

**FRANKLIN TOWNSHIP YORK COUNTY PA  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
July 10, 2019**

**ROLL CALL**

**PRESENT:**

Vice Chairman Kevin Cummings  
Supervisor Mark Wenrich  
Supervisor Naomi Decker  
Supervisor Michael Ryan

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

**ABSENT:**

Chairman Eric Stonesifer

**CALL TO ORDER:**

The July 10, 2019 BOS Regular Meeting was called to order at 7:07 p.m. by Vice Chairman Kevin Cummings. 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 Vice Chairman Cummings and prayer was led by Mark Wenrich.

**EXECUTIVE SESSION**

The BOS went into Executive Session at 7:09 p.m. and came out at 7:20 p.m. There were no decisions.

**APPROVAL OF MINUTES**

**April 10, 2019 BOS Regular Meeting Minutes**

**A motion was made by Mike Ryan to approve the minutes as submitted.**

**There was no second.**

**Discussion:** Vice Chairman Cummings said he did not second the motion as he would like more time to be able to review the tape recorded meeting to clarify a portion of the minutes but due to personal circumstances, death in his family, he has not been able to review the recording and at this time he requested to delay the approval for another 30 days.

**A new motion was made by** Vice Chairman Cummings to table the minutes for 30 days, until August BOS meeting to allow time to listen to the recorded meeting.

**Second by** Supervisor Decker.

**Discussion:** Supervisor Ryan said he would like to defer to the Twp. Solicitor and asked how many times minutes can be delayed. Supervisor Ryan said they were delayed in the previous month's meeting without any reason why they were being delayed and he understood Vice Chairman's circumstances and wasn't trying to be rude to him however, there was a 30-day period that has passed without any mention of what was wrong with the minutes but yet they aren't being approved for yet another month. Solicitor Shaffer said the delay can't be indefinite, a vote has to be within a reasonable period of time and that if it takes another month then at that point the minutes need to be voted upon. Vice Chairman Cummings said he just wanted to clarify a comment that he made as he felt he may have mis-spoke. Solicitor Shaffer said the most important thing is that the minutes are correct, and another 30 days shouldn't hurt. **Supervisor** Decker said she also needs time to clarify some of the items written as she didn't remember they were spoken as written.

**Approved were** Vice Chairman Cummings and Supervisor Decker.

**Opposed** was Supervisor Ryan.

**Abstained** was Supervisor Wenrich.

**June 12, 2019 BOS Regular Meeting Minutes**

**A motion was made by** Supervisor Ryan to approve the minutes as written.

**Second by** Vice Chairman Cummings.

**Discussion:** Supervisor Decker said she submitted some changes to Secretary Adams. Secretary Adams said she did not make the changes submitted as time did not allow her to make the edits. Supervisor Decker said the

majority of the edits were for grammar but there was an Executive Session that did not indicate the reason for that session. Supervisor Ryan asked if they could be completed for next month's meeting. Supervisor Decker said that would be fine. Solicitor Shaffer said there was an edit on page 5 pertaining to the Executive Session for Lexington Fields. Supervisor Ryan said it was about the Time Extension for Lexington Fields. Supervisor Decker said there was no reason listed for the Executive Session and she felt a reason should be listed.

**The motion to approve the minutes was withdrawn.**

**A motion was made by** Supervisor Ryan to table the minutes to allow corrections to be made to the minutes.

**Second by** Vice Chairman Cummings.

**Discussion:** There was no discussion.

**The motion carried.**

### **June 26, 2019 BOS Special Meeting Minutes**

**A motion was made by** Supervisor Ryan to approve the June 26, 2019 Special Meeting Minutes.

**Second by** Mark Wenrich.

**Discussion:** Vice Chairman Cummings said he arrived late at the meeting and missed a portion of the Elicker discussion and therefore he feels he should not vote on the minutes of this meeting. Supervisor Decker said on the last page of the minutes under Executive Session no reason was given. Solicitor Shaffer said the reason was for personnel matters.

**The motion carried with the changes to be made. Vice Chairman Cummings abstained.**

### **PUBLIC COMMENT**

**Water Street Road Closure** – Mr. Maiden was present in the audience but declined to speak he said that he contacted the Twp. Secretary and he was only present to observe.

### **ORGANIZATION REPORTS**

**Police** - A report was submitted.

**Fire** – Hector Morales, Assistant Chief for Northern York County Fire and Rescue was present to give a report.

- 36 total calls for the month of June
- 8 in Franklin Twp. for the month of June
- 49 calls YTD
- There was Arson Training during the month
- Dillsburg and Franklinton went over some of the trucks
- Several volunteers helped at the High School Block party by participating in the dunk tank
- Process is being completed to change the name on the Fire Equipment at the Dillsburg station

**EMS – Advisory** – A report was submitted. Supervisor Ryan said he missed the meeting; the schedule changed several times and he was working on a project he could not leave to attend the meeting.

**DAA-** A report was submitted. Vice Chairman Cummings said he did not see anything pertaining to the Franklin Twp. although there was mention of a letter from DEP regarding increased fees provided by Representative Dawn Keefer. Vice Chairman Cummings said the fees do trickle down to the Twp. Engineer Brath said the BOS had discussed this matter in a previous meeting and he recommended sending a letter or Resolution in response to the fee increase. Supervisor Decker said she thought it would be a good idea for a letter to be drafted and sent. Engineer Brath said he could draft and send the letter.

**A motion was made by** Vice Chairman Cummings for the Engineer to draft a letter to respond to the DEP Fee increases.

**Second by** Supervisor Decker.

**Discussion:** There was no discussion.

**The motion carried.**

**Emergency Management-** No report submitted; Mr. Fleming was not present to report on the recent CERT Training.

**Route 15 Transportation –** Engineer Brath reported there was nothing really new to report. He said he does now have a better understanding of the project on overpasses and jug handles. Supervisor Decker said something was supposed to be put out for the public to give comment or their opinions. Engineer Brath said a Consultant would be hired **by the county** to put together a survey.

**Engineer’s Report-** Engineer Brath submitted a report. Engineer Brath said there were several SWM facilities going in and he would need to follow up on those projects as there were some that were not being completed.

**Greenhouse Road culvert –** this was a really nice project, the roadcrew did a very nice job completing it, there were still a few minor things to be done such as the guide rail but over all it was a job well done.

**County Line and Lost Hollow Road paving project –** there was only 1 bid received for the project. The bid amount was for \$187,804.20. Engineer Brath said he reviewed the Bid and the Bond, everything is in order, the bidder was E.K. Services who is qualified and a known business in the area. Engineer Brath said he recommends to award the bid of the project for the base bid and alternatives to E. K. Services for the amount of \$187,804.20.

**A motion was made by** Supervisor Ryan to award the paving bid of the County Line Road and Lost Hollow Road projects for the base bid and alternatives to E. K. Services for the amount of \$187,804.20.

**Second by** Vice Chairman Cummings.

**Discussion:** There was no discussion.

**The motion carried.**

Engineer Brath said the work is to be completed by August 30<sup>th</sup>, 2019 and the pipe needs to be installed as soon as possible.

**MS4 –** Engineer Brath said this is due by year end or 180 days prior to the expiration date on the MS4 plan, so he would like to see it completed well before Christmas. He said it won’t take much time as it is almost completed now, there is just a little bit of mapping and some coordinating with DEP. Engineer Brath said a \$500.00 check will need to be submitted along with the application. Engineer Brath said that he believes the Twp. should be able to get a waiver, it may be a little tight as the population of the Twp. has expanded but he believes the Twp. should be eligible for a waiver to cover the next 5 years.

**A motion was made by** Supervisor Ryan for the Twp. Engineer to file an extension approval for a waiver for MS4 program.

**Second by** Vice Chairman Cummings.

**Discussion:** Supervisor Ryan said the Twp. should start a file for the MS4 program and keep it up to date because that’s how the Twp. gets the waiver. Supervisor Ryan said if a file is not kept the result would be a failure in getting the waiver and there would be a great expense to the residents of the Twp.

**The motion carried.**

**Franklin Glen –** Engineer Brath said he has been in contact with Franklin Glen’s Engineer, Alpha Consulting, they received authorization to proceed in some time around July 15, 2019 they will be surveying to get started with the as built conditions.

**Clean Fill policy update -** a discussion ensued that clean fill brought into the Township needs to be from an approved E and S program site to be allowed to transferred into the Twp. Engineer Brath said there are permits that are required. Supervisor Decker asked if reclaimed asphalt was the same thing as millings. Engineer Brath and supervisor Ryan said yes they are the same thing. Supervisor Decker asked if this

changes some of the things that need to be done or eliminate some of the things to be done. Engineer Brath said this has no effect on things done and the Twp. is ahead of the game on things already done in the Twp.

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

**A motion was made by** supervisor Ryan to pay the bills.

**Second** by Vice Chairman Cummings.

**Discussion:** Vice Chairman Cummings said he had a question about 2 bills that were received after the cut off; one for the Analytical and Biological Services. Supervisor Ryan and Treasurer Williams both said it was for water testing at the parks and the 2<sup>nd</sup> question was about the fire company. Treas. Williams said 2 bills were received one for Citizens Hose Fire Co. and the other for Franklinton Fire Co., but when she got the new address for the new fire company she was able to combine the bills into one and submit them to the address she had received.

**The motion carried.**

### **TREASURER'S CORRESPONDENCE**

#### **Treasurers Report**

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

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

#### **Treasurers Memo**

**Item # 1 - Fulton Bank investment opportunity;** Vice Chairman Cummings said that Chairman Stonesifer knows someone who works for Fulton bank that may have better investment opportunities the Township may be interested in and the invitation is open for any of the supervisors who would like to attend the meeting. Supervisor Ryan asked if PSATS has been contact regarding money management, Treasurer Williams said she has not done so and does not know if anyone previously has done so. Treas. Williams said this was brought to the board's attention previously but there didn't seem to be any interest in investing. Supervisor Ryan said it would be in the Township's best interest to have a broker provide a plan to follow and PSATS would be a good place to get that information because the Township can't be sitting \$1.5 million and not **be getting** interest. Supervisor Ryan said if the board is going to lead the community one of the biggest areas is finance. **The** Township is missing out by not investing. **Supervisor** Ryan said that he would recommend to meet with at least 2 banks and also talk to PSATS who will more than likely recommend a brokerage firm.

**Item # 2 – new desk;** placement at back of conference room.

**Item #4 - Greenhouse Road paving;** Treas. Williams said paving is scheduled to begin July 22, 2019, Hempt brothers was called to schedule delivery of materials, Parvon asked if a Township representative will be available during paving to be sure the project is completed to the Township's specifications. Supervisor Ryan said final grade was needed and someone representing the Twp. would need to be available, whether it's the Road Liaison or the Twp. Engineer doesn't matter just so the grade is completed.

**Item #3 – W. Greenhouse Road expenses -** A discussion ensued that there would be a meeting to go over how the expenses for the Greenhouse Road project were going to be applied and the account they would be charged against. The meeting would be held Thursday, July 11, 2019 at 9:00 a.m. and anyone wishing to attend was invited.

### **BCO REPORT**

A report was submitted.

## **ZONING OFFICER'S REPORT**

A report was submitted.

Vice Chairman Cummings said a motion was made at the BOS June 26, 2019 workshop meeting for the zoning officer to proceed with enforcement procedures at Capitol Hill Rd. for the clear Springs Apartments.

## **SUBDIVISION AND LAND DEVELOPMENT**

**Edwards Subdivision plan** – Engineer Brath said that signatures are the only thing needed for recording the plan. Treasurer Williams said she is still in the process of figuring out if there are any costs associated with Engineer fees and Secretary Adams said she too is checking to ensure all filing fees, etc. are paid prior to recording the plan.

**Lexington Fields** – Engineer Brath said the Time Extension Letter has been drafted and sent. Solicitor Shaffer said he just received a copy of the Environmental Protection Agency's report, the courts have decided in favor of DAA and they will need to pay all DAA related fees up front however this decision **can** be appealed, they have 30 days to file the appeal.

## **MUNICIPAL REPORTS**

### **Solicitor–**

**Paradise Twp.** - Solicitor Shaffer said a copy of the fully executed settlement agreement with Paradise Twp. has been distributed and Treasurer Williams said the Twp. is in receipt of the first check.

**Gingrich Appeal of ordinance** – Solicitor Shaffer said the appeal is in the courts, he put together a stipulated set of facts and gave them to Mrs. Gingrich to review and he said there is some documentation that goes along with the facts once it goes before the courts. Solicitor Shaffer said Mrs. Gingrich is now waiting for him to give her proof the ordinance was submitted to the Law Library, proof of advertising and basic stuff. Solicitor Shaffer said he is waiting for Mrs. Gingrich's reply to the facts he submitted to her and once he has those he can schedule a briefing and schedule the argument. Solicitor Shaffer said he's hopeful to have the arguments scheduled over the next few months.

**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.

Solicitor Shaffer asked if the BOS needed to act on the PC's one set of minutes as the PC asked for clarification on some items. Supervisor Ryan read out loud the recommendations sent to the BOS;

1. **Livestock in a Residential Area**; planning commission recommended adopting Silver Springs Township ordinance. The BOS members said they have not had a chance to review the Silver Springs Township ordinance and at this time they were not ready to decide until the ordinance was reviewed by the Supervisors.

2. **Granny Flats**; the PC recommended 2 single-family dwellings on one lot. A discussion ensued that the 2 single-family dwellings would be detached dwellings. Supervisor Ryan said this ordinance had previously been sent before York County planning commission and was sent back with recommendations to approve by YCPC. YCPC liked the ordinance and wanted to use it as a model ordinance. Supervisor Ryan said there was no mention of 2 single-family dwellings in the original ordinance sent to the county and this would be in addition to what the county has already recommended for approval.

3. **Setbacks for Accessory Buildings**; reduced to be 10-foot setbacks. Supervisor Ryan said he is ok with the recommended reduction of setbacks to 10 ft., Supervisor Decker also agreed with the reduction to 10 ft.

4. **Flagpole lots**; review setbacks and make changes to setbacks. Engineer Brath said this pertains to the driveway portion of the lot, making it large enough for two-way traffic. Engineer Brath said the PC decreased the sized from the driveway to the lot line but did not change the dimensions of the flag. Vice

Chairman Cummings said he thought Todd Lyons said this pertains to 3 different locations between the Zoning and SALDO, 1 of the locations is in the newly revised Steep Slope ordinance the Pole would be wide enough for the switchback, following the topography so it wasn't going straight up and straight down. Engineer Brath said that was one of the things that was discussed was that it can't be more than 45 ft. because then there would be another access. There was a limit on how **narrow** and how wide it could be. The issue for the small side were the setbacks for the driveway would be smaller. The Supervisors said to continue work on this and get it to YCPC.

**5. Cataloging and hanging of recorded plans** – Supervisor Ryan said it is up to the PC to log and hang the recorded plan. A discussion ensued on who's responsibility it is to catalog and hang the plans, Supervisor Decker said it has always been the Twp. Secretaries duties to ensure this was done. Supervisor Ryan said he feels the PC should catalog the plans according to Name, Street Address, Development. He said the Twp. Secretary should do the Street Addressing as she gets that from the County. Vice Chairman Cummings said the BOS needs to review the job description of the Twp. Secretary and the PC and see whose responsibility this falls under. Vice Chairman Cummings said if there's a need to hire some temporary help to get caught up then the BOS needs to review that also.

## **NEW BUSINESS**

**Roadmaster appointment** - a discussion ensued regarding whether the selected candidate has accepted the offer of employment or not. It was discussed that it was uncertain of the candidate's decision up to minutes before the meeting if he accepted the offer of employment or not. Secretary Adams confirmed that the candidate has submitted the paperwork for new hires. Solicitor Shaffer said the Supervisors could make the motion to appoint the candidate in the interim. Solicitor Ryan asked if the motion was to be made contingent on the candidate's acceptance of the offer. Supervisor Wenrich asked why the candidate was exempt from having a physical when he has a Class-A;CDL drivers license. Supervisor Ryan said the exemption is due to working for a Municipality. Supervisor Ryan said the candidate must also go to the CDL training provided by PSATS. Treasurer Williams said she would also be taking the class and was waiting to see when the position would be filled. The start date for the Roadmaster is to be Monday, July 15, 2019.

**A motion was made by** Vice Chairman Cummings to appoint Mr. Andy Gibb as Franklin Township Roadmaster at the rate of \$30.00 per hour beginning Monday, July 15, 2019 complying with all necessary requirements, including pre-employment drug test and any other required tests.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

**Service Recognition Plaque-** Supervisor Decker said the plaque is in recognition of David Sprigg's service to the Twp. as Supervisor. It was discussed that previous Supervisors have received them.

A motion was made by Supervisor Decker to have a service recognition plaque made for David Sprigg for serving on the Board of Supervisors.

Second by Supervisor Ryan.

Discussion: There was no discussion.

The motion carried.

Chairman Cummings said he would get the contact information for someone to make the plaque.

**Upcoming vacancies to fill** – Secretary Adams said Ron May will be retiring at the end of December and the BOS should be considering advertising and the selection process to fill the vacancy. Also, to consider is the part-time snow removal employees that will not be returning such as Roger May and the selection process should soon begin for this position. It was discussed the Roadmaster would fulfill the duties of selecting the roadcrew.

## **OLD BUSINESS**

**Electrical Wires** – Secretary Adams said she notified the selected electrician from the previous meeting but has not heard anything back and will again try to contact him.

**2020 Census, Job Training** – Secretary Adams she has not heard anything more and will send another email.

## **CORRESPONDENCE**

**29 W. Greenhouse Road** – Engineer Brath said a letter was received regarding water coming from 31 W. Greenhouse Road. Engineer Brath said he sent a letter of non-compliance. Engineer Brath said the issue is there is a pipe dumping from 31 W. Greenhouse dumping water into the culvert which is running onto the property at 29 W. Greenhouse. Discussion ensued on sending the resident at 29 W. Greenhouse a letter indicating the Twp. has been in contact with her neighbor and is working on having the issue corrected. Engineer Brath said he would draft and send letter.

**Dillsburg Area Library** – The BOS acknowledged the receipt of a thank you letter from the Library for a donation.

**Hildabrand letter of Settlement** – The BOS acknowledged the receipt of the letter from Attorney Hildebrand's office indicating a settlement was reached with their client for an incident that happened in the Twp. park.

## **PUBLIC COMMENT**

There was no public comment.

## **EXECUTIVE SESSION**

There was an executive session for the purpose of personnel matters. The BOS went into Executive Session at **8:21** p.m. and returned to the meeting at **9:35** p.m.

Vice Chairman Cummings said a decision was made for the Twp. and it's agents to make sure they will follow the zoning ordinance as it relates to all work orders for the Roadmaster to come before the BOS for full Board approval and there is a noncompliance issue as it relates to stormwater that was done by the Twp., after a motion is made, the BOS will have the Twp. Engineer review the issue for compliance.

**A motion was made by** Vice Chairman Cummings to have the Twp. Engineer review the potential stormwater as it relates to the road at Century Park.

**Second by** Mark Wenrich.

**Discussion:** There was no discussion.

**The motion carried.**

## **ADJOURNMENT at 9:52 p.m.**

**A motion was made by** Vice Chairman Cummings to adjourn.

**Second by** Supervisor Decker.

**The motion carried.**

Respectfully submitted,

Teresa M. Adams, Secretary