

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
September 11, 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 September 11, 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 was led by Vice Chairman Cummings.

APPROVAL OF MINUTES

July 10, 2019 BOS Regular Meeting Minutes

A motion was made by Vice Chairman Cummings to approve the July 10, 2019 BOS Regular Meeting Minutes.

Second by Supervisor Wenrich.

Discussion: There was a discussion on why the BOS went into Executive Session, the outcome of the session and if the Roadmaster position was filled during the session, it was said the Roadmaster was selected prior to the session.

The motion carried. Abstained: Chairman Stonesifer was absent from this meeting.

August 14, 2019 BOS Regular Meeting Minutes

A motion was made by Chairman Stonesifer to approve the August 14, 2019 BOS Regular Meeting Minutes.

Second by Vice Chairman Cummings.

Discussion: Discussion ensued on a couple of corrections to be made, Chairman Stonesifer was present for the meeting, Franklin Township was missing from the heading and several spelling corrections.

The motion carried.

PUBLIC COMMENT

The Miller's and those speaking on their behalf were not present to speak about their concerns on Water Street closure. The BOS said to remove this item from the Agenda going forward unless a request is submitted from them, as it has been 3 months.

ORGANIZATION REPORTS

Police - A report was submitted. Vice Chairman Cummings reported the cost for Police services in the year 2020 will be reduced approximately \$3,000.00.

Fire - A report was submitted. Assistant Chief Hector Morales reported:

- Total calls in the area for August 2019 were 51 with YTD 360
- Calls for Franklin Twp. in August were 13 with YTD 78
- Training for Interior Burn was completed by Daniel Cummings
- Email is forthcoming from Chief McClintock pertaining to the 2020 budget
- Email invitation is forthcoming to attend 2020 budget meeting

EMS – Advisory – A meeting will be held in September.

DAA- A report was submitted.

Emergency Management- Laurin Fleming reported:

- CERT training has been completed, 7 people were trained, 6 will be staying with the Twp.
- CERT mobile carts to carry heavy equipment which will enable it to be readily available at the scene
- EMA will have a table at Farmers Fair to hand out flyers for readiness and the CERT Team to help attract people to the next class
- EMA activation on August 25th, the EMA aided with the recent fatal accident on Route 15, they handed out bottles of water and ice, and assisted wherever possible at the scene
- Mr. Fleming said he submitted information on a possible Grant and is waiting on direction
- Updating Federal Surplus contact list is being completed with the help of Treasurer Williams
- The BOS said a letter was received from DEP pertaining to the type of use for the Recycle Center; a requisition is needed from EMA
- Mr. Fleming said he does have some items he would like to request for purchase once the 2020 Budget is reviewed
- The BOS said an advertisement should be run to see if there are any other organizations who may wish to use the building as a recycle center before changing the use

Route 15 Transportation –Vice Chairman Cummings, Supervisor Ryan and several property owners attended a meeting with Carroll Twp. to discuss possible Interchange/Overpass locations. It was discussed that the proposed location at Glenwood Road is not an acceptable location. Engineer Brath said several ideas were presented for the location of the Interchange/Overpass. A couple of the locations reviewed were north of the machine shop and across from Twin Hills Road, which would pull in Mountain Road as access from Route 15 to Mountain Road would eventually be closed, so the Twin Hills Road location would provide access to Mountain Road. Engineer Brath said he sent an email to Vice Chairman Cummings and Supervisor Ryan, with a new proposed location to use Twin Hills Road as a connector to South Mountain Road. The new proposed location was an idea from Engineer Brath.

Engineer's Report- Engineer Brath submitted a report.

- Franklin Glen road project – the design process is moving forward but there is no deadline, so this is a slow go.
- Range End Road/Elicker – Engineer Brath said he has been in contact with Mr. Elicker regarding the improvements that still need completed and he is moving forward toward compliance.
- Cabin Hollow Road/Clauser – Engineer Brath said this project is under way for compliance.
- County Line Road / Lost Hollow Road projects have been completed except for the sides of the road which are scheduled to be done.

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 Vice Chairman Cummings to approve the Treasurers Report.

Second by Chairman Stonesifer.

Discussion: There was no discussion.

The motion carried.

Treasurers Memo

Investment Report – Treasurer Williams said there are 2 possible investment opportunities:

- PLGIT – comparable rates to banks but it is unknown what services or banks they use
- Fulton Bank – has account called Insured Cash Sweep where they hold money to find best rate available then sell to other banks for the better rate; there is a fee associated but they will not or do not know the cost until they put a proposal together.
- The BOS said to go ahead and provide the information to Fulton Bank that is needed to get proposal from them.

Item #1 Non-Uniform Pension Plan MMO – PSATS notified Franklin Twp. the minimum pension obligation amount for 2020 is \$30,561.00. Act 205 pertains to submitting the financial requirements of the pension plan and MMO and the appropriate documenting of the plan by the governing body of the municipality on or before the last business day of September each year. A signed copy of the MMO and the date the MMO was presented to the governing body of the municipality must be kept for auditing purposes and the MMO must be accepted and adopted by the BOS each year.

A motion was made by Chairman Stonesifer to accept and adopt the 2020 MMO.

Second by Vice Chairman Cummings.

Discussion: There was no discussion.

The motion carried.

Item #3 MRM – Treasurer Williams said an email was supplied to the BOS explaining the Automatic Renewal By-Pass Process and Statement of Values. Since the Twp. premium contributions is less than \$50,000 it qualifies for the Automatic Renewal By-Pass Process; by MRB standards Property and General Liability would increase 3% which is applied if the Twp. does not respond within 2 weeks. The BOS would need to advise if they are in opposition or if any changes are needed to the Statement of Values. The BOS said to renew the MRM using the Auto By-Pass Process.

Item #4 Members 1st Account – there was a question pertaining to the BOS as authorized signers on Rhonda Harpsters Tax Account. A discussion ensued that it may be a good idea as a tax revenue loan could be obtained and if one were obtained the money in this account could be used to make the payments on the loan. The BOS asked Treasurer Williams to get more information from the credit union.

Item #5 other investments – This item was previously discussed, and no further discussion ensued.

Item #6 Vision plan – Vision plan for Secretary Adams was corrected, apparently Gunn Mowery never signed her up for vision insurance, but it is now good to go.

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 Bennington Investment Group for the subdivision.

Twp. Engineer Philip Brath reviewed his comments per his letter dated September 5, 2019 as follows:

I. Submission Information –

Equitable owners: Bennington Investment Group, LLC., 336 W. King St., Lancaster, PA 17603; Contact: Phil Garland

The Proposal – 325 total lots, previously was 352 lots, 318 town homes, 2 SWM lots, 2 SWM/recreation lots, 3 non building lots and 2 residual lots.

II. Assessment of Plan Changes since 2009 submission:

1. Additions and deletions of property (approximately 3.49 acres)

- Franklinton Road property (0.5 acres) was removed which is a significant change to the plan; this removes a suitable access point which is of concern to Engineer Brath as it leaves this portion of the development with inadequate and unimproved access.
- Glenwood Road was added (4.0 acres), this is an additional parcel (Parcel 29) and is a significant change to the plan providing a different access point, this was added assuming the benefit of the old SALDO and no Zoning.

2. Lot quantity changes related to:

- SWM grading requirements (16 lots were removed)
- 5 lots were removed for access
- Pump station on Lot 1 was eliminated
- Non-building Lot 196 was removed to accommodate Oakdale Drive
- Lots 141-147 were removed for Cul-de-sac on Winterberry Court

3. Stormwater

Lot layouts and impervious surfaces changed compared to the 2009 plan submission as indicated previously.

- Location/concentration of impervious surfaces has shifted but there has been no SWM plan submitted with the changes
- A revised SWM computation was submitted for the additional impervious area generated from the 4-acre addition to Glenwood Road which includes computations for a proposed basin called “Basin-A”
- Revised drainage area maps have been submitted including significant changes in pre/post comparisons due to the current lot/impervious changes including “:Basin-A”
- In compliance with the court ruling for SMO 5.c.2.d.2, the top of the slope of a stormwater detention basin has been revised to be more than 15 feet from the adjacent property lines.
- Basin 3 was modified but no stormwater computations have been received to know if it works.
- No active NPDES Permits for the site and the standards have changed significantly, the existing stormwater design will be inadequate in size and scope to meet the current applicable State and Federal Standards. Most likely this will cause the loss of additional lots and road layouts may be affected.
- The adequacy of the SWM plan can't be assessed without a revised report.

4. Traffic

- Incompliance with the court ruling, the revised plan eliminates abandonment of By-Pass Road
- Oakdale Drive to Glenwood road has been added as one of 2 primary access points significantly changing the traffic pattern to the Township road
- Wheatstone way to Franklinton road is now through a Township road (By-Pass Road). This is a remnant **that** does not have capacity to handle the proposed new traffic and will require improvement in width, pavement cross-section, access control and possibly replacement of the bridge, built in 1922 which is located on the northern end.
- A revised traffic study was not submitted so traffic flow changes cannot be evaluated

III. Subdivision and Land Development Ordinance (Ordinance No. 4 – 1997 as amended by 2 – 2005)

1. Owner's acknowledgement to be executed.
2. Certificates to be executed by Surveyor and Engineer preparing plan, needs signed and sealed.
3. Erosion Control Plan and NPDES permit were previously discussed; there could be significant changes to the NPDES process if the preliminary plan is approved.
4. The applicant proposes to construct a new wastewater treatment plant to service the project. The applicant said he is unsure where the wastewater treatment plant will be located. The location of the plant must be shown on the plan.

5. Roadway improvement shall be provided prior to preliminary plan approval. Improvements within the right-of-way have not been shown on the preliminary plan. The required improvements to properly plan for and demonstrate adequacy of the site connections to adjacent roadway systems shall be shown on the plan.

- a) The applicant will be required to provide roadway and right-of-way width of By-Pass Road on the plan.
- b) The right-of-way and ultimate lane configuration on S.R. 194 may require modification.
- c) The right-of-way and ultimate lane configuration on Glenwood Road may require modification.
- d) Improvements in width, pavement cross-section, access control and possibly replacement of the bridge on the northern end of By-Pass Road should be shown on the plan.
- e) the Township should consider the purposes of the subdivision land development ordinance in considering approval or disapproval of the preliminary plan:
 - i. The applicant has proposed a development connection to a local remnant road that cannot provide the necessary service to the site (section 305.D) with no intent to integrate the development or facilitate the efficient movement of traffic to and from the site. The applicant said he would like to see a traffic study done at the final plan, so it's not outdated. A discussion ensued on the development of efficient movement of traffic to and from the site.

6. Any agreements relevant to the Township should be available for review and commented by the Township and their solicitor. This would be SWM, Property and Developer agreements.

7. Preliminary plan approval shall be conditioned on the final plan fulfilling **all** requirements of the applicable SLADO to obtain final approval. The disposition of parcel 29 shall be determined and noted appropriately. Discussion ensued that this pertains to the New SALDO and only affects 2 properties. A question was raised on how to differentiate between the old plan and the new plan and were the 2 properties previously 1 lot on the old plan which became 2 lots under the new plan. The applicant said a note would be placed on the plan to read any addition of properties to the plan will follow the New SALDO.

8. Cartway for internal streets must be a minimum of 33 feet to comply with section 2316 of the 2nd class Township code (53 PS 67316) to allow the Township to accept the dedication of the streets. Internal streets are not required to be accepted by the Township and may remain as private roads. To the extent that roads are not dedicated, the deeds shall reference "road maintenance and upkeep shall be the responsibility of the HOA." The applicant said the street width only needs to be 32 feet. A discussion ensued on the width of the streets to accommodate on-street parking and adequate room to allow for emergency vehicle access.

IV Stormwater Management Ordinance (Ordinance No. 1-1997, 1-2004)

1. Stormwater management plans need to be signed and sealed per applicable ordinance.
2. Dewatering time calculations need to be in the report for each proposed infiltration berm.
3. Stormwater management O&M agreement is needed.
4. The Basin A outlet structure is higher than the embankment, the water will flow over the embankment before it goes out through the outlet structure, therefore the outlet structure needs to be lower than the emergency spillway to prevent/reduce use of the emergency spillway on the embankment except for when the outlet structure is blocked.
5. An adequate SWM plan can't be determined as one has not been submitted. The applicant has proposed as a condition of preliminary plan approval, providing an updated stormwater management plan meeting the current Franklin Township Stormwater Management Ordinance in effect at time of Final Plan submission along with updated Erosion and Sediment Control Plans Control Plan and NPDES Storm Water Management Permit. The Applicant agrees that a SWM Plan will be proposed to meet the requirements of the new ordinance which is the 2009 ordinance.
6. Additional modifications – was already reviewed previously.
7. Stormwater computations – was already reviewed previously.
8. Additional comments were reserved pending updated SWM plan and report submission.

V. General Comments

1. The existing lot lines that are to be consolidated should be shown on plans. The project includes 4 parcels and shall show all existing separate parcels and effect lot lines that shall be extinguished.
2. Township should review the 42-year, 4 phase Phasing Schedule on Sheet 2A of 26. Each phase shall consist of a minimum of 25% of the number of units and shall be no longer than 5 years. 325 units should include 81 units each phase. The Township and applicant should agree on a suitable phasing schedule.
3. The applicant should clearly indicate all revisions to the plan since last submittal as the applicant has noted that the only items to be reviewed should be the items related to the court ruling. The entire plan set has not been reviewed for consistency with previous plan sets. The applicable sections noted in this comment review letter have been reviewed. Any change to the plans that has not been clearly identified by the applicant is considered an unapproved change and is subject to additional review and comment when found and possible rejection of the plan by the reviewing engineer and Township.
4. The placement of some of the pins of the accuracy of the survey is in question on the southeast corner. This has been made known to, and acknowledged by, the applicant's engineer. A discussion ensued regarding surveying accuracy and discrepancies made known to the Township engineer. It was discussed that any known discrepancies should be disclosed and addressed prior to plan approval.
5. Pertaining to Parcel 29 the new 4-acre addition, should this be "grandfathered" under the old SALDO and no Zoning or should it be subject to the new SALDO and zoning from date of submission. This item was previously discussed.
6. Lot 362 and 367 show no setbacks on the plan, setbacks for these 2 lots need to be shown on the plan.
7. Note 30 pertains to lot 362 and 367 as residual lots owned by the applicant rather than being part of the development. Engineer Brath asked why they are not included as part of the development on the plan. The problem with note 30 is "Basin A" shall be owned and operated by the HOA, therefore private lots can't stay with Basin A.
8. Additional notes and data submission is still required for new 4-acre tract.
9. Correct scale of scaling of drawing on Sheet 2A of 6 for Overall Site Plan. Engineer Brath said the scale is wrong and needs corrected.
10. Fixed Street tree locations on Winterberry court (sheet 7). Engineer Brath said this is a cul-de-sac and the tree locations need to be moved around.
11. Note 6, regarding recording of sheets, on the cover sheet shall be removed. The Preliminary Plan will not be recorded.
12. Revise the Net Area Table on Sheet 5 of 26. It is incomplete, it's missing lots and contains eliminated lots.

VI. Waivers

1. Adequacy of the stormwater system shall be demonstrated prior to Preliminary Plan approval. The applicant has proposed as a condition of preliminary plan approval, providing an updated stormwater management plan meeting the current Franklin Township SWM Ordinance in effect at time of Final Plan submission along with updated Erosion and Sediment Control Plans and NPDES SWM Permit.

Phil Garland said he is prepared to submit a waiver pertaining to the SWM basin and would like to submit a Time Extension for another 90 days. A discussion ensued on the importance of proper SWM plan and facility, required fire protection for townhouses of certain sizes, adequate street widths and cul-de-sac turn around space to accommodate Emergency vehicles. There was discussion on granting a 90-day extension, but the BOS had the following concerns that needed addressed prior to voting on the plan:

- Completion of work mentioned in previous letters and meetings to follow Zoning and SALDO
- Concerns regarding all the new changes to the plan since filing the original plan/unanswered questions asked by the courts
- Subdivision within a subdivision; clarification is needed on the 1 Lot becoming 2 Lots
- BOS needs to see a revised SWM plan; preferably within the 90-day extension if granted
- BOS asked for something to show how the traffic will impact the Twp. roads, defined Lot Lines and slope

- BOS request to know about work that may be required for bridges on By-Pass Road to accommodate additional traffic
- BOS request to see reconfiguration of egress on By-Pass Road
- BOS would like a report on how the adjoining neighbors will be affected
- BOS would like to discuss Lot 29, subdivision within a subdivision and clarify lot lines at the 10-9-19 BOS Regular meeting

A motion was made by Vice Chairman Cummings to grant a Time Extension until December 13, 2019 for the Bennington/Lexington subdivision plan.

Second by Chairman Stonesifer.

Discussion: Supervisor Decker said she feels the current plan should be resubmitted as a New Subdivision Plan due to all the changes that have occurred.

The motion carried. Supervisor Decker opposed.

Sturbridge Place subdivision – There were no new updates to report.

610 Franklin Church Road CUH – The BOS set a date of Wednesday, October 9, 2019 at 6:00 p.m. to hear the case for Franklin Township Zoning Ordinance 2006-1 Article 2 section 202 C.26, Article 4 section 435A as amended by Ordinance 4 of 2009, requesting to establish a kennel (dog training).

353 Franklin Church Road CUH – The BOS set a date of Wednesday, October 9, 2019 at 6:00 p.m. to hear the case for Franklin Township Zoning Ordinance 2006-1 Article 2 section 202 C.1. building (1,000 square feet or larger), in the Open Space (O) Zoning District.

136 Twin Hills Road CUH – The BOS set a date of Wednesday, October 16, 2019 at 5:30 p.m. to hear the case for Franklin Township Zoning Ordinance 2006-1, Article 2 section 205 as amended by ordinance 2018-3 requesting to develop in areas of “steep slopes” as defined in section 205.B.2.7 a slope fifteen percent or greater within 30’.

Livestock in Residential Area; Silver Springs Twp. model – The BOS said PC may scratch this item off their list of ordinances to revise.

MUNICIPAL REPORTS

Solicitor– Solicitor Shaffer said he had nothing to report but would like to have an Executive Session pertaining to legal complaint/procedural challenge on Steep Slopes, Recycling Grant, Personnel matters and the BOS concerns pertaining to Lexington Fields.

Solicitor Shaffer said Heavenwood Farms is requesting a formal letter stating the Twp. does not require them to have an Occupancy Permit for the horses to be moved into their barn at Union Church Road and Water Street.

Road Master- A report was submitted to Treasurer Williams. Roadmaster Andy Gibb asked the BOS permission to repair a section of Range End Road, the BOS said they would consider it for 2020 road repairs once a review of the Twp. budget is completed.

Parks & Rec- Minutes were submitted. Several workorders were submitted to the BOS by Supervisor Wenrich on behalf of the Parks & Rec committee for review and consideration by the BOS.

Workorder pertaining to the light in the women’s bathroom at Ponderosa Park –

A motion was made by Chairman Stonesifer to fix the light in the women’s bathroom at Ponderosa Park.

Second by Supervisor Wenrich.

Discussion: There was no discussion.

The motion carried.

Workorder pertaining to the purchase of 3 to 4 sets of horseshoes for the parks –

A motion was made by Chairman Stonesifer to purchase 3 to 4 sets of horseshoes for the parks.

Second by Supervisor Wenrich.

Discussion: There was no discussion.

The motion carried.

Park Rules, New vs. Old – The BOS said new signs need ordered reflecting the changes to the park rules for both parks and the correct name for the Century Lane park of Franklin Twp. Park name should be placed on the rule's signs.

Century Lane Park name – The BOS said the correct name of the park located on Century Lane is Franklin Twp. Park and new street signs should be ordered reflecting the correct name of the park.

Ball Field repairs – The BOS said it would be ok to allow the Dillsburg Youth Baseball Association to complete necessary repairs to the ball fields and a letter should be sent granting permission. BOS said it is ok for P&R Secretary Janet Davis to draft a letter for the Dillsburg Youth Baseball Association to complete work for ball field repairs.

Shed door painting – BOS said ok to paint the door(s) on the shed.

Roofs over bleachers – The BOS inquired on who gave consent to the placement of roofs over the bleachers in Franklin Twp. Park. It was discussed that a permit was needed to complete the project, and none was obtained.

Girls softball needs help with field maintenance. Request Twp. be willing to offer help. Need clarification on what needs to be completed.

Planning Commission – Draft copies of the September PC Regular meeting were submitted. The BOS said the PC needs to send recommended changes to the ordinances to the BOS as a package for review and possible action.

NEW BUSINESS

SALDO Section 313.F pertaining to digital/electronic copy of Final Plan – discussion ensued that digital/electronic copy of the Final Plan is in the SALDO but is not being enforced, the PC is asking that it be enforced. The digital/electronic copy will not be in place of the copy to hang in the plan closet but will give added benefits to others within the Twp. such as the Twp. Engineer who will be able to use it when computing MS4 and other projects.

Set Trick or Treat date and times –

A motion was made by Chairman Stonesifer to set the date and advertise for Trick or Treat in Franklin Twp. as Thursday, October 31, 2019 from 6 p.m. to 8 p.m.

Second by Supervisor Wenrich.

Discussion: There was no discussion.

The motion carried.

House Bill 103 Resolution –

A motion was made by Chairman Stonesifer to adopt Resolution 2019-9, A Resolution Opposing the Proposed Amendment to the Municipalities Planning Code Under House Bill 103.

Second by Supervisor Decker.

Discussion: There was no discussion.

The motion carried. Supervisor Ryan was not present to vote.

York County Convention – Secretary Adams asked permission to attend the York County Convention, Thursday, November 14, 2019 for possible training that may be offered.

A motion was made by Chairman Stonesifer to grant permission for any Twp. Supervisor, Twp. staff or personnel to attend the York County Convention to be held in November.

Second by Supervisor Decker.

Discussion: There was no discussion.

The motion carried.

Roadcrew hiring – Vice Chairman Cummings said now is the time to consider hiring someone to take the place of Ronald May, a full-time roadcrew worker who will be retiring as of December 31, 2019 and there will also be a seasonal/part-time position open for snow plowing as Roger May will not be returning to plow snow.

A motion was made by Chairman Stonesifer to advertise in the Dillsburg Banner and the Carlisle Sentinel for a Full-time and a part-time/seasonal Roadcrew position.

Second by Supervisor Wenrich.

Discussion: There was discussion to be sure the advertisement says the candidate must possess a Commercial CDL drivers license and to review the cost of the newspapers to be used.

The motion carried.

OLD BUSINESS

Electric wire in hall of Twp. building – Chairman Stonesifer said to ask Roadmaster Gibb to look at the wire and fix it if he is able to do so.

CORRESPONDENCE

There was no correspondence.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

The BOS went into Executive Session at 10:00 p.m. for matters pertaining to a legal complaint on Steep Slopes, Recycling Building Grant concerns, Personnel matters and the BOS concerns pertaining to Lexington Fields.

The BOS came out of Executive Session at 10:17 p.m.

ADJOURNMENT at 10:20 p.m.

A motion was made by Chairman Stonesifer to adjourn.

Second by Supervisor Wenrich.

The motion carried.

Respectfully submitted,

Teresa M. Adams

Teresa M. Adams, Secretary