

**FRANKLIN TOWNSHIP YORK COUNTY PA  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
May 8, 2019**

**ROLL CALL**

**PRESENT:**

Chairman Eric Stonesifer  
Supervisor David Sprigg  
Supervisor Naomi Decker  
Supervisor Michael Ryan

Solicitor Bret Shaffer  
Engineer Phillip Brath  
Secretary Teresa Adams

**ABSENT:**

Vice Chairman Kevin Cummings

**CALL TO ORDER:**

The May 8, 2019 BOS Regular Meeting was called to order at 7:10 p.m. by Chairman Eric Stonesifer. The meeting was held at 150 Century Lane, Dillsburg, PA. Visitors in attendance please see attached sign-in sheet.

**PLEDGE OF ALLEGIANCE AND PRAYER**

Pledge of allegiance was led by Chairman Stonesifer and prayer was led by Supervisor Sprigg.

**Franklin Glen** – A representative from the HOA, Lionel Ceaser, was in attendance to answer questions pertaining to the issue on Glenview Road. Discussion ensued with the problem at the basin on Glenview Road. Engineer Brath said the condition has been deteriorating and the Twp. has been trying for over a year to have someone from the HOA respond to the many attempts to address the issue. Engineer Brath said at one point a request was made for an Engineer to review the basin as it was unclear if the basin was sized properly as the basin size was never changed from its original design to what it should be after the addition of 5 new homes. Engineer Brath said at some point the HOA cut off the riser pipe and sometime later the embankment started to give-way and the outlet piping had corroded and there was an embankment failure. Engineer Brath said more recently it was noticed that the road surface started to buckle, calls were made to other authorities to try to find the source of the problem. Engineer Brath said he asked DAA to inspect the area and they found their sewer line had collapsed which DAA did repair the line. Engineer Brath said the water traveled from the basin under the road and into the sewer trench which was probably the cause of the sewer pipe collapse and there is an issue with the road near the stormwater pipe as well. Engineer Brath said the Twp. has requested that engineers take a look at the situation and make an appropriate fix to it but to date the HOA has not responded to the requests. Engineer Brath said since the road collapse he heard that a contractor was asked to review the issue and he also saw a contractor at the site and spoke with the contractor who told him that they were asked to look at the site. Mr. Ceaser said the HOA has been in contact with ALPHA contractors. Solicitor Shaffer said he has been in contact with the HOA's attorney and what is agreeable to the HOA is they will engage their own contractor to have some control of the cost, a SWM plan needs to be submitted to the Twp. for review by the Twp. Engineer and follows the approval process, once the review is complete there will be a SWM implemented with revisions to the pond making sure water is flowing into the basin on the other side of the roadway. Solicitor Shaffer said there is pending court action that was filed to try to get movement on the SWM and what has been proposed is an interim stipulation which the HOA has passed and the idea, now that the Twp. has the HOA's attention on the necessary repairs, for the Twp. to hold off on the court action so the HOA can concentrate funding to go toward the work needed to make repairs rather than toward legal bills. Solicitor Shaffer said the HOA covers both the single-family homes and the condominium and the COA is part of the HOA. Mr. Ceaser said that is correct with the HOA being the "master" entity. Solicitor Shaffer said he created a document which he called "Stipulation" to be passed by the BOS as an agreement between the HOA and Twp. that the HOA will engage an Engineering firm, submit a SWM plan to the BOS for adoption and implement a SWM plan, and be furthered resolved by the BOS that if at any time the Twp. Engineer believes that forward progress has stopped or has no reasonable belief the project will move forward, the Twp. will move forward with their lawsuit within 10 days. Solicitor Shaffer said there needs to be at the least, biweekly calls to indicate that things are progressing in a reasonable fashion. Solicitor Shaffer said the first report is due within 2 weeks of the BOS meeting, May 8, 2019. Discussion ensued that the Condo Association is a separate entity than the HOA and has some inlet issues to address which could

possibly be affecting the current issue. Solicitor Shaffer said contact with the Condo Association to make corrections to the inlets needs to be established and pressure applied for them to complete what needs done on their end.

**A motion was made by** Chairman Stonesifer for the BOS to sign the Stipulation prepared by Solicitor Shaffer for Franklin Glen Association

**Second by** Supervisor Decker.

**Discussion:** Discussion ensued on a specific date to expect submission of a progress report from the HOA. A request was made to keep Franklinton Borough informed of the progress as well.

**The motion carried.**

**EXECUTIVE SESSION**

Chairman Eric Stonesifer said there was an Executive Session on Wednesday, May 1, 2019 due to personnel matters and no action was taken.

**APPROVAL OF MINUTES**

**April 10, 2019 CUH Case #2019-2**

**A motion was made by** Supervisor Sprigg to approve the minutes.

**Second by** Chairman Stonesifer.

**Discussion:** Supervisor Decker said she was confused by the wording regarding the use changing from personal to business. Supervisor Decker said up the page from this the word “Engineer” was missed, it should read “a licensed PA Engineer”.

**The motion was withdrawn by** Chairman Stonesifer for clarification of the wording regarding the use and tabled until June BOS meeting.

**Stone Bid Opening –**

The bids for various stones were opened and are as follows:

Name of 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 (Bond rcvd) <b>*BID AWARDED*</b>	Deliver	\$10.70	\$14.35	\$10.70	\$14.35	\$14.35	\$15.35	No Bid	\$14.35	\$17.95	\$19.95	\$17.35
Vulcan Materials (Bond rcvd)	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
Hempt Bros. (Bond rcvd)	Deliver	\$9.25	No Bid	No Bid	No Bid	\$15.00	No Bid	No Bid	No Bid	No Bid	\$17.80	\$11.00

**A motion was made by** Chairman Stonesifer to award the Stone Bid to Vulcan Materials Company as the lowest bidder. Vulcan Materials Company did submit a Bid Bond.

**Stone Bid Opening cont’d-**

**Second by** Supervisor Ryan.

**Discussion:** A discussion ensued on the most common stones/materials used for road projects being 2A, 4, R-4 and Anti-skid and the cost of these materials should be the deciding factor for the vote.

**Chairman Stonesifer withdrew his motion** to accept Vulcan Materials Company bid as the lowest bid.

**Supervisor Ryan withdrew his second.**

**A new motion was made by** Chairman Stonesifer to accept York Building Products bid as the lowest bid based on the materials that are used the most for road repairs.

**Second** by Supervisor Decker.

**Discussion:** There was no further discussion.

**The motion carried.**

## **PUBLIC COMMENT**

**Elicker** – No one was present to speak about the Elicker property.

**Steve Clauser property** – Mr. Clauser was present and said he had 2 concerns he wanted to address regarding his property on Old Cabin Hollow Road, 1) the billing or invoicing he received in regard to depleted escrow funds and double billing for SWM. He said unless it violates a twp. ordinance it is not a billable item and he questioned the charges for return trips by Twp. officials to review complaints filed. A discussion ensued on the events leading up to the current situation of dumping road millings onto the driveway of his property. Mr. Clauser said concern 2) is regarding a waiver for SWM and asked the BOS to grant a waiver from completing the SWM.

**A motion was made** by Chairman Stonesifer to deny the request to waive SWM on the Clauser property on Old Cabin Hollow Road as pertains to the Steep Slope ordinance.

**Second by** Supervisor Sprigg.

**Discussion:** Supervisor Ryan said that any improvements to a property are considered Land Development and the proper steps should be taken.

**The motion carried.**

**Lorin Stough** – Mr. Stough was present to give the BOS a briefing on the Small Flow Sewage Treatment System in place at 2 properties he recently sold. He asked for a reduction in cost for the Bond requirement and discussed the terms and conditions of the Maintenance Agreement for the sewage systems.

**A motion was made by** Supervisor Ryan to reduce the cost of the Bond to \$3,000 from \$5,000.

**Second by** Chairman Stonesifer.

**Discussion:** Discussion ensued on the term of a bond expiring annually and the possibility of investing a bond.

**The motion carried as amended. Supervisor Dave Sprigg opposed.**

## **ORGANIZATION REPORTS**

**Police** - Chairman Sprigg said there were: 90 calls for the Twp. total

- 3 assault
- 1 sexual
- 1 hit and run
- 16 suspicious activity
- 22 ambulance assists
- 2 fire department related
- 53 traffic related
- 143 total calls in all

**Fire** - A report was submitted.

**EMS – Advisory** – A was report submitted.

**DAA**- A report was submitted.

**Route 15 Transportation** – No report submitted. Engineer Brath said Carroll Twp. would like to close the intersection at Golf Course Rd. and Range End Rd. permanently which would push traffic up the corridor.

**Emergency Management-** No report submitted.

A request was received from Laurin Fleming to advertise CERT Class, something other than just what is put in for the legal ads. Secretary Adams said a decent size ad like the one for The Hunters Trading Post is approximately \$200.

Supervisor Ryan said the recycling folks showed up and the cost to purchase the recycle building is \$19,152.

**A motion was made by** Chairman Stonesifer to advertise the CERT Classes in the Dillsburg Banner.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

Treasurer Williams asked which account the funds should be appropriated from, it was decided to pay for the advertising from the General Fund due to Public Safety.

**The motion was amended by** Chairman Stonesifer to cap the amount for advertising the CERT Classes at \$200 from the General Fund.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

Supervisor Ryan asked if any correspondence was received from DEP for the cost of the recycle building since it is no longer being used for a recycle center and was purchased with grant money the money has to be paid back. He said the cost is approximately \$19,152. Supervisor Ryan said the Twp. needs to get an appraisal of the building.

**Engineer's Report-** Engineer Brath submitted a report.

Engineer Brath said the Twp. needs to order 60 linear feet of 24" HDPE plastic pipe and 1 end wall unit was needed for Greenhouse Road project.

**A motion was made by** Chairman Stonesifer to purchase the 60 linear feet of 24" HDPE plastic pipe and 1 end wall unit.

**Second by** Supervisor Sprigg.

**Discussion:** Discussion ensued to compare prices with at least 3 companies, Chemung being one of the companies as their prices tend to be the most competitive.

**The motion carried as amended.**

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

**A motion** was made by Chairman Stonesifer to pay the bills.

**Second** by Supervisor Sprigg.

**Discussion:** There was no discussion.

**The motion carried.**

### **TREASURER'S CORRESPONDENCE**

#### **Treasurers Report**

**A motion** was made by

**Second** by

**Discussion:**

**The motion carried.**

#### **Treasurers Memo**

**Item #1 Meeting room desk replacement** – current desk is used by ZO/BCO and is falling apart. Chairman Stonesifer said to shop for a desk.

**Item #2 Freightliner invoice for broken mirror in new truck** – discussion ensued regarding a discrepancy on the repair cost. Supervisor Decker said the motion to pay the bills should be amended to not include the Freightliner bill in the amount of \$226.44 until the discrepancy of the repair was researched.

**A motion was made by** Chairman Stonesifer to amend the motion to pay the bills to exclude the bill for Freightliner in the amount of \$226.44 until the discrepancy of the repair is resolved.

**Second by** Supervisor Sprigg.

**Discussion:** There was no discussion.

**The motion carried.**

**Item #3 Opening of new bank account** – Treasurer Williams said funds in Members 1<sup>st</sup> exceeds the federally insured amount of \$250,000 and should be transferred to another financial institution to stay within the federal insurance limits. Treasurer Williams asked if she should move the money to another account or wait for the construction projects to be completed as the projects may reduce the balance to below the amount for federally insured funds. Chairman Stonesifer said to wait for completion of the construction projects.

**Item #4 removal of Supervisor Ryan from the 911 emergency contact list** – Discussion ensued to remove Supervisor Ryan from the 911 emergency call list and have the first contact be Ron May second contact would be Bob King and so on thru the list of Supervisors beginning with the Chairman, Vice Chairman and so forth.

#### **BCO REPORT**

A report was submitted.

#### **ZONING OFFICER'S REPORT**

A report was submitted.

#### **SUBDIVISION AND LAND DEVELOPMENT**

**Clinton and Joan Williams Subdivision Plan** - Engineer Eric Diffenbaugh submitted a Time Extension Request until June 12, 2019 to record the subdivision plan.

**A motion was made by** Chairman Stonesifer to grant a Time Extension until June 12, 2019 to record the Williams Subdivision Plan.

**Second by** Supervisor Sprigg.

**Discussion:** There was no discussion.

**The motion carried.**

**Lexington Subdivision** – Nothing submitted.

#### **MUNICIPAL REPORTS**

**Solicitor**– Solicitor Shaffer said he had nothing to report, he said the Paradise Twp. settlement agreement needed to be signed by Chairman Stonesifer to finalize the settlement. Solicitor Shaffer said an Executive Session was needed to discussion litigation items and personnel matters.

**Road Master**-Supervisor Ryan submitted closeout reports.

Discussion ensued pertaining to next years plowing season and the number of personnel retiring and leaving the Twp. Supervisor Sprigg said Ron May will be retiring at the end of the year, Supervisor Ryan will no longer be available, Roger May is not returning to assist so that leaves 1 full time employee, Bob King and 2 part-time employees. Supervisor Sprigg said he recommends the BOS take a look into the matter and think about filling the positions. Chairman Stonesifer said this will be the first task for the new Roadmaster and he needs to be made aware immediately.

**Parks & Rec**- Minutes were submitted. Terry Hoffman said there were 2 things, she said the committee reviewed the park rules and rewrote them, the new rules were handed out to each of the BOS members and

Mrs. Hoffman asked that a copy be given to Vice Chairman Cummings. Mrs. Hoffman said the name of the park located on Century Lane needs to be clarified, the name on the sign reads Franklin Twp. Park but it is referred to as Century Lane Park all over so does the sign need to be changed or what needs to be done. Mrs. Hoffman said the deleted rules are highlighted in yellow and there was 1 rule added which is highlighted in blue. The rule reads no horses allowed in the parks. Supervisor Decker said she sees where this could be a problem and possibly destroy the parks. Supervisor Ryan said the Parks and Rec ordinance would need changed to accommodate the rule changes as they are stated in the ordinance. Mrs. Hoffman asked for a copier to be made available since the one in the Secretary's office is not available on their meeting nights. Secretary Adams said she has a copier on her desk that isn't regularly used and would be more than happy to make it available to the P&R by placing it in the meeting room. Discussion ensued on allowing a church to use the volleyball net. Mrs. Hoffman said one of the rules is that Twp. property is not to leave the parks. It was said the net was donated by a resident who said it could be used by anyone. Discussion ensued regarding other park related items, such as standing water on the track at Franklin Park being a mosquito infestation problem, it was asked if this could be partially due to a road that was cut in without any SWM. Supervisor Ryan asked several questions, has anyone read the P&R Ordinance, does anyone know what type of body the P&R is, did anyone take notice in the bills what was paid for the lawn mower, Supervisor Ryan said since there wasn't any answer to his questions he would assume the answers to be no. He asked what the purchase price of the mower on the bills was. Supervisor Ryan said the mower was purchased for \$500 more than the original bid because for 3 months the P&R committee said they didn't have copies of the bids but upon listening to the meeting tapes you can hear they did have the bids. Supervisor Ryan said the P&R board is only an advisory board and they do not govern employees; they do not purchase products or supplies. Supervisor Decker said to add things to appreciate the group of people on the committee who are volunteers and give up much of their time to take care of the parks and keep them looking very decent instead of the negative end.

**Planning Commission** – Draft copies of the April PC Regular meeting and April PC Workshop were submitted.

Engineer Brath said 2 things from the PC to the BOS as they are looking for some direction:

**1) Granny Flats,** PC recommends changing the name from Granny Flats to ECHO housing which stands for Elder Cottage Housing Opportunity and is more commonly used. Second, would the BOS consider allowing 2 single family detached dwellings and seasonal residences in Open Space District and doing away with the idea of the Granny Flats that would allow you to put a Granny Flat, second residence, apartment, residence for a tenant farmer or other things like that on your property provided the proper setback guidelines are followed and appropriate septic system guidelines are followed. Supervisor Decker said she is afraid there would be a flood of 2 dwellings on 1 property, Chairman Stonesifer said he didn't like the idea either. Kathleen Gingrich, S. Mountain Road, said she was at the PC meeting and it was her understanding the purpose for this proposal was to eliminate tearing down the dwellings if the person becomes deceased or disabled and has to leave. Mrs. Gingrich said the PC discussed adding only 1 other dwelling and not multiple dwellings to eliminate the concern of incurring significant construction costs because you would have to comply with the ordinances in order to take down the dwelling if the person wasn't able to live there. Supervisor Sprigg asked what happens in the event the person becomes deceased, does the dwelling become a rental. Engineer Brath said it could become a rental. Solicitor Shaffer said, or, the owner could be made to subdivide the property. Engineer Brath said the rules would be that the proper setbacks and septic system would be requirements to be able to subdivide and that may limit what could be done. Engineer Brath said the PC is very interested in this being an option. Discussion ensued on permitted dwellings in Residential District, but the same options are not permitted in the Open Space District. Chairman Stonesifer asked why go through all this when you can put an addition on the existing dwelling, this would eliminate all this. Engineer Brath said he would let the PC know at this time the BOS is not in favor of their recommendation for Granny Flats to allow 2 single family dwellings on 1 property.

**2) Livestock in a Residential Zoning District,** Engineer Brath said the committee is looking at the Silver Springs Twp. ordinance, Section 337- Non-commercial keeping of Livestock, as a model to use, this is in just the residential zone. Engineer Brath said the section has groups of animals; Adult weight less than 10 lbs., Adult, average weight 10-65 lbs., Group 3- greater than 65 lbs., which gives some setbacks and other related

items. Engineer Brath said, all structures used to house non-commercial livestock shall be prohibited to placement in the front yard of properties less than 5 acres. Engineer Brath said non-commercial keeping of chickens is permitted in the Residential Zones subject to a number of different conditions. Chairman Stonesifer asked to have copies of the Silver Springs Twp. Ordinance placed in the BOS office mailboxes for the supervisors to review and make notes on them.

**3) Flag Lots,** Engineer Brath said the PC discussed the length and width of the pole portion of the Flag Lot, recommendation was made for the location of the cart way to be 3 feet from any adjoining property instead of 6 feet, Engineer Brath said the issue was there wasn't enough space for 2 vehicles to pass safely so the request is to provide the space for safe passage of vehicles. Discussion ensued on the width of the driveway currently stated in the zoning ordinance. Engineer Brath said the recommended distance meets the rest of the language in the ordinance.

**4) Previous Zoning Officer request to amend setback for accessory dwelling,** Secretary Adams said a motion was made by PC Chairman Mark Wenrich to recommend the BOS implement no accessory structure in front yard setbacks, 200 sq. ft. maximum of any structure, any structures in excess of 200 sq. ft must follow normal setbacks of the zoning ordinance, 10 foot to the side and 10 foot to the rear with no permanent foundation. Open Space structures should follow normal setbacks per the concern of Jennifer Kuntz. The BOS said they would like to see this for both Residential and Open Space Districts.

### **NEW BUSINESS**

**Hard bound books for Twp. Ordinances –** Secretary Adams said she learned the Twp. Ordinances should be placed in hard bound books the same as BOS meeting minutes to ensure the ordinances are not lost or misplaced.

**A motion was made by** Chairman Stonesifer to purchase 5 hard bound books from Office Maxx at the cost of \$32.19 ea.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

**PSATS Resolutions –** submitted for BOS review.

**Broken pipe in rear hallway ceiling –** contact Faircloth Plumbing to fix it.

### **OLD BUSINESS**

There was no old business at this time.

### **CORRESPONDENCE**

**Roadmaster resignation letter –** submitted to the BOS for review and approval/denial.

**A motion was made by** Chairman Stonesifer to accept the Roadmasters resignation letter effective May 17, 2019.

**Second by** Supervisor Sprigg.

**Discussion:** There was no discussion.

**The motion carried.**

Discussion ensued on placing the advertisement on social media such as Indeed.com, Career Links, PSATS and Zip Recruiter but only use the media that is free.

**Letter of consideration** from Andrew Baumgardner was submitted for the PC vacancy, the BOS acknowledged receipt of the letter submitted. Secretary Adams said she also submitted recommendations from the PC members of their choices for the vacancy which were ranked in order of who the PC members considered the most qualified. Supervisor Decker said there wasn't any opportunity to speak with Mr. Baumgardner and he really didn't supply much background information. Secretary Adams said Mr. Baumgardner is a farmer in the community and he's considered the position previously. Supervisor Decker

said she attended the PC meeting recently and there is a concern about being able to meet a quorum, Vice Chairman Lyons was to 3 other meetings that same evening and was late arriving but there may come a time when he or another PC member is unable to make the meeting. It was decided the BOS would reach out to Mr. Baumgardner independently to speak with him and to place the appointment to PC on June's meeting agenda.

**Letter of complaint** received from Ann Miller on Water Street road closure. The BOS acknowledged receipt of the complaint. Solicitor Shaffer said to discuss the matter in Executive Session.

**Letter from State Representative Dawn Keefer's office** – The BOS acknowledged receipt of the letter. Engineer Brath said the letter is about fee increases by DEP and the impact to the Twp. Engineer Brath said he wrote a resolution for Carroll Twp. as they want to be in opposition. Engineer Brath said there is a section that states the fees can be changed by unelected officials at any time as well as automatic increases that may be set to operate a department. Solicitor Shaffer said Representative Keefer strongly encourages an email be sent with regard to supporting or opposing the changes.

**A motion was made by** Chairman Stonesifer to send an email opposing the changes out lined in Representative Keefer's letter.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

**Dale Bishop complaint** – The BOS acknowledged receipt of complaint regarding length of grass on a property. Discussion ensued there is no maintenance ordinance however the State views this as pollution and/or safety issues for motorcycles/motor vehicles and therefore the local police could cite residents for doing this if they wanted. Engineer Brath said he can write a citation for illicit discharge/creating a pollutant.

#### **PUBLIC COMMENT**

**Mrs. Gingrich** asked if letters of recognition for volunteers helping at the Recycle Center were ever sent. Chairman Stonesifer said they were not that Mrs. Trygg responded saying it wasn't necessary to send letters of recognition. Secondly, if your name was previously submitted for consideration of appointment to the PC do you need to resubmit your name again. The BOS said that Mrs. Gingrich's name is already on the current list and it isn't necessary for her to resubmit her name. Mrs. Gingrich asked what the re-organization was listed on the agenda for June. Secretary Adams said it was a typo.

**Nancy Rohrbaugh** said she had 2 things, would the BOS consider using the Recycle Center to do electronic recycling a couple times during the year to comply with the Recycle Grant and what Park Ordinance needs reviewed to bring the community garden into compliance.

#### **EXECUTIVE SESSION**

The BOS entered into Executive Session at 10:16 p.m.

The BOS came out of Executive Session at 10:55 p.m.

The BOS directed Solicitor Shaffer to respond to Garland attorneys regarding the Stoneford Phasing Schedule.

#### **ADJOURNMENT at 11:00 p.m.**

**A motion was made by** Chairman Stonesifer to adjourn.

**Second by** Supervisor Decker.

**The motion carried.**

Respectfully submitted,

Teresa M. Adams, Secretary