

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
FINAL REGULAR MEETING MINUTES
August 12, 2020**

ROLL CALL

PRESENT: Chairman Mark Wenrich
Vice Chairman David Buckwash
Supervisor Naomi Decker (via Zoom)
Supervisor Brian Galbraith
Supervisor David Christensen
Solicitor Bret Shaffer (via Zoom)
Engineer Phillip Brath
Secretary Kerri J. Smith
Treasurer/Asst. Sec. Pamela Williams

ABSENT: None

CALL TO ORDER:

The August 12, 2020, Franklin Township Board of Supervisors Meeting was called to order at 7:00 p.m. by Chairman Mark Wenrich. The meeting was held via Zoom and at 150 Century Lane, Dillsburg, PA. Visitors in attendance are listed on the meeting sign-in sheet. Chairman Wenrich welcomed newly appointed Supervisor David Christensen and also wanted to correct an error in The Dillsburg Banner noting that the July 24, 2020, Board of Supervisor's Special Meeting was not advertised, when it was indeed advertised with The Dillsburg Banner on July 20, 2020.

PLEDGE OF ALLEGIANCE AND PRAYER

Pledge of Allegiance and Prayer was led by Chairman Mark Wenrich.

APPROVAL OF MINUTES

A motion was made by Chairman Mark Wenrich to approve the May 14, 2020, CUH# 2020-02—610 Franklin Church Rd. Meeting Minutes.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

Supervisor Naomi Decker abstained; all others approved.

The motion carried.

A motion was made by Chairman Mark Wenrich to approve the May 26, 2020, BOS Special Meeting Minutes.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

The motion carried.

A motion was made by Chairman Mark Wenrich to approve the July 8, 2020, BOS Regular Meeting Minutes.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

The motion carried.

A motion was made by Chairman Mark Wenrich to approve the July 24, 2020, BOS Special Meeting Minutes.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

The motion carried.

PUBLIC COMMENT

Several people were in attendance either in person or via Zoom.

- A. Discussion ensued regarding the scheduling of a Special Meeting to discuss Water Street. A brief background was given regarding how July's BOS Meeting discussion was tabled for the August meeting, at which time the BOS was to pick a date for a Special Meeting. Mr. Gordon presented for the Miller

family and urged the BOS to delay the meeting once again due to the current state of the nation with COVID. Further discussion ensued regarding the status of the DEP Permit which should be decided by November 2020. Engineer Phil Brath spoke regarding the design needing to be completed by February 2021 to move forward without any reissuance of permits. Mr. Gordon inquired about the liquid fuels allocations and how it might affect the Township budget and expenses. The matter is being tabled for the September 9, 2020, BOS Regular Meeting at which time a date will be set for a Special Meeting to be further discuss and hopefully come to a final decision with the Water Street issue. Secretary, Kerri Smith has a listing of residents she is to reach out to regarding the date of the Special Meeting so those who wish to attend to present their concerns may do so.

- B. A letter was received from David and Janet Bates regarding Water Street. Chairman Wenrich read the letter aloud to have it on the record due to these residents not being present either in person or on Zoom to discuss their concerns. Cindy Burkholder of 130 Water Street and Kenneth Lance of 124 Water Street were present and spoke up with their concerns of the road closure and the inconvenience of being rerouted. They asked for the Township to kindly inform them of the date that the Special Meeting would take place once decided.
- C. Tom Austin (Dillsburg borough resident) and Randy Fish previously submitted emails requesting a chance to discuss the banning of the ultralights. They were both present at the meeting and presented their case as to why they felt the ultralights should not be banned. Discussion ensued.

Accept new Supervisor, David Christensen, for the Board of Supervisors and new Planning Commission member, Andrew Baumgardner.

ORGANIZATION REPORTS

Police – A written report was submitted for July 2020.

- A. Pension ICA's-Tabled for September 9, 2020, BOS Regular Meeting.

Fire – A written report was submitted for July 2020.

EMS – A written report was submitted for July 2020.

DAA- A written report was submitted for June 2020.

Emergency Management- No written report was submitted.

A. Email from Laurin Fleming regarding Disaster Declaration and his recommendation to continue through the year-end of 2020.

- B. Laurin addressed the West Shore ALS agreement noting no immediate concerns with it.

Route 15 Transportation – No written report was submitted.

- A. PennDOT travel advisory regarding 15-53 pavement preservation; will continue through July 2021.

Engineer's Report- A written report was submitted for July 2020. Engineer Brath noted that discussion about the tar and chip bid project will be addressed under the Roadmaster section. Also, Engineer Brath has been helping Kerri Smith and Pam Williams with Storm Water Management permits. Discussion ensued.

APPROVAL AND PAYMENT OF BILLS

A motion was made by Chairman Mark Wenrich to pay the bills.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

TREASURER'S CORRESPONDENCE

Treasurers Report – A written report was submitted.

A motion was made by Chairman Mark Wenrich to accept the report.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

The motion carried.

Treasurers Memo-Treasurer/Asst. Sec. Pam Williams discussed the IRS issue regarding no filing of the 2018 Form 945, Annual Return of Withheld Federal Income Tax and noting payment of the Backup Withholding Tax, a penalty for failure to file the Form 945 and civil penalties. Discussion ensued regarding these forms, status of

collection of the outstanding forms, fines and lack of training made available to Pam when she started. She requested additional training regarding the IRS documents.

A motion was made by Chairman Mark Wenrich to authorize Pam Williams to pay and/or correct the IRS issue not totaling more than \$2,160.00, regarding or deleting what portion of that belongs to Northern York Regional and also to allow Pam to obtain any necessary training needed to resolve this issue for 2019.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Pam went on to discuss updates to the current sound system and provided an estimate from Jason Stamm. Discussion ensued with Engineer Brath and the issues with the current sound system and Zoom recordings. Lastly, Pam gave a background of the McCreary issue for the newest Supervisor and noted it was currently with Engineer Brath. Discussion ensued. Engineer Brath noted he would follow up on the status.

Pam noted that due to training, trash issues, just not enough time in the day, she has not been able to reach out to PSATS regarding a possible Workshop date to review the Pension contribution rate; she will reach out to PSATS for possible dates. Pam also noted that she checked on PSATS regarding the status of an agenda being posted for the Regional Forum and nothing is posted yet; she will continue to check back for updates.

BCO / ZONING OFFICER'S REPORT -A written report was submitted for July 2020.

A. 50 Tuckahoe Road – Letter was sent by Building/Zoning Officer, Wilbur Slothour to the resident regarding the use of the building without the proper approved permits in place. Engineer Brath is to follow up with the owners.

SUBDIVISION AND LAND DEVELOPMENT

A. Sturbridge Site Phasing Schedule Update 2020- Discussion ensued regarding the incorrect wording “Phasing schedule, rather than Construction schedule” paperwork submitted by Philip Garland, President of Stoneford Investment Group. Solicitor Shaffer and Engineer Brath discussed the options available and how the wording of the paperwork could adversely affect the project and allow for additional time to complete the project. Solicitor Shaffer is to prepare a letter to their attorney and engineer regarding reasons for denial.

A motion was made and amended by Chairman Mark Wenrich to deny the Sturbridge Phasing Schedule dated July 13, 2020, based on wording.

Second by Supervisor Brian Galbraith.

Discussion: There was no discussion.

The motion carried.

B. Kohr-Dunkle Plan Final Subdivision Plan – Engineer Brath gave a brief overview of the project. Todd Lyons was present to discuss the current status of this plan, and how it is basically a land swap in order to obtain the Clean & Green status. Discussion ensued regarding the deeds presented.

A motion was made by Chairman Mark Wenrich to accept waivers 1 and 2 (§415/316.A.8, §4.101.C.2.b) as written in the August 5, 2020, letter from Engineer Brath.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

A motion was made by Chairman Mark Wenrich to accept the final subdivision plan of Kohr/Dunkle with the conditions 3, 4 and 5 from Engineer Brath's letter dated August 5, 2020.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

The motion carried.

C. Heavenwood Farms Site Meeting – Engineer Brath discussed brief overview of the status, noting that the \$25,000.00 bond was just renewed.

MUNICIPAL REPORTS

Solicitor–

A. Solicitor Shaffer discussed the claim he submitted on behalf of Franklin Township regarding Purdue Pharmaceutical's litigation, multi-district suit currently in Federal Court regarding opiates distributed over the United States and numerous Municipalities suing for the increased costs involved with the opiate crisis. No further action at this time.

B. Franklin Glen HOA – Solicitor Shaffer gave a brief overview of the history and noted he was contacted by Franklin Glen’s counsel, Sarah Austin regarding possible withdrawal. Discussion ensued how the suit was filed to get the attention of the Home Owner’s Association, how the HOA has not provided a bond, Engineer Brath has been working with the HOA to get up to code, and Solicitor Shaffer suggested not to withdraw from suit until a Bond is received.

A motion was made, so amended and revised one more time by Chairman Mark Wenrich to withdraw the lawsuit with Franklin Glen HOA conditional on 1) \$75,000.00 Bond be obtained; 2) 110% of Contractor fee; and 3) all Attorney and Engineer fees incurred from beginning of suit to present.

Second by Supervisor David Christensen.

Discussion: Supervisor Decker had discussed not allowing the withdrawal without stipulations being met.

The motion carried.

C. Ag Security – Rudy—Solicitor Shaffer gave an update on the 180 days (regular days, not business days only) and status of the response to be provided to the County. Discussion ensued. Solicitor Shaffer will be handling the response.

D. Attorney General Letter – Solicitor Shaffer gave an overview of what his recollection of the issue. Discussion ensued. It was decided nothing more was due on this matter at this time.

E. Executive Session—None was held.

Road Master- No written report was submitted.

A. Tar and Chip Bids – Engineer Brath noted only one bid was submitted by Hammaker East Ltd. for the amount of \$49,973.84, which includes sweeping. Discussion ensued regarding only one bid being presented, the task of sweeping to be handled and Engineer Brath to be notifying Hammaker East Ltd.

A motion was made by Chairman Mark Wenrich to accept the tar and chip proposal from Hammaker East Ltd. to the cost of \$44,973.84.

Second by Vice Chairman Dave Buckwash.

Discussion: There was no discussion.

The motion carried.

B. Range End road repairs – Email was sent to Mr. Shultz on August 7, 2020, noting paving would be started in October 2020.

C. 152 Twin Hills Driveway issue – letter was sent to Mr. Goodling on July 31, 2020, requesting driveway permits and for work to be completed. Mr. Goodling contacted Roadmaster Gibb to discuss further. Tabled to September 9, 2020, BOS Regular Meeting with Roadmaster Gibb to attend.

D. Solicitor Shaffer is to contact Roadmaster Gibb regarding estimate for County Line Road.

A motion was made by Chairman Mark Wenrich for Solicitor Shaffer to draft letter for a follow up on the County Line Road work to be done.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Parks & Recreation – No minutes

A. River Valley Landscapes (Sanitizing Stations) – Discussion ensued; no action to be taken.

B. Terry Hoffman discussed the pricing for signs she obtained from Howdy’s Wholesale Signs. Discussion ensued regarding whether or not bids were needed for the updated signs for the parks.

A motion was made by Chairman Mark Wenrich to allow Mr. Kuntz to make the appropriate signs for the Parks and Recreation listing the new rules.

Second by Supervisor Brian Galbraith.

Discussion: Supervisor Christensen inquired on who would be enforcing the violations of the Park rules. Chairman Wenrich noted there really was no one to enforce them, but the rules are posted. We are to contact the Police to handle any violations of those rules.

The motion carried.

C. Terry noted that there’s thistle and poison located in the playground areas that needs sprayed before mulching. She further discussed the forms to be used whenever work was needing done at the parks and requested that they go back to the older forms once used. There is a surplus of them on hand and were just user friendly.

A motion was made by Chairman Mark Wenrich to go back to using previously used work request forms.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Terry Hoffman further discussed some recommendations previously presented. Discussion ensued regarding quote for bike rack and bench, electronic, touchless paper towel dispensers, and electronic hand blowers. Terry will obtain pricing; table for September 9, 2020 BOS Regular Meeting. Solicitor Shaffer inquired on the expense for the Park signage and noted that the work would need to be bid on if it were over the amount of \$500.00. Terry Hoffman will confirm the pricing from Howdy's Wholesale Signs.

Planning Commission –

A. Recommendations from PC on Zoning Ordinance Article 3 §301 – Accessory Uses & Structures and §424 Flag Lot Residences. Discussion ensued regarding each.

A motion was made by Chairman Mark Wenrich to accept the Zoning Ordinance change on Article 3 §301.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

The motion carried.

A motion was made and amended by Chairman Mark Wenrich to accept the 3-foot cartway location for Zoning Ordinance §424 Flag Lot Residences with the stipulation that it needs to pass the Engineer's approval when it comes to review.

Second by Supervisor David Christensen.

Discussion: Discussion ensued by Supervisor Naomi Decker regarding the limited spacing. Solicitor Shaffer confirmed that this was to tell the Planning Commission that they didn't need to do this more and that he was not being authorized to advertise a Zoning Ordinance amendment yet, and Chairman Wenrich confirmed this was just for the Planning Commission at this time.

Supervisor Naomi Decker opposed; all others agreed. The motion carried

B. July 13, 2020, Final Planning Commission Meeting Minutes were presented and reviewed by the BOS.

NEW BUSINESS

A. Nuisance Complaint Form-Valerie Sebestyen (noise complaint re fireworks) Kerri Smith to reach out to resident noting there currently is no ordinance regarding fireworks and ask that the resident contact the Police at the time the nuisance is happening.

B. Cleaning Service Quotes – Kerri Smith presented the three bids that were obtained; Bids were discussed, and Kerri was asked to obtain updated quotes due to the bathrooms being closed for the remainder of the season. This matter is being tabled until the September 9, 2020, BOS Regular Meeting so Kerri is able to present updated bids. Kerri requested a one-time deep cleaning due to the current state of the office and restrooms after no thorough cleaning being done for months due to COVID.

A motion was made by Chairman Mark Wenrich to allow Kerri Smith to obtain quotes for a one-time deep cleaning of the Township office and restrooms with the cost not to exceed \$200.00.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

C. C.S. Davidson letter regarding 2020 Bridge Maintenance Program – Bridge No. 235—Discussion ensued; no action needed.

D. West Shore ALS Notice of Ownership Change—Solicitor Shaffer is to review previous and current contracts.

E. 2019 York County Solid Waste Authority's Annual Report—reviewed, no action needed.

F. ZOLL - AED's—Kerri Smith will obtain pricing for September 9, 2020, BOS Regular Meeting.

G. Square Reader – credit card payment option—Kerri Smith will obtain pricing for September 9, 2020, BOS Regular Meeting.

H. Chairman Mark Wenrich brought up Kevin Cummings email (dated August 10, 2020) that was received after deadline for August Meeting regarding the Police deficit and cost of leaving current contract. Discussion ensued legal action and fees required to leave and noting December 2020 deadline for decision on staying or leaving. Decided to table for September 9, 2020, BOS Regular Meeting.

OLD BUSINESS

A. Appointment of Supervisor replacement for Kevin Cummings term which runs through 12/31/2021 – David Christensen was appointed.

B. Appoint DAA Representative—1 interested party; however, there may be a conflict with this interested party. It was decided to advertise for this open position in The Dillsburg Banner. Table for September 9, 2020, BOS Regular Meeting.

C. Appoint ZHB Alternative Member—Carl Oberg interviewed for position August 12, 2020.

A motion was made by Chairman Mark Wenrich to appoint Carl Oberg to the position of Zoning Hearing Board Alternative Member.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

D. Appoint PC Member—Andrew Baumgardner was appointed to one of the two open positions. It was decided to advertise for the open position in The Dillsburg Banner. Table for September 9, 2020, meeting.

E. Signed Extension of Declaration of Disaster Through August 12, 2020 & New Extension

A motion was made by Chairman Mark Wenrich to approve and sign the new Extension of Declaration of Disaster Through September 9, 2020.

Second by Vice Chairman David Buckwash.

Discussion: There was no discussion.

The motion carried

F. Advertising protocol—PSATS requirements -provided to Supervisors.

CORRESPONDENCE

A. Thank you letter from Dillsburg Community Fair Association for donation—no action.

B. PSATS 2021 Annual Conference – Request for Workshop Proposals—no action.

C. York County Prothonotary – Passports reopening—no action.

D. York County Solid Waste Authority- Municipality E-Newsletter—no action.

E. YCPC—Municipal Assistance Program-Floodplain Expense Reimbursement—Pam Williams will look into this matter.

F. York County Open Space & Land Preservation Grant Program —no action.

G. CARES Act YoCo STRONG Restart Fund Release—no action.

H. Thank you letter sent to DURACELL for battery donations—no action.

I. FEMA Notices of Funding Opportunities, Funding Webinars, New Grants Management System, Website Updates—no action.

J. YATB (Board of Directors Meeting Minutes & Tax Collection Update) —no action.

K. York County CARES Act Allocations- County Morgue—no action.

L. York County Area Agency on Aging-PA Senior Farmers' Market Nutrition Program (vouchers) —no action.

PUBLIC COMMENT

Terry Hoffman noted that the quote for the Park signage would be under \$500.00. Chairman Wenrich checked with Solicitor Shaffer to make sure that quote was good with the motion previously made for the signage for the Parks and Recreation and Solicitor Shaffer confirmed. No bids are required, and previous motion is allowed for the signs to be made by Howdy's Wholesale Signs.

EXECUTIVE SESSION- None was held.

ADJOURNMENT at 9:25 p.m.

A motion was made by Chairman Mark Wenrich to adjourn the meeting at **9:25pm**.

Second by Vice Chairman David Buckwash.

The motion carried.

Respectfully submitted,

Kerri J. Smith

Kerri J. Smith

Secretary