minutes August 29, 2018

A motion was made by Vice Chairman Sprigg to approve the minutes as submitted.

Second by Chairman Cummings.

Discussion: no discussion ensued.

The motion carried.

2. BOS Regular Meeting Minutes of September 12, 2018

A motion was made by Chairman Cummings to approve the revised minutes as submitted.

Second by Vice Chairman Sprigg.

Discussion: supervisor Decker said she and secretary Adams made a few changes to the original minutes and the current copy is revised with the corrections.

The motion carried.

PUBLIC COMMENT (written request pertaining to Agenda items only)

1. Waste Management representative Tom Stang was running late, this agenda item was moved to later pending Mr. Stang's arrival.

ORGANIZATION REPORTS

Police-supervisor Sprigg said there was nothing to report at this time.

Fire-chief McClintock reported :

- 48 calls in the month of September with the year to date total of 413, for Franklin Township there were 11 calls for September and 90 year to date.
- 1st meeting for the new fire company was September 25, 2018, the meeting was very brief and the swearing in of the new officers took place.
- ribbon cutting ceremony is to take place on October 10, 2018 Calvary United Methodist Church, Dillsburg Borough on Mumper Lane.
- budget is currently being developed and should be distributed to local municipalities by the end of October.
- Apparatus, he said rescue engines 65 is out of service for 2 weeks for warranty work on the paint, the tower will also be out of service for one week beginning the following Monday after the BOS meeting for annual maintenance and inspections, engines 65 will be out of service for turn signal repairs as it has no turn signals for four-way flash.
- Fire prevention week the theme is Look, Listen, Learn, Fire can Happen Anywhere. Chief McClintock said it has been planned for local daycare's, Highland Park townhouses, but nothing from the schools as of yet and he tour of the firehouse has been scheduled.
- A list of the new officers was read, Chief McClintock said there is still an opening for a lieutenant but is not sure if it will be filled for not.
- A discussion ensued on the possibility of eliminating apparatus or combining it to purchase new apparatus.
- A discussion ensued on creating an ordinance for charging a fee on structures over a certain height.
- A discussion ensued on proposing a fire tax and how it would be used.

PUBLIC COMMENT (written request pertaining to Agenda items only)

Tom Stang, Waste Management Representative answered questions from the BOS:

- Billing issue has been addressed
- Opt-out list has been corrected
- Discussion ensued on letters sent out to the residents in the Township, new versus current/existing customers.
- Waste Management scrubbed their customer data base to correct quarterly billing and clean up the data.
- Mr. Stang commended Secretary Adams support and handling of calls and assistance with issues.
- Mr. Stang said he would provide information on how many residents opted-out of the trash to secretary Adams.

ORGANIZATION REPORTS

DAA- Sheldon Williams was available to answer questions and concerns.

- Supervisor Ryan asked for a plan of the Township needs, he said he was looking primarily at sewer needs.
- Supervisor Ryan said the Township has an abundance of residents having difficulty with testing, perk and probe, causing them to get into secondary systems, mulch systems, small flow streams,
- supervisor Ryan said the Township has very small residential areas with nearby facilities that could help them out but isn't aware of any plans to do so. Supervisor Ryan said there was a plan in the past but nothing to date.
- Supervisor Ryan said he would like to have an explanation on how the needs arise that planning would move forward to get service to the areas in need and what is involved in this.
- Sheldon Williams from DAA said the most current plan he could find was dated 1983 and that as developments occur changes to the plan occur.
- Mr. Williams said the place for the Township to begin would be with an updated act 537 plan.

- A discussion on the funding fees ensued, it would ultimately be the end-user that would pay these fees.
- A discussion ensued on planning for future developments and areas of need, where does the Township begin with planning. Mr. Williams said the Township would need to look at things, like environmental issues.

EMS Advisory – No report submitted.

Emergency Management – No report submitted.

Route 15 Transportation – Supervisor Ryan said that he and Engineer Brath met with PennDOT. PennDOT plans on implementing their own storm water management plan which the Township engineer considers to be the minimal that needs to be done to be compliant.

Engineer's Report – Engineer Brath submitted a report that was included in the BOS meeting packet. Engineer Brath said York County is looking at passing a stormwater management program for the entire county and if the BOS wishes not to adopt the program a Resolution should be enacted stating the Township's opposition.

A motion was made by Chairman Cummings to adopt Resolution 2018-4, be it resolved that the Township of Franklin, York County, is opposed to a county wide Stormwater Authority for York County. Voted upon this 10th day of October 2018, by the Board of Supervisors.

Second by Supervisor Naomi Decker.

Discussion: no discussion ensued.

The motion carried.

APPROVAL AND PAYMENT OF BILLS

A motion was made by Chairman Cummings to approve and pay the bills.

Second by Supervisor Decker.

Discussion: hold the bill for a dumpster.

The motion carried.

TREASURER'S CORRESPONDENCE

Treasurer's Report

A motion was made by Chairman Cummings to accept the Treasurer's report as submitted.

Second by Supervisor Stonesifer.

The motion carried.

Treasurer's Memorandum

Item #2 regarding a reoccurring transaction. Treasurer Williams said this was a memorized transaction that was not needed so it was deleted to keep from appearing each month.

Item #1 Treasurer Williams said Mr. Fleming said there will be an EMS mini drill spring of 2019 and a full EMS drill fall of 2019 but nothing for fall of 2018. Supervisor Decker asked if a letter should be sent to Laurin Fleming encouraging him to continue on the EMS committee. Chairman Cummings agreed and said the letter also needs to **say** the Township is grateful for his services currently and in the past.

BCO REPORT - Submitted with BOS packets

ZONING OFFICER'S REPORT

No report was submitted but Zoning Officer was present to give a report.

- Zoning officer wrote a letter for approval to build to Mr. Stough
- No current building permit is on file for property on Tuckahoe Road yet there's building being erected.
- Continuing printer connection issues
- Zoning officer is to send letter to resident on County Line road indicating they have 2 weeks to correct the stormwater runoff onto township road, if no action then an enforcement letter is to follow. Supervisor Ryan said there was a driveway installed without a permit or stormwater management plan, this is a violation to the Township ordinance.

SUBDIVISION AND LAND DEVELOPMENT

Nothing submitted

MUNICIPAL REPORTS

Solicitor – request a short Executive Session at the end of the meeting to go over several cases that are pending currently, Elicker, Bennington, Stoneford. Elicker case is scheduled before the district Justice on October 24, 2018, Solicitor Shaffer request that the Zoning Officer or Engineer **attend the meeting with him**. Solicitor Shaffer told Mr. Hughes he would mail the Conditional Use decision within 7 days but it's actually more like 35 days as he brings those decisions to the BOS meeting the next month. Secretary Adams said she would follow up with a phone call to Mr. Hughes to make him aware.

Road Master – Supervisor Ryan asked for permission for the roadcrew, Secretary and Roadmaster to attend PSATS mandatory CDL Training.

A motion was made by Chairman Cummings to send all staff that need to attend the mandatory CDL Training.

Second by Supervisor Stonesifer.

Discussion: no discussion ensued.

The motion carried.

Tree trimming, Supervisor Ryan said the property owners are allowing trees to become overgrown and fall onto township roads and expecting the Township to clean up the mess, It's the responsibility of the property owner to keep the trees trimmed and not allow this to happen. Supervisor Ryan said the Township is incurring additional cost for cleanup that could have been avoided. Supervisor Ryan said the property owners are also expecting the Township to clean up tree debris that falls onto their neighbors property but it's the property owner who is responsible for cleanup. Supervisor Ryan said it is the Township's responsibility to keep the Township roadways and right of ways clear, which they have been doing. Supervisor Ryan said this needs to be addressed. Discussion ensued on policy and procedure to follow for tree clean up. Solicitor Shaffer said the Township could adopt an ordinance describing the maintenance of the trees and the penalties if it's not done. Solicitor Shaffer said the Second Class Township Code also gives the Township authority to act and take legal action. **Supervisor Ryan said the policy will be to send the property owner a letter to let them know they are not in compliance with the ordinance.**

Supervisor Ryan said the old Township truck and dump bed are on Municibid to receive bids and the bleachers have been erected and placed at the parks, roadcrew is still mowing the Township roads, restricted parking signs will be replaced as soon as new signs arrive.

Discussion ensued regarding a clogged culvert pipe, the issue is to be resolved by the property owner.

Parks & Recreation – a memo was sent to P&R to consider increasing the fees for pavilion rentals. Discussion ensued about Dillsburg Soccer blocking off Handicap Parking to unload items being taken to the pavilions. Solicitor Shaffer said to indicate in the contract that the Township can shutdown the event if those parking areas are blocked until the parking is made available.

NEW BUSINESS

Request to attend Office of Open Records/Right to Know webinar

A motion was made by Supervisor Stonesifer to for Secretary Adams to attend the Office of Open Records.

Second by Chairman Cummings.

Discussion: Supervisor Decker said she thought the training was to be done as a webinar and Treasurer Williams to fill in to avoid interruption.

Motion was amended by Supervisor Stonesifer for Secretary Adams to attend the Office of Open Records by webinar.

The motion carried.

Request to set Conditional Use Hearing date for case #2018-4 and case #2018-5 was tabled until the upcoming Budget Workshop on October 15, 2018. Both applications were found to be incomplete as submitted.

OLD BUSINESS

Employee Handbook –table and place on November BOS meeting agenda.

CORRESPONDENCE

BOS acknowledged, for the record, that a letter was received and reviewed from Dr. William Cowden **opposing** to abolish zoning.

BOS acknowledged receipt of Rob Edwards resignation letter from Planning Commission. It was discussed to advertise the BOS is accepting letters of consideration. Mrs. Gingrich said she would like to express her interest to be considered for the position.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

The BOS went into Executive Session at 9:40 p.m. for personnel matters with no action to be taken.

The BOS returned from Executive Session at 10:43 p.m.

ADJOURNMENT

A motion was made by Chairman Cummings at 10:45 to adjourn.

Second by Vice Chairman Sprigg.

The motion carried.

Respectfully submitted,

Teresa M. Adams, Secretary Franklin Township York County