

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
JUNE 9, 2021**

ROLL CALL

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

ABSENT: None

CALL TO ORDER:

The June 9, 2021, Franklin Township Board of Supervisors (BOS) Meeting was called to order at 7:00 p.m. by Chairman Mark Wenrich. The meeting was held via Zoom and in person 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 Mark Wenrich.

APPROVAL OF MINUTES

A motion was made by Supervisor David Buckwash to approve the May 12, 2021, BOS Regular Meeting Minutes.

Second by Chairman Mark Wenrich.

Discussion: There was no discussion.

All in favor. The motion carried.

CONDITIONAL USE HEARING

Chairman Wenrich noted that a Conditional Use Hearing needed to be scheduled for 196 Chainsaw Road, Dillsburg, PA 17019, CUH2021-2. Discussion ensued regarding the date availability.

Solicitor Shaffer noted that a motion was not needed as long as there was a consensus amongst everyone for the date and time and there was.

The Conditional Use Hearing is scheduled for July 14, 2021, at 6:00 pm for the application submitted by Gary and Karen Ceriani for the address located at 196 Chainsaw Road Street, Dillsburg, PA 17019.

ORGANIZATION REPORTS

Police –

A. A written report was submitted for April 2021 as well as the May 2021 activity report.

B. Chief Lash was present to discuss any questions or concerns. Chief Lash noted that there was a trend in the calls happening, and that as of 5/31/2021 Franklin Township calls were up by 21%. He noted that Franklin Township had been a targeted municipality for the month of May by the Police for aggressive driving enforcement as well as the “Click it or Ticket” campaign, the new “Move Over” law and speeding which were all paid for by the State and took place along Route 194, S. Mountain Road, and portions of Route 15. Chief Lash discussed the pickup truck that was stolen from Sherwood Forest causing agricultural damage, and he further noted that truck was more than likely used in the damage done in Ponderosa Park.

Supervisor David Christensen had additional questions for Chief Lash about the retirement fund. Discussion ensued regarding steps being taken to bring the retirement fund out of debt. The timeline for paying that debt off is 2029.

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Fire –

A written report was submitted for May 2021.

Chief Hector Morales noted that he is the active Fire Chief and Carla Snyder is now the acting Deputy. Chairman Mark Wenrich asked what had happened to Scott McClintock. Board Director, Mark Snyder noted Scott McClintock had resigned as he had too much going on to be able to fulfill his commitment to the Fire Department. The Assistant Chief position is currently open. Chief Morales noted that the Fire Department is running more medical calls than fire calls at this time. Discussion ensued regarding the lack of coverage with the Ambulance Services. Supervisor David Christensen asked if Franklinton Borough had dropped out of Northern York, and Chief Morales could not confirm that to be true at this time. Discussion ensued regarding the work being done on the roof and invoices to be sent. Chief Morales noted he is available at any time to meet with the Supervisors or any resident to discuss any questions or concerns regarding the Fire Department.

TAR & CHIP BIDS

Engineer Phil Brath noted that one bid was received in the Township office by Russell Standard. Engineer Phil Brath reviewed and discussed the bid and noted the bid was consistent with what was budgeted for the project. Discussion ensued the bid and associated documents. Engineer Phil Brath recommended that the bid be awarded to Russell Standard.

A motion was made by Chairman Mark Wenrich to award the Tar & Chip bid for the work on Capitol Hill and Range End Roads to Russell Standard for the amount of \$141,715.22.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

STONE BIDS

Engineer Phil Brath noted that two bids were received in the Township office by Vulcan Construction Material and New Enterprise. Engineer Phil Brath reviewed and discussed the bids and noted that the bids were consistent with what was budgeted for the project, and that Vulcan Construction Material was the lowest bidder. Discussion ensued regarding the bids received, the pricing in comparison to the previous year's bids, and the associated bid documents. Engineer Phil Brath recommended that the bid be awarded to Vulcan Construction Material.

A motion was made by Chairman Mark Wenrich to award the Stone bid to Vulcan Construction Material out of York, PA.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

PUBLIC COMMENT

There was none.

ORGANIZATION REPORTS (cont'd)

EMS –

A written report was submitted for April 2021.

DAA –

A. A written report was submitted for April 2021.

Emergency Management-

A. No written report was submitted.

B. Laurin Fleming submitted an email dated May 11, 2021, with the attached completed AAR regarding the March 14, 2021, wildfire. Chairman Mark Wenrich inquired if the Boy Scouts would be held accountable for their negligent actions. Laurin noted it was up to the individual Departments and DCNR if they wanted to take any action against the Boys Scouts. Discussion ensued regarding the access to the fire by the emergency vehicles and personnel. Laurin further discussed that he would like an

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opportunity to meet with the BOS in September to give an overview of how the Emergency Management operates. No action needed.

Route 15 Transportation –

A. No written report was submitted.

Engineer’s Report-

A. A written report was submitted for May 2021.

B. L-Cubed Plan Surety—Engineer Phil Brath discussed the Opinion of Probable Cost for site improvements noting it appeared be fair and reasonable with respect to the work to be completed. The estimate identified the estimate of probable costs of construction to be \$21,112.50; therefore, the amount of financial security to be posted for the required improvements should be established at 110% of the probable cost of construction, set to \$23,223.75. The surety for improvements construction shall be an Irrevocable Letter of Credit or Bond in an amount agreed to by the Engineer prior to recording of the final plan.

C. Legal Notice of Amendment to Northern York County Region Comprehensive Plan –Engineer Phil Brath discussed Carroll Township’s proposed Zoning changes and how it would affect Franklin Township. Discussion ensued. The public hearing is scheduled for July 19, 2021, at 6:30 pm at the Carroll Township Municipal Building. This particular project will be on the June 15, 2021, agenda for York County Planning Commission to discuss further.

D. Water Street Update –DEP Response to comments on GO-11 registration submitted May 27, 2021—Engineer Brath noted that he had submitted information to the DEP in response to their comments. Discussion ensued regarding the information submitted and next step. No action taken at this time.

E. 715 & 717 Range End Rd.–YCCD letter dated June 1, 2021—Engineer Phil Brath discussed the email which contains comments from York County Conservation District which will be addressed by David Habowski. No further action at this time.

F. Permit/ROW Inquiry–Franklin Township, York County, PA – IMP 20275—Engineer Brath noted that it was regarding fiber optics on Scotch Pine Road. Discussion ensued. Engineer Phil Brath and Roadmaster Andy Gibb will handle this matter which is dealing with occupancy permit process.

G. PENNDOT Rte. 0194-022 York County Detour Route—Chairman Mark Wenrich did not like the detour route that PennDot currently has listed and asked if there were any other possible detour routes. Discussion ensued regarding possible alternate routes. It was decided to wait to see what PennDot suggests for the detour route.

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.

All in favor. The motion carried.

TREASURER’S CORRESPONDENCE

Treasurers Report – A written report was submitted.

A motion was made by Supervisor Naomi Decker to accept the report.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

Treasurers Memorandum-

Treasurer/Asst. Secretary Pam Williams discussed two charges on Engineer Brath’s May 10, 2021, invoice for work being done regarding the request by Timothy and Olivia Carpenter for the reduction request for their Irrevocable Letter of Credit – Ref. #D002304. Due to this being a Township error, Pam felt the resident should not be charged for that expense. Discussion ensued.

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A motion was made and amended by Chairman Mark Wenrich for the Township to absorb the cost of the two invoices in the amounts of \$205.50 and \$137.00 for Engineer Phil Brath's charges.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

F.M. Berkheimer, Inc. Annual Contract – An invoice is listed in the outstanding bill list for payment for the Service Contract for regular maintenance and emergency service from F.M. Berkheimer for the heat pump and air conditioning. Discussion ensued regarding renewal of the contract or to look for another provider who would also clean the air ducts since F.M. Berkheimer does not provide that service.

A motion was made by Chairman Mark Wenrich to renew the contract with F.M. Berkheimer for one year, starting July 1, 2021, through June 30, 2022, at \$255.00 per year.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

PSATS Regional Forums 2021 – Treasurer/Asst. Secretary Pam Williams noted that the PSATS Regional Forum is taking place in at the Holiday Inn located in Grantville, PA on Tuesday, August 17, 2021, and asked if Secretary Kerri Smith and herself could attend. The cost is \$75.00 per person and the building would be closed for the day. Discussion ensued.

A motion was made by Chairman Mark Wenrich to allow Treasurer/Asst. Secretary Pam Williams and Secretary Kerri Smith be able to attend the PSATS Regional Forum on August 17, 2021, in Grantville, PA for the cost of \$75.00 each and the office to be closed that date.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

Additional Information items were discussed regarding the updated information on the American Rescue Fund, EIT Distributions for Franklin Township YTD vs 2020 (SPLY) & York County Unemployment rates 2021 vs 2020, Non-Uniform Pension Plan GASB Exhibits and Required Supplementary Information FY Ending 12/31/2020 and the Road Report for 5/10-6/04/2021. Discussion ensued and no action was taken.

BCO / ZONING OFFICER'S REPORT

A written report was submitted for May 2021.

SUBDIVISION AND LAND DEVELOPMENT

Lexington Fields Extension Request through June 15, 2021—Engineer Phil Brath discussed the steps taken to date and what is needed yet. Eric Johnston was present to discuss the current situation and he also presented an updated Phase Schedule.

A motion was made by Chairman Mark Wenrich to accept Eric Johnston's (on behalf of his client, Lexington Fields) Request for extension of time through June 15, 2022.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

PUBLIC COMMENT

Chairman Mark Wenrich had Charlie Courtney, Esq. from McNees Wallace and Nurick LLC and William Aiello from Crossroads Development take the floor rather than waiting to the end of the meeting. Attorney Courtney and Mr. Aiello spoke about the Zoning changes taking place in Carroll Township and that the property is located in both Carroll and Franklin Townships. They discussed their plan for a Dillsburg Warehouse Concept #3, the relocating of Kings Kamp and the process involved. They further noted that this is only a preliminary overview to get a feel of how the Board of Supervisors viewed things. Discussion ensued regarding logistic details, the impact with traffic and concerns. No action was taken.

SOLICITOR REPORT

DEP Complaint Referral—Solicitor Shaffer noted that a complaint letter was received from George Fetrow from Department of Environmental Protection regarding property located at 135 Coffeetown Road, Dillsburg. The DEP is not taking any action and placing it back with the Township for further review and/or action. Solicitor Shaffer further noted that the Enforcement Officer can do a drive-by and determine whether there is a basis to investigate further under either the trash ordinance (1985-7) or the junkyard ordinance (2009-6). Discussion ensued.

Incidental Expenditures—Solicitor Shaffer stated that there was discussion regarding a Resolution for incidental expenditures for the Township and that it will be discussed further in Executive Session.

YCPC CAP-COM Ordinance Language— Solicitor Shaffer noted that the BOS needs to decide if they wanted to defer this email dated May 14, 2021, from York County Planning Commission to Franklin Township Planning Commission to look at modifying the SALDO. Supervisor Naomi Decker wanted to have this tossed, but it is past that point. Discussion ensued, and nothing more is going to be done on this matter.

PERCS Agreement—Solicitor Shaffer discussed the differences between the PENNDOT agreement and PERCS agreement, 1-year contract with 60-day termination notice for PENNDOT and 3-year contract with 180-day termination notice for PERCS. Discussion ensued regarding the Notice section regarding where information is to be sent and the 3-year contract versus the 1-year contract. Solicitor Shaffer will contact PERCS to discuss the possibility of incorporating the discussed changes into the PERCS current agreement.

A motion was made by Chairman Mark Wenrich to enter into the PERCS agreement contingent upon PERCS accepting those two changes being placed into the agreement.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

Miller RTK—Solicitor Shaffer will give an update to the BOS during the Executive Session.

Olivia Carpenter, Clearview Road, Old Escrow—Solicitor Bret Shaffer noted there was concern about the language in the affidavit. He further noted he did not have any concern about the language in the affidavit that they are asking the Township to sign. Discussion ensued regarding the language of the affidavit. Solicitor Shaffer noted he was okay with the affidavit, and he would prefer that it be signed by Chairman Mark Wenrich.

A motion was made by Chairman Mark Wenrich to have the affidavit signed and returned to the bank for processing the release the bond to Timothy and Olivia Carpenter.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

County Line Road damage repair estimates – Solicitor Shaffer noted that Traveler’s does not need to review the actual road themselves if the revised bids are under \$8,000.00. Discussion ensued. Solicitor Shaffer will be in touch with Roadmaster Andy Gibb regarding when to proceed forward with the repair work to County Line Road.

Revised EMS Agreement—Solicitor Bret Shaffer noted that he is still waiting to hear from the EMS contact person regarding the language of the agreement. No new update; tabled for July meeting.

Clint & Joann Williams—No new update; tabled for July meeting.

3-5 Meadowview—Lorin & Sandra Stough to Russell & Kathryn Mason—Solicitor Shaffer noted that he would be going to the Recorder’s Office to review the documents they have on file, and that he would be reaching out to Kathryn Mason to discuss the Small Flow Treatment Agreement. Tabled for July meeting.

Executive Session –Solicitor Shaffer noted that an Executive Session will take place at the end of the meeting.

MUNICIPALITY REPORTS

Parks & Recreation –

A. A written report was submitted for April 2021. Supervisor Brian Galbraith questioned about Sherwood Forest being mentioned in the minutes. Discussion ensued about the location of this park and how it was dedicated land for recreational use.

B. Secretary Kerri Smith noted that currently there is no emergency contact person listed for the Parks and Recreation Pavilion rentals. She suggested that it be Roadmaster, Andy Gibb as he already has a township cell phone and is the only person that would be best suited to take care of any issue that may arise. The BOS agreed that the Roadmaster's phone number be listed on the payment receipt given to the residents. Supervisor David Christensen asked for the pricing of renting the pavilions and Kerri gave that information and noted it was on the Fee Schedule.

Roadmaster –

A. The report was included in the Treasurer's packet.

Planning Commission –

A. A written report was submitted for May 2021 Meeting.

NEW BUSINESS

Notice of Assessment Hearing—19 W. Greenhouse Rd. & 172 Locust Grove Rd.—Discussion ensued regarding the received Notice. Solicitor Shaffer noted that no action is needed by the BOS at this time.

OLD BUSINESS

Mold Remediation—Chairman Mark Wenrich asked if this needed to be discussed in Executive Session or if it could be decided now. Solicitor Shaffer noted it could be discussed now. Secretary Kerri Smith gave a brief overview of the testing done, the quotes obtained and given to the BOS for their review and/or decision, and the pricing for the air scrubber to be used in the staff offices that was recommended by Wilbur Hall. Discussion ensued regarding the two quotes obtained and the services provided. Supervisor David Christensen strongly suggested proceeding forward with the testing and remediation. He noted that the Secretary Kerri Smith was told to get quotes, to obtain and perform do it yourself testing and she did. The tests were sent to Mold Armor labs for further testing and reports showed growth. He further recommended that the cleaning be done by a professional. Supervisor Naomi Decker suggested cleaning and an air purifier. She still felt it was only dirt, not mold. Discussion ensued regarding the removal of the carpets as well since they have been there since 1979, cleaning of the air ducts as no one was certain how frequently they were cleaned, if at all, and purchase of the air purifier for the staff offices. Chairman Mark Wenrich wanted confirmation that it includes the carpets in the remediation. Supervisor David Christensen said this is an emergency situation and action is needed.

A motion was made and amended by Supervisor David Buckwash to authorize Secretary Kerri Smith to confirm that the quote from Wilbur Hall does include the carpets and if it does we should authorize her to go ahead with the areas involved in the estimate received dated April 23, 2021, and to include the purchase of the air scrubber, WINIX 5500 Plasmowave by Secretary Kerri Smith.

Second by Supervisor David Christensen.

Discussion: Discussion ensued regarding the filter and if it was washable. There was no further discussion.

Chairman Mark Wenrich, Vice Chairman Brian Galbraith, and Supervisors David Buckwash and David Christensen were in favor, and Supervisor Naomi Decker was in favor for part and against for part. The motion carried.

Codification of Records – Discussion ensued regarding the need to codify the records, the poor status of current records in the office, and the American Rescue Funds to be used towards this project. It was agreed upon that the Secretary would obtain information and quotes to be reviewed by the BOS for a later decision. No action at this time.

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Zoning/Codes Officer—Discussion ensued regarding the review of the interview, the information and contract received from Barry Isett & Associates, Inc., and the need for the Zoning/Codes Enforcement Officer.

A motion was made by Supervisor David Christensen to appoint Jeff Gardner as Zoning/Non-UCC/Codes Enforcement Officer per contract from Barry Isett and Associates, Inc. consistent with their fee schedule agreement provided.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

A motion was made by Supervisor David Buckwash to amend the 2021 Fee Schedule to make it consistent with the information and pricing provided by Barry Isett and Associates, Inc. as the new Zoning/Non-UCC/Codes Enforcement Officer.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

A motion was made by Supervisor David Buckwash to relieve Land and Sea Services LLC as the Zoning/Non-UCC/Codes Enforcement Officer and for them to remain as the UCC Building Codes Officer.

Second by Chairman Mark Wenrich.

Discussion: There was no discussion.

All in favor. The motion carried.

Continuation of Daily Cleaning of Porta Potty at each Park—Discussion ensued regarding the need to have the porta potties cleaned daily as long as the COVID pandemic continues.

A motion was made by Chairman Mark Wenrich to continue daily cleaning of the porta potties in both Parks by Walters Services until the July 14, 2021, BOS meeting at which time it will be reevaluated.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

Fire Company meetings – Supervisors Naomi Decker and David Christensen gave a brief overview of the May meeting. Discussion ensued. The next meeting is June 28, 2021. No action taken at this time.

Security System—Supervisor David Christensen discussed the resubmission of the COSTAR bid from LowV. Discussion ensued. Secretary Kerri Smith inquired about the panic button that was approved by the BOS at the May meeting, but that was not included in the pricing and would not be approved.

A motion was made by Supervisor David Christensen to accept the LowV bid in the amount \$32,916.00 contingent upon the changes in pricing to include 9 cameras.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

Chairman Mark Wenrich, Vice Chairman Brian Galbraith, and Supervisors David Buckwash and David Christensen were in favor, and Supervisor Naomi Decker was not in favor. The motion carried.

American Rescue Plan monies—was discussed under the Treasurer's Memorandum above.

Extension of Declaration of Disaster—extended through July 14, 2021

A motion was made by Chairman Mark Wenrich to extend the Emergency Disaster Declaration through July 14, 2021.

Second by Supervisor David Christensen.

Discussion: There was discussion regarding the possible ending of Governor Wolf's Declaration and how that would affect the Township's current Emergency Declaration. There was no further discussion.

All in favor. The motion carried.

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CORRESPONDENCE

York County Press Release 5.13.2021—NextGen911—no action.

USDA Rural Development Community Facilities Direct Loan & Grant Program—5/27/21-no action.

Nuisance Complaint form –Secretary Kerri Smith noted about the Nuisance Complaint form received from Mr. Ronald Massey regarding the neighbor’s property being filled with junk. Discussion ensued regarding the Trash and/or Junk Ordinance. Solicitor Bret Shaffer noted the Trash Ordinance and recommended that the Zoning/Codes Enforcement Officer check the property out.

PUBLIC COMMENT

There was no additional public comment.

EXECUTIVE SESSION-

An Executive Session was requested by Solicitor Bret Shaffer and was held from 10:05PM to 10:27PM to discuss Miller RTK Requests with no action being taken, and 2 Resolutions being proposed.

RESOLUTION NO. 2021-5

Solicitor Shaffer noted that the Incidental Expenditure regarding the Township Personnel would be Resolution 2021-5.

A motion was made by Chairman Mark Wenrich to adopt Resolution 2021-5 regarding the policy for the Incidental Expenditure applicable to Township Personnel.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

RESOLUTION NO. 2021-6

Solicitor Shaffer noted that the Incidental Expenditure regarding the Township’s Park and Recreation Board would be Resolution 2021-6.

A motion was made by Chairman Mark Wenrich to adopt Resolution 2021-6 regarding the policy for the Incidental Expenditure applicable to the Township’s Park and Recreation Board.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

Miller Right to Know Requests

A motion was made and amended by Supervisor David Buckwash for the Board of Supervisors to authorize Solicitor Bret Shaffer to spend no more than 8 billable hours going through the remaining Right to Know boxes and determining if there is anything of evidentiary value and to have any documents found sent out to Capitol Support for copies and/or scanning to be made at the Township Expense.

Second by Chairman Mark Wenrich.

Discussion: Solicitor Shaffer noted he is capping it at 8 billable hours, but he is doing the whole job and not charging for the additional time that will be spent. There was no further discussion.

All in favor. The motion carried.

ADJOURNMENT at 10:30 p.m.

A motion was made by Supervisor David Buckwash to adjourn the meeting at **10:30pm**.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

Respectfully submitted,

Kerri J. Smith

Kerri J. Smith
Secretary