

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
June 12, 2019**

ROLL CALL

PRESENT:

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

Solicitor Bret Shaffer
Engineer Phillip Brath
Treasurer/Asst. Sec. Pamela Williams

ABSENT:

Secretary Teresa Adams

CALL TO ORDER:

The June 12, 2019 BOS Regular Meeting was called to order at 7:07 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 Vice Chairman Cummings.

EXECUTIVE SESSION

The BOS went into Executive Session at 7:09 p.m. and came out at 7:20 p.m. for personnel matters.

APPROVAL OF MINUTES

April 10, 2019 Regular BOS Meeting minutes- Vice Chairman Cummings said he would like to table the minutes until July BOS meeting.

A motion was made by Vice Chairman Cummings to table the approval of the April 10, 2019 BOS Regular Meeting minutes until July BOS meeting.

Second by Supervisor Decker.

Discussion: There was no discussion.

The motion carried.

April 10, 2019 CUH Meeting –

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

Second by Chairman Stonesifer.

Discussion: Supervisor Decker asked if the minutes need to be detailed as there was a stenographer present at the CUH to take notes and the minutes do not show that the Attorney was sworn in. Solicitor Shaffer said the minutes do not need to be detailed they only need to provide the highlights of the meeting and typically Attorneys do not get sworn in.

The motion carried.

May 8, 2019 CUH

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

Second by Supervisor Ryan.

Discussion: There was no discussion.

The motion carried. Vice Chairman Cummings and Supervisor Ryan abstained.

May 8, 2019 Regular BOS Meeting

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

Second by Supervisor Decker.

Discussion: Supervisor Decker said she had a few edits to make on the minutes;

1) under Franklin Glen, the 8th line down, change to “piping had corroded” on page 1,

2) under Organization Reports for Planning Commission, #4 Previous Zoning Officer request, 3rd line down, change access to “excess” on page 7.

The motion carried.

PUBLIC COMMENT

Kings Kids Camp – Engineer Eric Diffenbaugh was present to represent the camp owner. Mr. Diffenbaugh said they are aware of the wetland areas near the proposed fields and they have proposed a parking area along the road with handicap accessibility. He said they are aware a traffic study is needed and would like to propose another sewage system to be installed to upgrade the current system. Engineer Brath said the plan is currently before the PC and needs to go through the land development process including SWM plans. Supervisor Ryan asked if the current camp sites will remain and if there will be an additional concession stand. Supervisor Ryan asked if there will be lighting installed for the parking area, Mr. Diffenbaugh said there will be lighting, and he is aware that screening will be needed to deflect the light from the homes across the street. A discussion ensued on the number of current parking spaces and future spaces. Supervisor Decker said she had concerns about traffic entering and exiting Route 15 and a discussion ensued pertaining to traffic impact and the safety issues due to the exiting and entering of the facility from Route 15.

East Greenhouse Road water complaint – no one present to discuss the complaint, Chairman Stonesifer said he spoke with the resident and told him to submit a complaint. Chairman Stonesifer said the resident lives in Carroll Twp. and not Franklin Twp.

Renard driveway awareness letter –

A motion was made by Supervisor Stonesifer to send driveway awareness letter to PennDOT upon Engineer Brath's review and approval.

Second by Supervisor Ryan.

Discussion: There was no discussion.

The motion carried.

Clear Springs Apartment Complaint – a complaint was submitted to the BOS. Supervisor Ryan said there is a process already in place, L&S is already involved in the process and the complaint should be forwarded to them.

ORGANIZATION REPORTS

Police - A report was submitted.

Fire - A report was submitted.

EMS – Advisory – A report was submitted. Supervisor Ryan said the meeting date was changed to July 19, 2019.

DAA- A report was submitted.

Emergency Management- Laurin Fleming was present to give report. Mr. Fleming said the CERT Class begins June 18, 2019 and will be held every Tuesday and Thursday thru July 13, 2019 with the exception of the July 4th week, there will be no classes that week due to the holiday. So far 9 people have registered for the class. Mr. Fleming said advertising is in place thanks to help of Secretary Adams and he hopes more will sign up once they see the ads. Mr. Fleming asked if there was any movement on the use of the Recycle Center building. Supervisor Ryan said the BOS is still waiting on a letter from DEP for a determination of uses.

Route 15 Transportation – Engineer Brath said he and Supervisor Decker met with Will Clark and Josie Boyer last week to discuss the project. PennDOT is looking to place an overpass or interconnect somewhere within Franklin or Latimore Twps. The cost for an overpass is approximately \$15 million and the interconnect is approximately \$25 million. Engineer Brath said a traffic study is needed, PennDOT would like to do a survey to get public input on the project. Discussion ensued on the location of the overpass or interconnect within Franklin Twp., some possibilities are Route 74, Glenwood Road, Cabin Hollow Road, Capitol Hill Road and Range End Road. Vice Chairman Cummings said he is concerned about a safe way to cross Route 15 and he

is interested in sensible growth for the Twp. Supervisor Decker said the local roads would need to be brought up to standard as well. Engineer Brath said PennDOT wants to hold public meetings, use a survey monkey to get as many views as possible on the project.

Engineer's Report- Engineer Brath submitted a report.

County Line Road project – is out for bid, bids are due by July 9, 2019. Engineer Brath said he will receive, open and review all bids submitted and provide a recommendation to the BOS at the July meeting.

PC guidance – Engineer Brath said the PC needs some guidance from the BOS for rezoning to more business friendly and they would like the BOS's opinion of areas.

Franklin Glen – Engineer Brath said nothing has come back, he understands there is a meeting to be held Friday, June 14, 2019 between the HOA and their solicitor, Engineer Brath said he voiced his concern to the Twp. Solicitor. Solicitor Shaffer said he has reached out to the HOA's attorney but has not received a response. Solicitor Shaffer said there was to be a biweekly check-in.

5G Cell Phone Towers – Vice Chairman Cummings said he has a real concern about Cell Phone 5G service and the possible dangers of it. He said there will be more towers needed to service the new type of cell phones. Vice Chairman said San Francisco is currently fighting an ordinance to allow the service as there is major radiation discharge into the ground from this. Vice Chairman asked the Solicitor if this can fit into Franklin Twps. zoning. Solicitor Shaffer said this is regulated by the State and Engineer Brath said maybe a separate ordinance could be put in place for 5G service. Engineer Brath said he would add it to the zoning list for PC.

APPROVAL AND PAYMENT OF BILLS

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

Second by Chairman Stonesifer.

Discussion: There was no discussion.

The motion carried.

TREASURER'S CORRESPONDENCE

Treasurers Report

A motion was made by Chairman Stonesifer to accept the Treasure's Report as submitted.

Second by Supervisor Decker.

Discussion: There was no discussion.

The motion carried.

Treasurers Memo

#1 New desk for meeting room – Treasurer submitted 3 desk choices with accessories that are available for them.

A motion was made by Vice Chairman Cummings to purchase a new desk for the meeting room not to exceed the cost of \$200.00

Second by Chairman Stonesifer.

Discussion: There was discussion on the accessories/a hutch, that was available allowing more storage space.

The motion carried.

#2 Freightliner Invoice – Treasurer Williams said she sent a letter and copies of the letter were submitted to the BOS. A response was received from Freightliner, copies of the response were submitted to the BOS as well as an email from Rob Jenson regarding the charges.

A motion was made by Vice Chairman Cummings to pay the invoice but withdrawn as the invoice was included with the bills which were previously approved for payment.

#3 Clauser double billing – Steve Clauser stopped by the Twp. office to dispute a bill he received indicating that he was double billed. Engineer Brath said he was not double billed as he was non-compliant with the work being done on his property.

A motion was made by Chairman Stonesifer not to refund money to Mr. Clauser because he was not double billed.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried. Supervisor Decker abstained because of personal involvement.

#4 CDL Training – Treasurer Williams asked the BOS for approval to attend training held on August 7, 2019 at PSATS.

A motion was made by Chairman Stonesifer to grant approval for Treasurer Williams to attend the PSATS CDL training class on August 7, 2019.

Second by Vice Chairman Cummings.

Discussion: There was discussion that the new Roadmaster should attend the CDL training as well.

The motion was withdrawn by Chairman Stonesifer.

A new motion was made by Chairman Stonesifer to grant approval for Treasurer Williams and the new Roadmaster to attend the PSATS CDL training class on August 7, 2019.

Second by Vice Chairman Cummings.

Discussion: There was no further discussion.

The motion carried.

#5 New phone for meeting room desk – Treasurer Williams said there was some confusion on calls that were forward to L&S when the prompt for the Zoning Officer was selected and the only way to correct the issue was to have a separate phone.

A motion was made by Chairman Stonesifer to purchase a phone for the meeting room desk.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried.

#6 PSATS Fall Forum – Treasurer Williams asked the BOS for approval to attend a PSATS Conference in Gettysburg in the fall.

A motion was made by Chairman Stonesifer to approve Treasurer Williams may attend the PSATS Fall Forum.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

#7 Berkheimer Service Contract – Treasurer Williams said their annual service contract is expiring and needs to be considered for renewal by the BOS.

A motion was made by Chairman Stonesifer to approve the annual service contract for Berkheimer.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried.

BCO REPORT

A report was submitted.

ZONING OFFICER'S REPORT

A report was submitted.

SUBDIVISION AND LAND DEVELOPMENT

Lexington Fields – Phil Garland was present to represent the plan. Mr. Garland said he received the Twp. response on May 6, 2019 and he is requesting a Time Extension until September 13, 2019. Discussion ensued on right of way vs cartway and what is required by State law. Mr. Garland read from the Second-Class Twp. Code, Section 2306. Width of Public Roads.--The width of the right-of-way of a public road in townships shall not be less than thirty-three feet or more than one hundred and twenty feet, and the width of the right-of-way of

alleys opened by the township as public roads shall not be less than fifteen feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills. Mr. Garland said the road widths are 50 ft. Solicitor Shaffer said the SALDO allows 32 ft. Mr. Garland said the traffic impact study is good for 2 years and the NPDES permit is good for 5 years.

Supervisor Ryan said the plans that were taken to the courts showed an entrance onto a state road. Mr. Garland said the BOS turned down the plan showing a dead end on Bypass Road and a modification was made for access onto Glenwood Road. Mr. Garland said comments were being added the way the Bennington Group sees fit. Chairman Stonesifer said if there aren't any changes why wait. Mr. Garland said he wants the BOS to address each comment. Vice Chairman Cummings said there needs to be a way to amicably address the issues along the way. Solicitor Shaffer said the courts allow a time extension if requested. Mr. Garland said the Sturbridge Plan was a blueprint of how these projects are done. Supervisor Ryan said when the SWM is added it may change the plans. Engineer Brath said the NPDES changed the SWM plan as well as the access onto Glenwood Road. Supervisor Ryan said he would like to see the Time Extension granted to allow time to resolve the issues between now and the September 11, 2019 BOS meeting.

Engineer Brath said he recently learned of an issue with an adjoining property boundary line dispute. He said the survey was not done properly and this is an issue. Engineer Brath said it is a civil act to resolve the boundary dispute but could become a Twp. issue if the plan were approved as is, with the wrong property boundary. Wherever the property line is placed it is consistent with the plan and may affect setbacks.

A motion was made by Vice Chairman Cummings to grant a Time Extension until September 11, 2019.

Second by Chairman Stonesifer.

Discussion: Supervisor Decker asked if the Preliminary Plan was approved. Solicitor Shaffer said no, it was denied at the preliminary stage. More discussion ensued regarding the phasing schedule and the length of time to complete each phase of the project.

The motion carried. Supervisor Decker opposed; she said the plan before the BOS at this meeting is not the plan that was presented to the courts.

Sturbridge Subdivision Plan – discussion ensued regarding the Phasing Schedule for the plan. Mr. Garland said a Phasing Schedule was submitted to the BOS on July 19, 2018 and receipt was confirmed by the Twp. Secretary.

A motion was made by Vice Chairman Cummings to accept the Phasing Schedule.

Second by Chairman Stonesifer.

Discussion: There was discussion. Solicitor Shaffer said whatever action was taken on the Sturbridge Plan has no effect on the Lexington Plan because they are 2 separate plans. Solicitor Shaffer said a letter was sent last year requesting action be taken and because no action was taken, the BOS can't go back and say the number of years on the phasing schedule is fine. The only decision to be made is if the 16 months extension of the start dates on the phasing schedule is ok. Solicitor Shaffer asked if the BOS would like to discuss the matter further in Executive Session.

The motion was withdrawn by Vice Chairman Cummings.

EXECUTIVE SESSION

The BOS went into Executive Session at approximately 9:07 p.m. to discuss Lexington Fields legal matters. The BOS came out of Executive Session at Approximately 9:17 p.m.

Elicker Land Development – Supervisor Ryan said he had some questions for Mr. Elicker; when the property was purchased did the Twp. issue a permit for the Landscaping use? Mr. Elicker said he was in contact with Mr. Fahey was told a permit was not needed and welcome to the Twp. Supervisor Ryan said he and Tiffany Crumm did a site visit at the property, Mr. Elicker said he was going to use one portion for landscaping and the other portion he would utilize for his personal business, Conewago Contracting. Supervisor Ryan said permits were issued for a building and sandbagging. Mr. Elicker said that is correct. Supervisor Ryan said once a

Zoning Permit is issued for a certain use that use is what is permitted on the property. Supervisor Ryan explained the process that is to take place, he said this did not happen. Mr. Elicker was issued a Zoning Permit the same day he applied for it and it was issued based on a stated use. Attorney Linsenbach said the ZHB denials were for use not permitted and non-conforming use due to abandoned use. Solicitor Shaffer said the concerns are how did the permitting happen and were the prior uses abandoned or grandfathered. Discussion ensued on the materials and equipment stored on the property. DEP visited the site and issued a violation which has been cleaned up since the visit. Vice Chairman Cummings said he feels Zoning needs to have more screening on commercial type property. Attorney Linsenbach said there are no more time extensions per the appeal court. Supervisor Ryan said to appease the BOS he would like to see a Land Development plan submitted to come into compliance. Discussion ensued on permitted use and what is defined in the ordinance and what is not defined. Solicitor Shaffer asked if Mr. Elicker was willing to bring the current use into compliance with the recent zoning ordinances. Attorney Linsenbach said that he is willing to do so. Solicitor Shaffer asked Attorney Linsenbach to write agreement for the Land Use Appeal and submit to him for review. A special meeting was scheduled to be held Wednesday, June 26, 2019 at 6:00 p.m.

MUNICIPAL REPORTS

Solicitor– Solicitor Shaffer said he drafted a CUH decision for Smith that he needs the BOS members to sign if they haven't done so already.

Drones – Solicitor Shaffer said he was in contact with PSATS about posting signs in the park not to allow the flying of drones. Solicitor Shaffer said PSATS told him that all air space is regulated by the Federal Government. Solicitor Shaffer said the Twp. has liability insurance which covers this, and they could still post signs to make the public aware. Solicitor Shaffer said an Executive Session was not needed unless the Board wishes to discuss Franklin Glen teetering on the edge of violating their agreement with the Twp. if they haven't already.

Road Master- no report was submitted due to vacancy.

Parks & Rec- Minutes were submitted.

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

Request to fill PC vacancy seat -

A motion was made by Chairman Stonesifer to appoint John Perry to the PC committee to fill the vacancy with a term ending December 31, 2020.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried.

NEW BUSINESS

David Sprigg resignation letter-

A motion was made by Chairman Stonesifer to accept Dave Sprigg's resignation letter.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried.

Appointment to fill Supervisor vacancy

A motion was made by Vice Chairman Cummings to appoint Mark Wenrich to fill the Supervisor vacancy expiring December 31, 2019.

Second by Chairman Stonesifer.

Discussion: There was no discussion.

The motion carried. Mike Ryan was opposed stating the BOS should seek to appoint someone not running in the election so as not to affect the outcome of the upcoming election.

Appointment of Roadmaster Liaison-

A motion was made by Vice Chairman Cummings to appoint Eric Stonesifer as Temporary Roadmaster Liaison until December 31, 2019.

Second by Supervisor Decker.

Discussion: There was no discussion.

The motion carried.

Appointment of Police Commissioner

A motion was made by Chairman Stonesifer to appoint Kevin Cummings as Regular Police Commissioner.

Second by Supervisor Ryan.

Discussion: There was no discussion.

The motion carried.

Appointment of Alternate Police Commissioner

A motion was made by Vice Chairman Cummings to appoint Eric Stonesifer as Alternate Police Commissioner.

Second by Supervisor Ryan.

Discussion: There was no discussion.

The motion carried.

Resident request for School Bus Stop signage. Supervisor Ryan said South Mountain Road is a state road and the resident should reply to PennDOT.

2020 Census Job Training –

A motion was made by Chairman Stonesifer to allow 2020 Census Job Training as long as it doesn't interfere with current Twp. meeting or training schedules.

Second by Supervisor Ryan.

Discussion: There was no discussion.

The motion carried.

Select Electrical Contractor

A motion was made by Chairman Stonesifer to accept the proposal for electrical work from Eckenrode in the amount of \$140.00.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried.

Ladies bathroom sink – Supervisor Decker said the sink looks like a mechanics bathroom sink and is in dire need of replacement. Chairman Stonesifer said he recommends waiting until a later date.

OLD BUSINESS

There was no old business at this time.

CORRESPONDENCE

The BOS acknowledged receipt of the following correspondence:

- David Sprigg resignation letter,
- Recommendation letter to appoint Nancy Rohrbaugh to the BOS vacancy seat

- Clear Springs Apartment tenant complaint about property conditions
- PSATS Fulfilled Resolution Report
- Franklin Glen HOA Stipulation
- Nuisance complaint non-cutting of grass at Ridge Drive
- SEO Resignation letter; Discussion ensued to contact current back up SEO to see if interested.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

ADJOURNMENT at 11:00 p.m.

A motion was made by Chairman Stonesifer to adjourn.

Second by Supervisor Ryan.

The motion carried.

Respectfully submitted,

Teresa M. Adams, Secretary