

**RANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 12, 2020 7:00 PM**

FINAL

ROLL CALL

PRESENT:

Vice Chairman Kevin Cummings
Supervisor Naomi Decker
Supervisor Mark Wenrich

Solicitor Bret Shaffer
Engineer Phillip Brath

Treasurer/Asst. Sec. Pamela Williams

ABSENT:

Eric Stonesifer, Chairman

CALL TO ORDER:

The February 12, 2020 BOS Regular Meeting was called to order at 9:10 p.m. by Vice Chairman Kevin Cummings. The meeting was held at 150 Century Lane, Dillsburg, PA. For visitors in attendance, please see attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

The Pledge of allegiance was led by Vice Chairman Cummings and the prayer was led by Supervisor Mark Wenrich.

APPROVAL OF MINUTES

A motion was made by Vice Chairman Kevin Cummings to approve the January 6, 2020, BOS Reorganization Meeting Minutes.

Second by Naomi Decker

Discussion: Naomi stated that she had made a correction to the minutes to strike the sentence "Naomi said they would have to be appointed" as it didn't pertain to the discussion on fees. Also, there was discussion on the section entitled Conventions, Seminars and Meetings Held Outside the Township Office. Pam stated she copied and pasted a sentence but neglected to change the wording to designate State Convention and County Convention. Also, the approval process to attend these was discussed.

The motion carried.

PUBLIC COMMENT

Robert Maiden, representing Leslie Miller and Ann Miller, her mother, had previously asked to be placed on the agenda under public comment via email to discuss the Water Street bridge. Andrew Gordon, an attorney representing and speaking on behalf of Leslie Miller and Ann Miller spoke to the board concerning the Water St. bridge. The Millers live on Water Street and own the property on Water Street between Hickory Road and Lake Lea. Mr. Gordon had provided a letter to the board concerning the issues the Millers have with the Water St. bridge repair and gave an overview of its contents. They are exploring some options that wouldn't require the bridge to be repaired and some other ways to accommodate the township and the Millers. He also mentioned the township possibly stepping away from the project.

Mr. Gordon did discuss this with the township solicitor and engineer earlier this week and wanted to present it to the Board of Supervisors (BOS) to discuss it among themselves. He requested either a public meeting if that was necessary due to The Sunshine Law or a private meeting. Mr. Gordon stated they would like to meet with the BOS prior to them making any decisions and proceeding with the permit applications, etc. He stated Phil did indicate that he was moving ahead with plans, permit applications, etc. but asked that they be able to meet before going any further and that the BOS agree not to move ahead until they meet.

With the Conditional Use Hearing delaying the start of the BOS meeting, the BOS did not receive the letter in enough time to thoroughly review it prior to the meeting. Mr. Gordon stated they feel they have a case to persuade the township to step down from the project. Kevin stated his concern and from what he understands, the position from the Millers may be that it's on a private road and may be on their property. Kevin stated the township must deal with factual information, with deeds, subdivision plans, etc. and would like a synopsis of where we're going with this from the township engineer.

Bret's summation to the BOS was that there is a series of things the Millers are looking for. One is not having public access; another is having it vacated or having it permanently closed. None of the options were to repair the bridge.

Mr. Gordon said he was formerly Chief Counsel for PADot and said in his experience, there are a lot of rural townships that have roads such as this that are small, don't meet current standards and can be costly to repair and maintain. Mr. Gordon stated if it's a road like this you don't really need because there isn't much traffic and there are alternative routes, in many of those instances, a township will go through a legal process called Vacating the Road. What this process does is give ownership from the center line of the road to the property owners. In this case, the Millers own both sides of the road. If the township came to the conclusion that they didn't really need these sections of the road, Hickory Road to Lake Lea, and do not want to spend the money to repair it or maintain it, the best way is to vacate it and then the township doesn't have any responsibility for the road. It's different then closing it because even though it's closed to traffic, it still belongs to the township. Mr. Gordon said as far as ownership, in talking to the people the Millers bought it from, they told them it belongs to them. The Millers also had an abstractor look at it and according to the abstractor, no lawful transfer could be found. This issue is also outlined in his letter.

Mr. Gordon said as far as the Rt. 15 project, there is going to be an announcement on that soon, within two weeks, concerning the intersection improvement plan. He stated according to his source, the outcome of that will also affect the need for this stretch of road. Given the circumstances, Mr. Gordon felt it was reasonable to ask the board not to move ahead tonight. Kevin said he would like to know our entire side so that when the Millers side is heard, he has a complete understanding to be able to make a decision. Kevin said he was fine with postponing this specific decision and the rest of the board agreed. Kevin said he did want the discussion to be held as a public meeting. Kevin suggested having the meeting at 6:00 PM on 3/11/2020 prior to the BOS meeting. Mr. Gordon spoke with the township solicitor asking if there had been any complaints while it's been closed, and Bret said he was not aware of any. Phil will be presenting his information later during this meeting.

ORGANIZATION REPORTS

Police-Kevin discussed the disbanding of the Southwest Regional Police Department (SWRPD) and the Northern York Regional Police Department (NYRPD) and that NYRPD added one municipality as part of its commission. There are two other municipalities that are contracted and purchasing hours. There was a proposal for NYRPD to purchase the building from SWRPD for \$400,000. The construction cost was approximately one million. The intent was to use it for investigative staff and storage to free up more space at the police department in Dover. Kevin voiced his concerns to the NYRPD and didn't see the benefit to Franklin Township. He stated once they presented it in terms of cost and how it would benefit the police department, he was more open to it. However, since the last meeting he attended and the last meeting at the township, the discussion that came up at the commission and what is being proposed is that instead of purchasing the building, NYRPD would absorb the pension for the retired SWRPD members as the purchase price. Kevin is opposed to this proposal. They are currently 20% overfunded and the thought is that they will be okay for approximately 20 years.

However, if they were to disband and be done, and annuities had to be purchased, that \$480,000 would cost them approximately \$1.1 to \$1.5 million to purchase those annuities to fund the pension. Kevin is the lone person not in favor of this on the commission and has voiced it at the police meetings. Kevin would like to make a motion to have our solicitor find out what the terms are if we choose to leave NYRPD and what the cost is. There is a cost to leave the police. Kevin feels the commission is making decisions that are not in the best interest of the citizens of Franklin Township. Discussion was held on if there is a deadline of April to notify the police about withdrawal for the following year. Would it be viable to purchase hours from Carroll township? We need to know the cost for budget purposes.

A motion was made by Vice Chairman Kevin Cummings to give permission to our solicitor to review the contract in depth, determine what our cost obligation is and what the timeframe is to act.

Second by Mark Wenrich

Discussion: There was no discussion on the motion.

The motion carried.

Fire-Chief McClintock presented his information. There were 44 total calls for the month and eight for the township. The Dillsburg station received \$12,879 and the Franklinton station received \$12,741.81 in state grants that will be used for debt reduction. They spoke to the Lions Club about the history of the fire companies. They had their first Municipal Meeting and the township should be receiving an email for future meetings to be held on the first Wednesday of every month at 6:00 PM The meeting may be held at the Franklinton station. Phil said it was changed to 7:00 PM

EMS-Advisory – There was no report provided for this month.

DAA- A report was provided.

Emergency Management- Laurin talked about the Stop the Bleed training that will be held on March 9, 2020, at the township building. He asked that all township employees be notified, and he passed around the Stop the Bleed kit that will be used in the training. Laurin said each person who attends the training will receive a kit. Kevin asked that approval for overtime be given to the road crew members to attend the training and approval to buy kits for each township vehicle as well as the shop. If there is a reason the employees cannot attend, it will be made available at another time.

A motion was made by Vice Chairman Kevin Cummings to approve the overtime for the road crew to attend the class and approval to buy a kit for each vehicle and the shop. Laurin said he did already purchase one for each vehicle, the shop and one for the conference room.

Second by Mark Wenrich

Discussion: There was no discussion.

The motion carried.

Laurin said they're working on their Emergency Operations Plan and when it's completed, they will submit it to the BOS for review and approval. One thing they have run into is that they do not have a Continuity of Operations Plan (COOP) so they should work on that and a Continuity of Government Plan. He will need approval from the BOS to do so.

Route 15 Transportation-Phil said he had nothing new at this time.

Engineer's Report-The report for January activities was provided. It has been quiet month with stormwater, subdivision and land development. Phil said they heard back from Franklin Glen and their engineer.

Kevin announced the BOS did have an Executive Session after the Conditional Use Hearing and before the Board of Supervisors meeting. It was about a personnel issue and no decision was made. The BOS also discussed whether Mr. Gordon would have his opportunity for five minutes under Public Comment.

Phil said they did hear back about Franklin Glen from their engineer. They did provide calculations, drawings and assured Phil they were going to take care of a couple of things that he hadn't seen in the plan. He said he hasn't reviewed it in it's entirety but it appears they are making progress.

Bret said he has not filed anything further in the court to move it forward. He said the court will eventually reach out to find out what the status is. He said by nine months you're supposed to file a plan as to where your case is going.

Phil hasn't heard anything from Mr. Elicker, and he will continue to pursue it. Bret said Brian Linsenbach is no longer representing Mr. Elicker.

Naomi asked about the complaint that was filed concerning 705 Range End Rd. They said this is the Berkheimer property.

Phil reviewed the York County NBIS Bridge Inspection Annual Notification and Franklin Township doesn't have anything on the inspection list.

The Rudy's applied for Ag Security for their properties. They only have 74.6 acres to put in Ag Security and the requirement is to have 250 acres, therefore, the application can be denied.

Bret said a motion should be made by the BOS to send a letter acknowledging that the township received the letter but because there is only 74.6 acres, it is not being processed at this time.

The letter should also inform them if there is anything additional they want the BOS to consider, they should let the board know.

A motion was made by Vice Chairman Kevin Cummings to acknowledge that the township received their application however no action will be taken because it doesn't meet the 250-acre criteria as they only submitted 74.6 acres.

Second by Mark Wenrich

Discussion: Naomi brought up about adding it to the existing ag security area in the township. Phil said that their property is not adjacent to current Ag Security property to add it to someone else's. Bret said you must have 250 acres of non-continuous parcels as long as the smallest one is 10 acres. It doesn't have to be the same owner. Bret said based on what they gave us, there is no action to be taken. Phil said it must be responded to within 15 days.

The motion carried.

Water St. Bridge-Phil brought along a report with a drawing which he distributed. The report is the proposed replacement, a cost opinion and a plan for execution. Phil spoke with Andy about what he can do, what can be purchased with existing bids and what must be bid out. Phil had a copy of the GP-11 permit application and stated he needs Eric's signature on that prior to submitting it. The project entails moving the existing concrete structure bridge and replacing it with a slightly larger culvert/bridge. The earth work will all remain in the 33' right of way. The proposed culvert is slightly larger than the existing culvert but smaller than the previous design. There is a lot of water that runs over the existing roadway and bridge (noted picture of water over roadway). Trying to design a bridge that can take that amount of water is difficult. The new culvert doesn't change the issue of the road flooding, and it doesn't increase the water behind it. The disturbance will be limited to 20' upstream and downstream of the existing bridge.

Phil will need temporary easements for personnel and small equipment and potential water bypass and sediment control features. They will be needed from the Miller's.

He doesn't believe it is feasible to do a bridge that won't need temporary easements. Phil and the previous Roadmaster Mike had looked at other options which Phil reviewed with the BOS. Some of the options drove the cost up substantially. The most cost-effective option is the small two-lane bridge/box culvert. A GP-11 is to be filed and he doesn't think there will be a problem getting it. Kevin asked Phil about the single pipe option and Phil said that isn't a good option due to hydraulics. Kevin asked if there is a timeline where we must act, or it will expire, and Phil said no. Phil went through the project execution and the submitted report and how Andy and he planned to have the work done. Phil reviewed the listed costs versus what was budgeted. It was decided to finish reviewing this report and drawing and discuss it further at the next meeting with the Millers and Mr. Gordon on March 11, 2020 at 6:00 PM The GP-11 Permit application was not left with the township as it was not to be signed until the next meeting's discussion.

APPROVAL AND PAYMENT OF BILLS

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

Second by Supervisor Decker.

Discussion: There was no discussion.

The motion carried.

TREASURER'S CORRESPONDENCE

Treasurers Report

A motion was made by Vice Chairman Kevin Cummings to approve the Treasurer's Report.

Second by Supervisor Naomi Decker

Discussion: There was no discussion on the motion.

The motion carried.

Treasurers Memo

Pam informed the board that Andy attempted to clean the building windows but due to the seals being broken and the moisture being on the inside of the windows, he couldn't clean them. She stated Andy said if the BOS was willing to get a quote(s) for replacement windows, Andy said he could put them in. Kevin said he didn't have a problem with getting quotes.

Pam also reviewed a bill to Franklin Township from Klugh Animal Control. It was for two complaints in this township. Pam stated her understanding was the township was not under contract for services with anyone. Pam said it was originally sent to Franklinton then it was sent here. She asked if she should return the bill to them. Kevin said to get more information on this bill prior to paying it and it will be revisited at the next meeting.

BCO REPORT

A report was submitted.

ZONING OFFICER'S REPORT

A report was submitted.

SUBDIVISION AND LAND DEVELOPMENT

There was no new information regarding subdivision and land development.

MUNICIPAL REPORTS

Solicitor– Solicitor Shaffer mentioned he had Pam give the board copies of the Animal Ordinance since the board is discussing kennels.

Road Master-Road reports are included in the Treasurer's packet.

Parks & Rec- Pam stated the board received copies of the December 17, 2019 Parks and Recreation meeting minutes as well as the 2019 Parks and Recreation Annual Report.

Planning Commission – There are no completed minutes from the Planning Commission.

NEW BUSINESS

Acceptance of Supervisor Michael Ryan's Letter of Resignation

A motion was made by Vice Chairman Cummings to accept the resignation letter of Supervisor Michael Ryan.

Second by Supervisor Decker.

Discussion: There was no discussion

The motion carried.

Kevin announced that anyone who is interested in this position should submit a letter of interest. Pam said there were two letters of interest already submitted. Kevin stated the 30-day clock begins the date the board accepts the letter of resignation. An appointment will be made at the next BOS meeting on March 11, 2020.

Set Interview Dates for Secretary Position

Discussion was held between the BOS as to their availability to hold interviews. Kevin stated he would not be available the first week in March and evenings are better for him. Mark also said he is available most evenings. Interviews were set for Thursday, February 20, 2020 beginning at 6:00 PM and to be held every half hour. Pam will notify the applicants

Naomi asked if any board member looked into another township having a part-time Secretary that could provide temporary assistance. Kevin said he thought the issue that was expressed was offering benefits and having full time vs. part time. He also stated all the burden is falling on one person right now and a full-time Secretary is needed.

Pam also reminded the board that an application was submitted for the full-time Road Crew position. Kevin expressed Andy may be looking more at a part-time employee vs a full-time employee and Kevin has not yet had a chance to speak with Andy. Kevin asked Pam to have this individual come in for an interview the same night the Secretary interviews are being held.

OLD BUSINESS

Zoning Hearing Board Vacancy-Pam reminded the BOS a Letter of Interest was submitted by Leonard McLaughlin for the permanent/regular position on the Zoning Hearing Board (ZHB) vacated by David Buckwash. Pam stated Leonard was the Alternate for the ZHB but is interested in the regular open position. The appointment made as a result of the current advertisement will then be the Alternate to the ZHB. These appointments will be made at the next meeting on March 11, 2020.

Recycling Building-Eric had asked Pam to place the Recycling Building under Old Business as nothing further had been done with purchasing it. Discussion was held on the last action taken which was the former Secretary trying to get someone to appraise the building. There were some issues with trying to get it appraised such as what was being appraised, cost, etc.

DAA Representative-Pam said she was informed that Kevin was going to speak with Don Lerew about this position to see if he would be interested. Kevin said he didn't yet get a chance to talk with him. Kevin said anyone that would be willing to serve could submit a letter of

interest. Pam said she hadn't advertised it because of waiting to hear of Don's interest. Kevin said we should advertise for it. Discussion ensued on if Lewis was the Secretary on the DAA board. Kevin thought Don would have a good comprehensive understanding of what is needed.

CORRESPONDENCE

Rt. 74 Meeting Invitation from Carroll Twp.-Pam stated they invited a representative from our board to a meeting on Thursday, February 20, 2020 at 10:00 AM concerning the Relocation of Rt. 74. The board members present said they could not attend.

Nuisance Complaint-705 Range End Rd.-this complaint was acknowledged, was reviewed, and the idle laws were discussed. Bret said to send the complaint to Wilbur and see if there is anything he could do. Naomi asked if we should write to the owner. Phil said he had been there this month concerning stormwater. Bret said there is nothing legally he can do with this complaint. David Buckwash stated to possibly check the ZHB records. If it was heard by the ZHB and there was a decision with conditions for that, they would have to adhere to that. Discussion was held if it would have to be a police issue.

The BOS acknowledged the correspondence regarding the new DAA Board Members & Terms; the 2014 Sewage Applications from the PA DEP, the announcement of the new 911 Director from the York County Board of Commissioners and the YCSWA Free Disposal for Pick Up PA Event.

EXECUTIVE SESSION

No executive session was needed.

Discussion was held on advertising Other Business for every meeting and it was decided that we would not.

A motion was made by Vice Chairman Cummings to adjourn the meeting at 10:50 PM

Second Mark Wenrich

Discussion: No discussion was held.

The motion carried.

Respectfully submitted,

Pamela Williams, Asst. Secretary