

**FARNKLIN TOWNSHIP  
YORK COUNTY PA  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
August 14, 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  
Secretary Teresa Adams

**ABSENT:**

**CALL TO ORDER:**

The August 14, 2019 BOS Regular Meeting was called to order at 7:00 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 by Supervisor Wenrich.

**EXECUTIVE SESSION**

There was no Executive Session.

**APPROVAL OF MINUTES**

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

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

**Second by** Vice Chairman Cummings.

**Discussion:** supervisor Decker said she had some corrections to the minutes, beginning on page 1 at the bottom under 215 Stonehead Rd. strike the word "offered" so the sentence reads "engineer Brath said"; under subdivision and land development the 2<sup>nd</sup> sentence or 3<sup>rd</sup> line down, strike the word "stock" so the sentence reads "...Small Flow Treatment facility agreement". Page 4 at the bottom change "solicitor's standards" to "solicitor's recommendations" and make the same correction under "Caldwell" and "Renard". On page 8 next to the last paragraph, 8 lines from the bottom of the paragraph insert "Supervisor Ryan said, 'that's ok we'll get the tape out.'" Page 9 the 2<sup>nd</sup> line from the bottom of the paragraph strike the words "send it to her" and insert the following so the sentence reads, "...Supervisor Decker told Mrs. Osman to send her a copy of the letter." A discussion ensued pertaining to the letter Supervisor Decker received from Mrs. Osman, Supervisor Decker asked Solicitor Shaffer to verify that although the envelope containing the letter was addressed to her and marked confidential the letter was addressed to the Township and/or the BOS. Solicitor Shaffer said the letter was addressed to the Township.

Supervisor Decker read the following statement: "I filed an RTK for the April 10, 2019 meeting minutes. My request was filled but when I listened to the tape the entire Osman paragraph of the minutes was not on the tape. I came into the Township on August 9, 2019 to listen and write out what was said on the tape about Mrs. Osman as well as the truck "incident". There are numerous things in the Osman paragraph that are not recorded in the minutes as stated or miss stated. There are things stated that have no place being stated in a public meeting for the public record. Supervisor Ryan said supervisor Decker told the Township solicitor to send a letter to the individual who sent the correspondence. In the approved February minutes the record states "the BOS determined a letter should be sent to Mrs. Osman indicating that correspondence regarding Township matters should be addressed to the BOS and not sent to an individual board member." It was not a directive given by supervisor Decker. Mrs. Osman sent 2 letters for the Township but addressed them to me in spite of my telling her to send the Township a letter and send me a copy. I have copies of those 2 letters, and I want you to see that in fact they were for the Township. If a resident sends correspondence to me for the Township then it is not meant for my knowledge only but for the Township's information and I am going to see that the Township receives it. The original letter is not mine to keep. Since Mrs. Osman's letter was not to Naomi Decker but to the

supervisors then the confidentiality was not only to Naomi Decker but to the BOS. It was not for public information or records. Mr. Ryan states that the BOS found everything he did to follow his duties as roadmaster. Were the supervisors asked their thoughts on this matter to know if everyone thought everything followed protocol. For these reasons and numerous others, I cannot vote to approve these minutes as written.” Signed Naomi Decker. Let the record show that the original hand-written statement was received by secretary Adams and placed with the minutes as records of the minutes.

**The motion carried. Supervisor Naomi Decker was opposed for reasons given in her statement. Abstained was Mark Wenrich.**

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

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

**Second by** Chairman Stonesifer.

**Discussion:** Supervisor Decker asked Secretary Adams if the corrections she submitted were completed, Secretary Adams said they were done.

**The motion carried. Abstained was Mark Wenrich.**

#### **July 10, 2019 BOS Regular Meeting Minutes**

**A motion was made by** Vice Chairman Cummings to approve the July 10, 2019 minutes.

**Second by** Supervisor Ryan.

**Discussion:** Vice Chairman Cummings said under adjournment it reads that Chairman Stonesifer made the motion to adjourn but he was not present at the meeting. There was discussion on the time that the board went into executive session and the adjournment of the meeting. Supervisor Wenrich said he was at the meeting but is not listed as attending the meeting. Supervisor Ryan said the action taken by the Board of Supervisors needs to be recorded in the minutes. Discussion ensued there was an action taken and a motion was made that need to be part of the minutes. Vice Chairman Cummings said he would like to withdraw his original motion.

**A motion was made by** Vice Chairman Cummings to table the July 10, 2019 Board of Supervisors regular meeting minutes approval until Septembers Board of Supervisors meeting so that edits could be made to the minutes.

**Second by** Chairman Stonesifer.

**Discussion:** There was no discussion.

**The motion carried.**

#### **PUBLIC COMMENT**

**Barrens Valley Road;** Mr. Lamar was not present to talk about the addition of a 2<sup>nd</sup> driveway to his property. Sec. Adams said she spoke with him and he is seeking to put a 2<sup>nd</sup> driveway on his property for accessing a garage that is below his house and he wants to add additional living space in his basement in the future that he would like to have access for that. There was a discussion that the next step in this process would be for the applicant to apply for a conditional use hearing. A discussion ensued that a Conditional Use Hearing was not necessary.

**610 Franklin Church Rd.** - a discussion ensued that this property is currently for sale and the buyer would like to train dogs on the property. The BOS said the buyer would need to apply for a conditional use hearing to state his intended use for the property and to see if it is permissible according to the Twp. ordinances.

#### **ORGANIZATION REPORTS**

**Police** - A report was submitted. Vice Chairman Cummings reported that he attended the meeting and he also attended Dover’s national night out and the information for both working in the BOS packets. Discussion ensued on the police pension and that a signature was needed to indicate the BOS accepts the January 2019 Actuaries Report on the Pension plan.

**A motion was made by** Vice Chairman Cumming to approve the actuary’s recommendation for the Northern York County regional Police Department pension plan.

**Second by** Supervisor Ryan.

**Discussion:** there was no discussion.

**The motion carried.**

**Fire** - A report was submitted. Robert Pomeroy was present to give a report.

- Total calls for the month were 49 calls.
- Total calls for the year were 339.
- Franklin Township total calls were 15 for the month July.
- Total calls in the Township for the year was 65 calls.
- Training: 5 people attended the National fire Academy Training weekend, categories of training were: Decision making for initial company operations, fire investigation for the 1<sup>st</sup> responder, training operations for small departments,
- 10 members were certified in CPR,
- July 23 a committee meeting was held at the Franklinton station,
- 4 people were accepted into probationary membership, 3 are social membership and one is operations.
- 1 junior application was accepted but authorization is needed to complete the processing of the application.
- Daniel Cummings was acknowledged for completing his training and certification as a firefighter.

**EMS – Advisory** – A report was submitted. Supervisor Ryan reported. Supervisor Ryan said the committee discussed the Wellsville carnival, national night out and the farmers fair events that are coming up.

- Missed calls:
  - March, none
  - April, none
  - May, none
  - June 3 missed calls out of 24 calls.

Supervisor Ryan reported this service is working for the Twp., it cost less money and the service is adequate.

**DAA-** A report was submitted.

**Emergency Management-** No one was available to report. Grant information was submitted by Laurin Fleming, a discussion ensued on finding out more about the type of grant submitted for review by Mr. Fleming and if an answer was ever received from the site visit performed by DEP on the Recycle Building earlier in the year. The BOS decided a follow up to the previous DEP inspection is needed to see the results of the inspection and to see what recommendations they may have if any.

Vice Chairman Cummings said the Federal Surplus contact list needs updated, names need removed and others added.

**Route 15 Transportation** – Engineer Brath said there was a letter from DEP for sediment control and storm water review that would normally be conducted by the county conservation District but since it is a PennDOT project they have some exemptions then DEP does the review. DEP found some concerns that are consistent with some of the Township's concerns but the person doing the review may not be aware of some of the Township concerns. Engineer Brath said that he is asking permission from the board to contact DEP to coordinate with them regarding the townships concerns and litigate some of the improvements.

**A motion was made by** Chairman Stonesifer to authorize Township engineer to work with DEP on the storm water concerns along the resident's property.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

Engineer Brath said he just wanted to make the BOS aware of the new traffic pattern at Range End Road and Golf Course Road there will no longer be any cross traffic at this intersection.

Engineer Brath said the BOS has a letter that was received from Carroll Twp. Supervisor Kelly Moyer Schuille was available from Carroll Township, she handed out photographs of a proposed overpass and/or interchange. Supervisor Moyer Schuille said they would like to hold a meeting and have 2 representatives available from Franklin Township at that meeting to discuss various ideas for the proposed project and also possibly discuss any zoning changes Franklin Township may need to make due to the project. A discussion ensued on which one of the supervisors was available to attend the meeting and what is the safest location for this type of project.

**A motion was made by** Chairman Stonesifer to have Vice Chairman Cummings and Supervisor Ryan meet with Carroll Twp. to discuss a proposed bypass/interchange location in Franklin Twp.

**Second by** Supervisor Wenrich.

**Discussion:** There was no discussion.

**The motion carried.**

A discussion ensued on studies that have been done on the intersections connecting with Rt. 15, the intersections of Cabin Hollow Rd. and Franklin Church Rd. were mentioned as being part of the studies performed by PennDOT. It was suggested that maybe a committee should be formed to start working on developing a plan for a bypass/interchange to submit to PennDOT at these 2 locations.

**Engineer's Report-** Engineer Brath submitted a report covering SWM, planning reviews, road improvements including County Line Road, installment of the bridge or culvert at Greenhouse Road.

**County Line Road** will be ready for paving at the end of August. Installation of the pipe and headwalls needs to be completed prior to paving.

**Franklin Glen** - Engineer Brath spoke with the HOA Engineer, the as build's have been completed, authorization is needed from Franklin Glen HOA to move forward. Engineer Brath said that he and Solicitor Shaffer will need to stay in contact with the HOA to keep moving the project forward as the HOA is not moving at a fast pace.

**Water Street** - Engineer Brath said he has been holding completion of the joint permit, he needs to continue or stop the work completely. Engineer Brath said he has been hopeful that there would have been several meetings with the adjoining property owners but there have not been any meetings so far.

**Stoney Run Ag.** - Engineer Brath said the BOS is in receipt of a complaint that was filed which mainly deals with the Franklinton Borough well. The complaint is pertaining to manure management.

**DEP Fee increases letter** - engineer Brath said that he wrote the letter and it is included in the BOS packet.

**A motion was made by** Chairman Stonesifer to accept the letter written by Engineer Brath and for the BOS to sign and send the letter to the appropriate department.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

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

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

**Second by** Vice Chairman Cummings.

**Discussion:** There was no discussion.

**The motion carried.**

### **TREASURER'S CORRESPONDENCE**

#### **Treasurers Report**

**Motion was made by** Vice Chairman Cummings to accept the treasure's report.

**Second by** Chairman Stonesifer.

**Discussion:** There was no discussion.

**The motion carried.**

#### **Treasurers Memo**

**Proposed Budget meeting dates and times** – the meeting dates and times were set to be as follows:

Thursday, September 26, 2019 at 6:00 PM and Wednesday, October 16, 2019 at 6:00 PM.

**Escrow refund –**

**A motion was made by** Chairman Stonesifer to refund the remaining escrow balance for the Cicero's as calculated by Engineer Brath and Treasurer Williams.

**Second by** Vice Chairman Cummings.

**Discussion:** There was no discussion.

**The motion carried.**

There was discussion on the large amount that was being refunded, Engineer Brath said it was mainly due to the construction surety which was collected to be sure the SWM work was completed.

**BCO REPORT**

A report was submitted.

**ZONING OFFICER'S REPORT**

A report was submitted.

**Clear Springs Apartments -** A discussion ensued that the property owner has been in contact with the zoning officer and that an email was submitted to the Twp. pertaining to the work being completed, a copy of the email was submitted in the BOS packet, the property owner is willing to work with the Township on completing what is needed to become compliant.

**SUBDIVISION AND LAND DEVELOPMENT**

**Renard Land Development –** there was a revised Waste -Water Agreement received from DEP changing the gallons of flow from 400 gallons to 500 gallons.

**A motion was made by** Chairman Stonesifer to accept the revised Waste-Water Agreement from DEP.

**Second by** Supervisor Ryan.

**Discussion:** a discussion ensued on the change from 400 gallons to 500 gallons, it was discussed the reason for the change was because of the additional bedroom making a total of 4 bedrooms. The 4<sup>th</sup> bedroom was added when it was determined that the property owner was not permitted to build a "Granny Flat".

**The motion carried.**

**Noncompliance of SALDO –** A discussion ensued on the SALDO Article VIII, Section 801; Enforcement and Penalties. The discussion pertained to 2 properties that built structures without obtaining the proper Zoning and Building permits prior to the building of the structures. It was discussed that the fine was not collected by the Twp. but thru the District Justice office as well as any other costs associated with collecting the fine. Solicitor Shaffer said it may cost more to pursue the fine than it is worth.

**A motion was made by** Chairman Stonesifer not to pursue the collection of the fine.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

**Sturbridge Phasing Schedule –** Solicitor Shaffer said that Mr. Garland submitted a phasing schedule in April 2019 which the BOS received but did not vote on, this was the same phasing schedule Mr. Garland sent in 2018 but the BOS did not respond to the 2018 schedule. Solicitor Shaffer said the Phasing Schedule is sent annually and the BOS needs to vote on it each year.

**A motion was made by** Chairman Stonesifer to approve the updated Stonebridge Phasing Schedule.

**Second by** Supervisor Ryan.

**Discussion:** There was no discussion.

**The motion carried.**

**Lexington Fields update** – Engineer Brath said plans should be submitted tomorrow, August 15, 2019 for the September 2019 BOS meeting and the representatives plan to be present at the September 2019 BOS meeting. A discussion ensued that the plans were being revised to match the Twp. Engineer’s comment letter and concerns were discussed pertaining to changes to the current plan that were not on the plan that was before the court.

## **MUNICIPAL REPORTS**

**Solicitor**– Solicitor Shaffer said he received an email from the Twp. pertaining to a resident who wanted to purchase the park at Chainsaw road, the BOS said they have no interest in selling the park known as Haar’s Crossing.

**Road Master** - Chairman Stonesifer said this was covered under the Engineer’s report.

**Road Closure** - County Line Road needs to be closed between Myers Road and County Line Road from August 20 to August 23 to allow the road crew to replace the culvert.

**Parks & Rec-** There were no July meeting minutes due to the meeting being cancelled. Discussion ensued on Grants that might be obtained to help with the Water Street road/bridge project thru parks and recreation for items such as bicycle trails, walking trails or covered bridges.

**Bounce House** – A discussion ensued on a possible waiver for the use of bounce houses in the Twp. parks. Chairman Stonesifer said to add section F; of the South Middleton Township’s Park and recreation form; Additional Equipment-if any additional equipment (tents, inflatable, stereo, etc.) Is to be used on park property, the Parks and Recreation department must be notified in writing. Solicitor Shaffer said an indemnification clause could also be used, where if something goes wrong the individual is paying all costs of defending it. A suggestion was made to use the same liability coverage as a sporting event.

**Planning Commission** – Partial draft copies of the August PC Regular meeting were submitted. Emails pertaining to items the PC is working on were submitted from Todd Lyons.

**House Bill 103** - A discussion ensued on House Bill 103 which would allow property owners to create 2 non-building lots without having to go through the subdivision process at the local level if the property owner receives a waiver from DEP for sewage planning. If the lots are created for family members there is no limit to the number of nonbuilding lots that can be created. The BOS said a letter needs to be sent stating the Twp. is opposed to this bill to representative Keefer’s office.

**A motion was made by** Chairman Stonesifer to have the Twp. Secretary draft a letter in opposition of House Bill 103 and send it to both the House of Representatives and the Senate.

**The motion was withdrawn.**

**A new motion was made by** Chairman Stonesifer to have Solicitor Shaffer draft a letter in opposition of House Bill 103 and send it to secretary Adams to place on Township letterhead and send to the House of Representatives and the Senate.

**Second by** Vice Chairman Cummings.

**Discussion:** There was no discussion.

**The motion carried.**

## **NEW BUSINESS**

**2020 Fee Schedule edits** – Sec. Adams submitted a list of 5 items for the board to consider adding to the 2020 fee schedule. BOS acknowledged receipt of those items.

**PSATS Training Request** – Sec. Adams asked for the board’s permission to attend the sets training session on HR and labor management being held September 19, 2019. The BOS denied the request as it does not pertain to secretary Adams current position.

**PSATS Fall Forum Attendance Request** – Sec. Adams asked for the board’s permission to attend PSATS Fall Forum for the purpose of attending training that is being offered.

**A motion was made by** Chairman Stonesifer to send Secretary Adams to the Forum.

**Second by** Vice Chairman Cummings.

**Discussion:** There was discussion on the benefits of allowing staff to attend training opportunities to help educate them on how to better carry out their job duties.

**The motion carried.**

**2020 SEO** – A letter of interest was received from Gary Morrow to fill the full time SEO position and Engineer Brath said he would like to have Engineer Andrew Reese submit a request for the alternate SEO if Gary Morrow is selected to fill the full-time position.

**DC5G** – Engineer Brath said this subject will be covered when going thru the Zoning process and he will provide a model ordinance. Vice Chairman Cummings said his reason for bringing it up was merely for public safety reasons as there could be some ramifications if these towers are installed in the Twp.

**Twp. Website** – A discussion ensued on several items needing to be corrected, pop ups that appear when trying to access links, minutes that are in word format and not PDF, minutes that are agendas and not minutes.

### **OLD BUSINESS**

There was no old business at this time.

### **CORRESPONDENCE**

Email received from resident about neighbors’ dead tree, she is requesting that the Twp. send a letter to have the tree removed. The BOS said this is not a Twp. concern but something she needs to work out with her neighbor.

### **PUBLIC COMMENT**

Mrs. Gingrich commented that the minutes have been sanitized to not reflect when there is conflict whether between Board members or someone in the audience and feels this is a concern and the minutes need to be clearer on these matters. Vice Chairman Cummings said a balance is trying to be reached and there has been more in the current minutes than in the past.

### **EXECUTIVE SESSION**

There was no Executive Session.

### **ADJOURNMENT at 9:35 p.m.**

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

**Second by** Supervisor Ryan.

**The motion carried.**

Respectfully submitted,

Teresa M. Adams, Secretary