

**FRANKLIN TOWNSHIP YORK COUNTY PA  
BOARD OF SUPERVISORS  
FINAL REGULAR MEETING MINUTES  
June 10, 2020**

**ROLL CALL**

**PRESENT:** Chairman Kevin Cummings  
Supervisor Naomi Decker  
Supervisor Mark Wenrich  
Supervisor Brian Galbraith  
Supervisor David Buckwash  
Solicitor Bret Shaffer  
Engineer Phillip Brath  
Secretary Kerri J. Smith  
Treasurer/Asst. Sec. Pamela Williams

**ABSENT: None**

**CALL TO ORDER:**

The June 10, 2020 Franklin Township Board of Supervisors Meeting was called to order at 7:00 p.m. by Chairman Kevin Cummings. The meeting was held via Zoom and at 150 Century Lane, Dillsburg, PA. Visitors in attendance are listed on the meeting sign-in sheet.

**PLEDGE OF ALLEGIANCE AND PRAYER**

Pledge of Allegiance and Prayer was led by Chairman Kevin Cummings.

**APPROVAL OF MINUTES**

**A motion was made by** Chairman Kevin Cummings to table the February 5, 2020, CUH# 2020-01—610 Franklin Church Rd. Meeting Minutes.

**Second** by Supervisor Naomi Decker.

**Discussion:** Minutes are showing Supervisor Mark Wenrich as present when he was actually out of the country, only Supervisor Decker and Chairman Cummings were present.

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings to approve the February 12, 2020, CUH# 2020-01—610 Franklin Church Rd. Meeting Minutes.

**Second** by Supervisor Mark Wenrich.

**Discussion:** None.

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings to approve the February 19, 2020, CUH# 2020-01—610 Franklin Church Rd. Meeting Minutes.

**Second** by Supervisor Mark Wenrich.

**Discussion:** None.

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings to approve the March 11, 2020, BOS Special Meeting Minutes.

**Second** by Supervisor Mark Wenrich.

**Discussion:** None.

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings to approve the March 11, 2020, BOS Meeting Minutes.

**Second** by Supervisor Mark Wenrich.

**Discussion:** Supervisor Naomi Decker requested the time be put in the minutes when Executive Session was completed; Treasure/Asst. Sec. Pam Williams is to edit to include that time in the minutes.

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings to approve the April 29, 2020, BOS Special Meeting Minutes.

**Second** by Supervisor Mark Wenrich.

**Discussion:** None

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings to approve the May 8, 2020, BOS Special Meeting Minutes.

**Second** by Supervisor Mark Wenrich.

**Discussion:** None.

**The motion carried.**

### **PUBLIC COMMENT**

Several people were in attendance either in person or via Zoom. No Comments were made.

### **OPENING OF TRASH BIDS**

Two bids were submitted for review. Waste Management was represented by Mr. Tom Stang. Republic Services was represented by Mr. Andy Warntz.

A. Waste Management (Bid bond is attached)

- 1) Option A- \$80.97/dwelling unit/quarter
- 2) Option B- \$7.00/bag
- 3) Price per Receptacle -N/A (residents are able to use their own receptacle at no additional charge)

B. Republic Services (Bid bond is attached)

- 1) Option A- \$80.85/dwelling unit/quarter
- 2) Option B- \$7.00/bag
- 3) Price per Receptacle -N/A (residents are able to use their own receptacle at no additional charge)

**Discussion** Kevin asked Solicitor Shaffer if we are mandated to go with the lowest bid, noting the expense associated with change out of receptacles and convenience factor to resident. Solicitor Shaffer confirmed that is correct unless there is a reason to question the service you would receive from the other provider based on previous experience.

Contracts and Bid Bonds were scanned and sent to Solicitor Shaffer for review to make sure that no additional notations were made to alter the bid and/or contract. Notarized Financial Statements were also provided to the Township by both companies. Solicitor Shaffer's recommendation was that unless there were any significant changes made to the contract any defects should be waived. Kevin confirmed with Solicitor Shaffer that the vote can be taken now and will be contingent upon Solicitor review. Supervisor Naomi Decker noted her absence at the last meeting when the vote was taken and further expressed her concern over the altering of the contract previously presented by Republic Services. Kevin clarified what had been changed on the previous contract by Republic Services and noted that it was to clarify what recycling items were allowed for pickup. Kevin did not believe that Republic Services was attempting to be devious in amending the contract bid to clarify recycling services. Kevin further noted that he would have preferred to stay with Waste Management despite the twelve cents difference, and the reason he made the motion was only for clarification that the Township was obligated to go with the lowest bid. The bid was \$4.00 more than the previous bid made by Republic Services a few weeks ago.

### **PUBLIC COMMENT**

Mr. Tom Stang from Waste Management commented about the additional expense to the resident, to the Township fielding calls and managing upset residents, and managing it overall (less than 1 cent difference per

week). Friday Waste Management's quarterly billings will be going out, hopefully, review and a decision will be made before then.

### **APPROVAL OF TRASH BID**

**A motion was made by** Chairman Kevin Cummings to withdraw his first motion and then remake his motion to approve the service with Republic Services at the rate of \$80.85/quarter and the price of \$7.00/bag effective July 1, 2020, ending June 30, 2022, contingent on Solicitor Bret Shaffer's review.

**Second** by Supervisor Mark Wenrich.

**Discussion** was held.

Vote on motion. One opposing vote by Supervisor Naomi Decker, all other votes were ayes.

**The motion carried with the approval by Solicitor Bret Shaffer on the bids, Republic Services was awarded the bid.**

### **ORGANIZATION REPORTS**

**Police** – Amortization report was requested but not yet received.

A. Proposal for Pension Plan in lieu of Buying the Building-

Chairman Kevin Cummings attended the meeting to obtain further information on items 5 & 6 of the proposal.

Under item 6, it states that after 20 years (2041) all municipalities would then be responsible for any shortfalls. Item 5 states if there is a shortfall within that 20 years any money comes out of the \$400,000 to purchase the building, meaning that the municipalities could be responsible for the liability of the pensions of the officers. Discussion ensued. Kevin made a motion to attend the next meeting and ask for a delay on voting, pending a letter to the Attorney Generals Office asking for their input. Also, Kevin will ask for a revised Actuary Report with a 50% comparison. If they refused the request, he would then vote no.

Essentially, there has been a shortfall since 2009 to present and it keeps getting extended another 15 years adding additional expense to the taxpayers. He suggested that we address the other commissioners at the next meeting to address this shortfall. We have until December 2020 to decide whether we continue with Northern York Regional Police or change to another department for the following December.

Kevin stated that everything else is in the report provided.

**Fire** – A written report was submitted for May 2020.

**EMS – Advisory** – Mr. Lorin Fleming presented an oral report with regard to the COVID19 measures being taken by the Township. They are keeping a close eye on the protests and staying on top of precautionary measures as needed. We have been issuing personal protective equipment to emergency responders on an as needed basis, and stocks are doing well. In addition, we have been blessed by a very gracious donation from Duracell of 14,000 AA batteries, which will be distributed including the Township road crew. Kevin requested Lorin to provide the address for Duracell to Treasure/Asst. Sec. Pam Williams/Secretary Kerri Smith so we may send out a thank you letter for their gracious donation.

**DAA-** The minutes were submitted for April 21, 2020. We are still looking for a representative to be appointed to serve on the DAA Board.

**Emergency Management-** No written report was submitted.

**Route 15 Transportation** – No written report was submitted.

**Engineer's Report-** Engineer Phillip Brath reviewed the Water Street Bridge noting nothing really new to report here. The GP11 permit was submitted to and received by the DEP last week. DEP is requesting a digital copy as their office is currently working from home due to COVID19.

## **PUBLIC COMMENT**

Mrs. Marlene Stiffler presented her opposition of the closing of Water Street Bridge. Kevin noted that no motion or decision has been made yet by the Board of Supervisors to vacate or close the road. Also, with respect to the other property owners on Water Street, no decision to actually move forward with an actual bid proposal on a bridge will take place without a Special Meeting without them being present. A Special Meeting in the future with all parties involved will take place to address the Water Street Bridge. We are not in the process of vacating the road, closing the road permanently, and/or proceeding with any bridge project at this point. We will contact Mrs. Marlene Stiffler and all parties involved with and advertise the date of a Special Meeting when it is actually scheduled.

Discussion ensued about the GP11 Permit. Mr. Andrew Gordon, representing the Miller Family from Water Street was on the Zoom meeting regarding further discussion about the Water Street Bridge. Mr. Robert Maiden was also on the Zoom meeting but had no comments for discussion. Mrs. Ann Miller would like to participate in the Special Meeting and requests that this meeting be held in August due to COVID19 issues. Kevin noted it would be on the July 8<sup>th</sup> meeting agenda to set a date in August for a Special Meeting.

## **APPROVAL AND PAYMENT OF BILLS**

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

**Second by** Supervisor Naomi Decker.

**Discussion:** There was no discussion.

**The motion carried.**

## **TREASURER'S CORRESPONDENCE**

**Treasurers Report** – A written report was submitted.

**A motion was made by** Chairman Kevin Cummings to accept the report.

**Second by** Supervisor Naomi Decker.

**Discussion:** There was no discussion.

**The motion carried.**

**Treasurers Memo**-Treasurer/Asst. Sec. Pam Williams gave a verbal report and also presented bids on installation for windows, insulation, and a door. Discussion ensued. Kevin requested that the quotes be followed up on to make sure they are current and accurate, to place on the July 8<sup>th</sup> agenda for making a final decision on the bids, and requested that Roadmaster Andy Gibb be present for any questions and/or clarification. Pam is to locate information regarding pensions from PSATs. This item will be placed on the July 8<sup>th</sup> agenda to make a final decision as to scheduling a Pension Workshop. Pam presented photos of damage done by a contractor to County Line Road taken by Roadmaster Gibb. Discussion ensued. Kevin requested that this information be provided to Solicitor Shaffer so he and Roadmaster Gibb will review the photos to see what legal action is needed, if any.

## **BCO REPORT**

A written report was submitted for May 2020.

## **ZONING OFFICER'S REPORT**

A written report was submitted for May 2020.

## **SUBDIVISION AND LAND DEVELOPMENT**

715 & 717 Range End Road – Sketch Plan for JVI Properties-

Engineer Brath stated that the developer requested a Zoning Officer opinion for getting the land into compliance. Discussion ensued. Kevin stated we are potentially looking at an August Planning Commission meeting. Engineer Brath further stated there was another smaller property wanting to claim Clean and Green (must have 10 acres to qualify for the status to save money) status done by Mr. Todd Lyons. There will be another Planning Commission meeting next month in July that will cover that. Naomi requested if those fees have been paid and Engineer Brath confirmed that they have been.

## **MUNICIPAL REPORTS**

**Solicitor**—Kevin reported that we previously discussed a meeting for Water Street. A date will be scheduled for some time in August. An executive session will be held at the end. Solicitor Shaffer did not need one right at this point.

**Road Master**- A written report was submitted and discussed. Kevin requested status of road projects. Discussion ensued. Engineer Brath discussed tar and chip work for four (4) roads, Whiskey Springs, Acomo, Pomo and Glenwood, and then line painting for roads decided upon by Roadmaster Gibb. Roadmaster Gibb is to obtain bids from three (3) companies for line painting which will need to be approved by Board at July 8<sup>th</sup> meeting. Discussion ensued.

**A motion was made by** Chairman Kevin Cummings to advertise for the bid to tar and chip work for Whiskey Springs, Acomo, Pomo and Glenwood roads.

**Second by** Supervisor Dave Buckwash.

**Discussion:** There was discussion by Supervisor Mark Wenrich about the liaison making the decision for the Board. Liaison brings the information to the Board and the Board makes the decision. Clarification was made on that issue.

**The motion carried.**

**A motion was made by** Chairman Kevin Cummings for Roadmaster Andy Gibb to obtain three (3) quotes for pricing of linear feet of line painting up to \$7,000. Roadmaster Gibb will determine which roads need line painting and to present the quotes and answer any questions at the July 8<sup>th</sup> meeting.

**Second by** Supervisor Mark Wenrich.

**Discussion:** There was no discussion.

**The motion carried.**

## **Parks & Recreation – No minutes or correspondence**

Naomi discussed a recent conversation with Mrs. Terry Hoffman regarding ultralight activities from the parks. Discussion ensued with Solicitor Shaffer as to how we wanted to handle the issue. For the Township to take any strong enforcement, an ordinance would need to be in place. Another issue is the horses riding through the parks and safety. Mark suggested review of and updating the signage to address these park usage rules on the July 8<sup>th</sup> agenda. Solicitor Shaffer suggested a resolution to be put in place for the ultralights and horse issues after further review with PSATs regarding requirements. Naomi suggested we address the responsibilities of the Parks and Recreation with Mrs. Terry Hoffman, so they know they're a necessity. Kevin stated we needed to do a resolution to address the ultralights and horses being added to the signage at the July 8<sup>th</sup> meeting.

Naomi inquired on whether the Girl Scouts could use the pavilions for their next meeting. Discussion ensued on park rental and bathroom usage due to COVID19 restrictions. Solicitor Shaffer is going to check into the CDC Guidelines to see if we are able to rent out the pavilions without restroom use or if it is mandatory that we provide bathroom usage due to it being a public facility. Kevin stated no rental of pavilions until we hear the final outcome of Solicitor Shaffer's review.

## **Planning Commission – No minutes or correspondence**

## **NEW BUSINESS**

A. Announcement and introduction of new Township Secretary, Kerri Smith.

B. Cleaning Service – Our previous provider, Above and Beyond Cleaning Service had submitted a letter stating they would no longer be able to provide service to the Township. Kevin requested Pam and Kerri to obtain three (3) cleaning company price quotes for cleaning the Township Building and Parks to be presented at the July 8<sup>th</sup> meeting.

C. Kevin announced accepting a new job as of July 6<sup>th</sup> and he would need to step down as Chairman of the Board as of end of business today. Kevin further stated that we would need to add this to the July 8<sup>th</sup> agenda so the Board could decide on his replacement.

## OLD BUSINESS

- A. Aumen – Distance between Geothermal System and Septic.  
Discussion ensued with the Board, Engineer Brath and Mr. Aumen regarding the distance from the well to the septic drainfield and waiver to accept 70 feet rather than 100 feet. Engineer Brath stated that the DEP minimum distance requirement is 50 feet.

**A motion was made by** Chairman Kevin Cummings to grant waiver for Mr. Aumen since this property meets the DEP minimum 50 feet contingent upon letter (pg. 4 of Geothermal Ordinance §105(1b)) with indemnification language from Solicitor Bret Shaffer waiving Township of liability and signed by Mr. Aumen along with payment of required fees.

**Second** by Supervisor Mark Wenrich.

**Discussion:** There was no discussion.

**The motion carried.**

- B. Four openings to be reviewed at July 8<sup>th</sup> meeting to fill in the vacancies are for Alternate Member to Zoning Hearing Board, Planning Commission Member, EMS Advisory Member and DAA Representative. The EMS Advisory Member will need to be filled by someone on the Board of Supervisors. We have received letters of interest for the other three vacancies.
- C. Signed Per Capita Tax Relief Resolution.
- D. Signed Extension of Declaration of Disaster through June 10, 2020 & New Extension – being extended until July 8<sup>th</sup> meeting. Solicitor Shaffer will draft the extension, and this will be posted to the Township website once available.  
Meetings- will remain the same, Zoom meetings and public attendance available.  
Public Access to Buildings- will remain the same, closed to the public with in-office appointments available.  
Reopening of Parks- Solicitor Shaffer is to review CDC Guidelines regarding bathroom availability for public use for public facilities and give recommendations regarding rentals at that time.

**A motion was made by** Chairman Kevin Cummings to extend the Declaration of Disaster through July 8<sup>th</sup> at the next Board of Supervisor's meeting.

**Second** by Supervisor Mark Wenrich.

**Discussion:** There was no discussion.

**The motion carried.**

## CORRESPONDENCE

- A. York County Economic Action June Sessions-  
There is no benefit to issuing a Resolution/Proclamation.
- B. DAA Sewer & Water Financial Statements-  
Naomi requested clarification on the debt noted in the statements. Conversation ensued with Engineer Brath providing clarification on the financial statements.

## PUBLIC COMMENT

There was no public comment.

## EXECUTIVE SESSION

Chairman Kevin Cummings announced that an Executive Session was held from 9:05 to 9:32 pm to discuss legal issues and no decision was made.

**ADJOURNMENT at 9:10 p.m.**

**A motion was made by** Chairman Kevin Cummings to adjourn the meeting at **9:33pm.**

**Second by** Supervisor Mark Wenrich.

**The motion carried.**

Respectfully submitted,

*Kerri J. Smith*

Kerri J. Smith

Secretary