

FINAL

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
MAY 12, 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 May 12, 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 March 10, 2021, BOS Conditional Use Hearing CUH2021-01 Minutes.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

Chairman Wenrich abstained as he was not present. All others were in favor. The motion carried.

APPROVAL OF MINUTES

A motion was made by Supervisor David Buckwash to approve the April 14, 2021, BOS Regular Meeting Minutes.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

Chairman Wenrich abstained as he was not present. All others were in favor. The motion carried.

TAR & CHIP BIDS

Secretary Kerri Smith noted that no bids were received by the Township office. Engineer Phil Brath noted that the one interested company, Russell Standard had overlooked the date and therefore did not submit their bid on time. Discussion ensued regarding readvertisement.

A motion was made by Supervisor Naomi Decker to readvertise the Tar & Chip bid for publishing in The Dillsburg Banner May 20, 2021, and May 27, 2021.

Second by Supervisor David Buckwash.

Discussion: There was no discussion, and there were no public comments made.

All in favor. The motion carried.

PUBLIC COMMENT

A. Carl Oberg presented the situation regarding his neighbor's dogs being loose and killing his chickens. The Police and State Dog Warden were both called to his property. Discussion ensued regarding the Police Department's procedure when dealing with animals at large. Chief Lash was present to discuss the Police actions that were taken for this specific matter. Carl asked that the Dog Warden's phone number be made available on the Township webpage. Secretary Kerri Smith and Treasurer Pam Williams noted that the State Dog Warden had recently given them the permission to

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post his contact information on the Township webpage. The Township webpage will be updated with that information.

ORGANIZATION REPORTS

Police –

- A. A written report was submitted for March 2021 as well as the April 2021 activity report.
- B. Chief Lash was present to discuss the assessment of the Headquarters and its current conditions. Supervisor David Christensen questioned the deficiency of the Police Department retirement fund, when it is expected to be paid off, and why the exit penalty is so costly. Discussion ensued with Chief Lash answering the questions presented, as well as the questions regarding the Police Department’s wish list, why certain items were not addressed sooner, and if the Federal stimulus funds would be able to be used towards the items listed.

Chairman Mark Wenrich moved L-CUBED Subdivision/Land Development Plan up in the agenda so Mr. Len Lobaugh would not need to wait.

Engineer Phil Brath discussed the issue of the well and drinking water for the employees as previously discussed at the April BOS Meeting. Engineer Phil Brath noted that Mr. Lobaugh provided a waiver request “Exhibit G” – Application for Consideration of a Modification/Waiver Request for Ordinance Section 308.6.A.H. The Request is to allow a well within 100 feet of a subsurface storm water system. The wells on the adjoining properties have been located and are more than 100 feet from the proposed subsurface systems. The well on the L-Cubed property is the well located within the 100-foot isolation distance. Engineer Phil Brath further stated that in addition to the motion to approve this action, he also wanted a note on the final land development plan stating that the well was tested and that bottled water for drinking was being provided to the employees and any visitors as well. Mr. Lobaugh stated that bottled water has been provided for at least 10 years for the employees as well as any visitors for drinking water. He further stated that regular testing of the well does take place and there have not been any issues to date. Discussion ensued.

Mr. Lobaugh will provide payment for the \$3,075.00 in lieu of the road improvement fee as noted in Section 4.101.C.2.b to the Township office this week.

A motion was made and amended by Chairman Mark Wenrich to accept the waiver request, Exhibit G, for all subsurface stormwater disposal systems or retention basins shall be located at a minimum of one hundred (100) feet from any potable water wells as noted in Section 306.8.A.H, and also that the note be included on the Final Land Development Plan about the well being tested and that bottled water is being provided for the employees and any visitors for drinking water.

Second by Supervisor David Christensen.

Discussion: Supervisor David Buckwash questioned if there was a chance of contamination if the employees washed their dishes with the sink water? Mr. Lobaugh stated that the water has been tested and it is not contaminated. A small discussion ensued about any possible contamination. There was no further discussion.

All in favor. The motion carried.

ORGANIZATION REPORTS (cont’d)

Fire –

A written report was submitted for April 2021.

EMS –

A written report was submitted for March 2021.

DAA –

- A. A written report was submitted for March 2021.
- B. 2020 Water Quality Report

Emergency Management-

- A. No written report was submitted.

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B. Laurin Fleming submitted an email dated May 11, 2021, with the attached completed AAR regarding the March 14, 2021, wildfire. No action needed.

Route 15 Transportation –

A. No written report was submitted.

B. An email was received from Hempt Bros., Inc. regarding a notice of Detour of Ridge Road & S Ridge Road beginning on 5/11/2021 through approximately 8/4/2021. Discussion ensued regarding the detours and how it would affect the Township. No action taken.

C. An email was received from PennDOT announcing online plans being displayed for Baltimore Road Structure Replacement Project in Franklin Township, York County to take place during the 2022-2023 construction season. Discussion ensued regarding the detours and how it would affect the Township. “Information, including roadway and bridge plans and an interactive comment form, can be found by visiting the PennDOT District 8 website, www.penndot.gov/District8, clicking on [Public Meetings](#) listed under the Resources heading, and choosing the [York County Public Meetings](#) box then the tile marked [Baltimore Road over Tributary to Bermudian Creek](#).” Engineer Phil Brath will reach out to PENNDOT for more information regarding the detour route. No action needed at this time.

Engineer’s Report-

A. A written report was submitted for April 2021.

B. Olivia Carpenter, Clearview Road, Old Escrow—Engineer Phil Brath noted that Treasurer/Asst. Secretary Pam Williams had brought to his attention an old escrow account that was not yet released. The \$8,385.00 bond was still being held by the Township when it should have been released back in November 2007 by the previous Engineer and BOS. Discussion ensued. Engineer Phil Brath asked if the BOS wanted to release the bond. Pam Williams will prepare a letter to the Carpenters for Solicitor Shaffer’s review.

A motion was made by Supervisor David Christensen to release the bond in the amount of \$8,385.00 belonging to Timothy and Olivia Carpenter.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

APPROVAL AND PAYMENT OF BILLS

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

Second by Supervisor David Buckwash.

Discussion: Supervisor Naomi Decker questioned one bill under the VISA card for office decor. Discussion ensued regarding expenses and authorization. Chairman Mark Wenrich stated this would be further discussed during the new business section. There was no further discussion.

All in favor. 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 Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

Treasurers Memorandum-

Treasurer/Asst. Secretary Pam Williams discussed that in the April meeting the BOS approved of the tree removal and chipping in Ponderosa Park but did not discuss which fund the \$10,000 expense would come from. Discussion ensued regarding whether it would come from the Parks and Recreation Fund or the General Fund.

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A motion was made by Chairman Mark Wenrich to approve the tree removal/chipping expense in the amount of \$10,000.00 to be paid for from the General Fund.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

904 Recycling Performance Grant – Treasurer/Asst. Secretary Pam Williams noted that this grant is now available to any PA Municipalities that conducted a recycle program in 2020. Discussion ensued regarding the 2019 grant, and that it was previously discussed that the funds could be used towards a chipper for the Road Crew.

A motion was made by Chairman Mark Wenrich for Treasurer/Asst. Secretary Pam Williams to apply for the 2020 904 Recycling Performance Grant.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

BCO / ZONING OFFICER'S REPORT

A written report was submitted for April 2021.

Solicitor Shaffer asked a question on behalf of Land and Sea Services since they were not present. Someone had approached Land and Sea with a rezoning question regarding a specific property on Scotch Pine Road. The way it was presented to Land and Sea, the BOS had instructed the person to approach Land and Sea on how to rezone. Solicitor Shaffer did not recall in any meeting where this topic was discussed. His instruction to them was that the person should consult an attorney if they do not understand how to go about the rezoning process. Land and Sea asked Solicitor Shaffer to touch base with the BOS to see if anyone remembered the instance regarding the rezoning topic. Solicitor Shaffer believes it is a property that is currently for sale, and the potential buyers were looking for potential uses that are not currently allowed under the Zoning Ordinance the way it is. Chairman Mark Wenrich asked if there was a particular address and Solicitor Shaffer did not know that address. Discussion ensued. No one recalled this topic being brought up and/or addressed. Solicitor Shaffer felt that the Zoning Officer should not be instructing people on that issue. He asked if the BOS was okay with him giving those instructions to Land and Sea and the BOS agreed.

SUBDIVISION AND LAND DEVELOPMENT

YCPC Chris Caba 4/26/2021, regarding development of regional significance, Dillsburg Turkey Hill, Carroll Township—Engineer Phil Brath noted that the YCPC received a Traffic Impact Study Scoping Application for the proposed Dillsburg Turkey Hill development. Discussion ensued regarding the property in question and how it would affect the Township. No action is needed.

715 & 717 Range End Road, YC Conservation District letters (4/16 & 4/30/21)—Engineer Phil Brath noted that these letters were updates from the Conservation District on the E&S Plan. Discussion ensued. No action is needed; informational purposes only.

239 Stone Head Road—Engineer Phil Brath noted that the Final plans meet his approval and are ready for BOS signature. The Township SEO, Gary Morrow will need to sign off on them as well. Gary is currently on vacation. Secretary Kerri Smith will reach out to Gary for his final signature.

SOLICITOR REPORT

Incidental Expenditures—Solicitor Shaffer stated that there is no policy currently in place regarding incidental expenditures for the Township. Chairman Mark Wenrich noted that a policy should definitely be put in place to handle any future necessities and/or emergencies that would need immediate approval before the next BOS meeting; they are hoping to limit the expense that is involved with holding a Special Meeting. Discussion ensued regarding the liaison person for each “department” (office, road crew, Parks and Recreation) with a limit on discretionary approval. Sarah Miller Coulsen from the audience inquired about the yearly budget process and why this was not included in that process/approval. Discussion ensued regarding that topic. Tabled for June meeting.

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FFCRA Leave/COVID—Chairman Mark Wenrich, Solicitor Bret Shaffer and Treasurer/Assistant Secretary, Pam Williams discussed how there was a positive COVID testing and there is no procedure on how that time off should be handled; should the employee be penalized and have to use their sick time or would the Township pay for the time off through the available COVID funds from the State. Discussion ensued regarding the current procedure in place, the amount of time off that was taken by the employee, what the State's COVID regulations are regarding time off and payment, possible tax credit, and if a doctor's excuse for being off and a return-to-work note was needed and/or necessary in order for the employee to be paid. Solicitor Shaffer suggested a policy be put into place covering all Township employees retroactive from 1/01/2021 through 9/30/2021. Discussion ensued regarding specific details, i.e. positive test, family members who tested positive with COVID, return to work timeframe and/or negative test for returning back to work.

A motion was made by Chairman Mark Wenrich to pay any Township employee that tests positive with COVID-19 up to 10 days paid with positive test provided and that employee will not need to utilize existing sick time.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

PERCS Agreement—A new agreement was received from PERCS. There currently is no active agreement on file between the Township and PERCS for the only signal within the Township located at South Mountain Elementary. Solicitor Shaffer noted that PENNDOT was requiring use of their agreement. Solicitor Shaffer will contact PERCS to discuss the possibility of incorporating PENNDOT's agreement into PERCS current agreement. Discussion ensued regarding the traffic signals and agreement with PERCS. Tabled for June meeting.

County Line Road damage repair estimates – Solicitor Shaffer will reach out to the Insurance Company, Travelers Insurance, to discuss settlement and having the work completed on the damaged road. 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. Tabled for June meeting.

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 June meeting.

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

3-5 Meadowview—Lorin & Sandra Stough to Russell & Kathryn Mason—No new update; tabled for June 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 March 2021.

B. Only one letter of interest for the current vacancy was received by the Township Secretary. The BOS interviewed Steph Boudier prior to the meeting and noted that they will discuss the interview during their Executive Session.

C. Parks and Recreation Secretary, Janet Davis was present to discuss the quotes that were obtained for projects in the Parks. Discussion ensued regarding the possible projects for the Parks, being ADA Compliant, the expense of the individual projects, and whether or not advertising for Bids was necessary. No action was taken at this time.

Roadmaster –

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

B. Engineer Phil Brath noted that the current Stone contract runs out on May 31, 2021, so a new one is needed. Discussion ensued regarding the current contract, current pricing for stone, and advertisement of the bid notice. Engineer Phil Brath noted that he would work with Roadmaster Andy

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Gibb and Secretary Kerri Smith to get the notice prepared and advertised twice so that bids would be available for the next BOS meeting in June.

A motion was made by Chairman Mark Wenrich to allow advertising for the Stone bids, so we have bids for the next BOS Meeting.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

Planning Commission –

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

B. Engineer Phil Brath discussed a list of items in the Zoning Ordinance to be reviewed for improvement on language and/or definition as well as additional items to be added. The Planning Commission would like to obtain the BOS direction on and approval to proceed forward on the following items:

- 1.) Kennels – training facility/verbiage to be updated.
- 2.) Contractors Office – to revise the verbiage in the current definition.
- 3.) Marijuana Dispensary – where they can be located and how to regulate them.
- 4.) Marijuana Growing/Processing Facilities – where they can be located and how to regulate them.

Discussion ensued regarding the four items noted above, and the BOS wanted to add a fifth item, Solar Farms for review by the Planning Commission. The BOS approved the noted five items to be reviewed/edited by the Planning Commission (Kennels, Contractors Office, Marijuana Dispensary, Marijuana Growing/Processing Facilities and Solar Farms).

NEW BUSINESS

Mold Remediation—Secretary Kerri Smith stated how she and Treasurer/Asst. Secretary Pam Williams had been experiencing symptoms of mold exposure and what those symptoms were. She further noted to the BOS: 1.) how the mold growth was discovered while going through all of the boxes from the storage area to fulfill the Right to Know Request; 2.) how she and Pam both brought up the topic of the mold issue to the Supervisors several times asking for some sort of testing and remediation to be done; 3.) how she and Pam bought the five (5) Mold Armor “Do it Yourself” mold tests and performed the tests on April 30, 2021; 4.) how Supervisor Naomi Decker had brought in one (1) “Do it Yourself” mold test to be performed on May 3, 2021; 5.) how authorization was obtained from the BOS to pay for and to send the tests off for further lab testing; 6.) how all five (5) tests were taken directly to the Dillsburg Post Office to mail the tests to the Mold Armor laboratory on May 6, 2021, for further testing to see if there is any mold growth present; and 7.) lastly, she inquired on what actions would be taken once the laboratory tests were received back from Mold Amor laboratory. Supervisor David Christensen asked if anyone had looked into whether or not the insurance would cover this. Kerri noted she did speak with the insurance representative and was told that the mold was not covered unless it was due to water damage, which it was not. Kerri further noted that plastic totes should be used for storage of the paperwork rather than the paper boxes being used currently. Supervisor Naomi Decker thought it was dirt on the air ducts rather than mold. Discussion ensued briefly regarding the areas that the “Do it Yourself” tests were taken from, the quotes that Kerri had obtained from two local companies that specialize in mold testing and remediation, air purifiers recommended by one of those companies, Supervisor Naomi Decker bringing her Rainbow wet vacuum cleaner to clean up the conference room, and the cost involved with the testing/clean-up and or remediation. Tabled to June meeting.

2021 Fee Schedule

Chairman Mark Wenrich noted that he was now acting as a resident. He questioned the fees on the current Fee Schedule, how the schedule was difficult to figure out, the process of obtaining a building and zoning permit, and how the fees were decided upon. He recently had to obtain permits for his pool and was shocked at the price and the process of obtaining the permits. Secretary Kerri Smith noted that the Fee Schedule was set by the BOS at the Fee Schedule Planning Sessions back in December 2020, to which Mark was absent and how there are certain fees that are regulated by the State. Discussion

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ensued about the need to clarify the fee schedule so that it would be easier to understand and to look further into the fee amounts being charged. No action taken at this time.

OLD BUSINESS

Zoning/Codes Officer—The Township has not received any additional responses of interest from the advertisements for the Zoning/Codes Enforcement Officer. Discussion ensued regarding the interview that took place with Barry Isett, the fees being charged, duties involved, work that should be done, but is not due to lack of time/help, and the code enforcement complaints from residents not being tended to due to Land and Sea Services being limited on availability. Supervisor Naomi Decker asked if we had received the fee schedule or service agreement from Barry Isett. Chairman Mark Wenrich wanted an opportunity to review the most recent candidate interview that took place before the April BOS meeting before any decision was made on the replacement. Secretary Kerri Smith will request a standard service agreement from Barry Isett for review by Solicitor Bret Shaffer. Tabled for June meeting.

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 Supervisor David Buckwash to continue daily cleaning of the porta potties in both Parks by Walters Services until the June 9, 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 April meeting. Discussion ensued regarding the audit, who would be in charge of the bookkeeping, and that the Townships do not like the “authority” wording. They are awaiting further Township input. The next meeting is May 24, 2021. No action taken at this time.

Security System—Supervisor David Christensen discussed what options were available, what was needed, and the update on this matter. Discussion ensued. Supervisor David Christensen is to meet with bidders received, and also to look further into COSTAR preapproved companies. Secretary Kerri Smith asked if there could also be a panic button option made available due to being alone at different times. Tabled for June meeting.

Extension of Declaration of Disaster—extended through June 9, 2021

A motion was made by Chairman Mark Wenrich to extend the Emergency Disaster Declaration through June 9, 2021.

Second by Supervisor David Buckwash.

Discussion: There was none.

All in favor. The motion carried.

York County Office of Emergency Management regarding COVID-19 activities

An email was received May 6, 2021, from York County Office of Emergency Management (“OEM”) regarding their stand down from the historic incident on Tuesday, June 1, 2021.

The following will take place:

1.) The Emergency Operations Center will officially close; 2.) OEM will close out the incident in WebEOC, their incident management platform with the State; 3.) OEM will continue to monitor COVID-19 but will begin to move onto other endeavors; 4.) OEM will be available for managing unmet needs for the COVID-19 incident; 5.) OEM will continue to assist with the recovery effort; and 6.) OEM will complete and publish the After Action Review (AAR) and Improvement Plan (IP). The County will continue to keep the Disaster Declaration in place until the American Rescue Plan funds are earmarked for distribution. Discussion ensued regarding how this would affect the Township.

Water Testing for Park Reopening:

Chairman Mark Wenrich inquired if opening the Parks was an option if we were still under an Emergency Declaration. Discussion ensued regarding opening up while under the Emergency Declaration. Secretary Kerri Smith noted that Roadmaster Andy Gibb stated the water in the Parks

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would need testing 30 days prior to the opening of the Parks. Discussion ensued regarding the process to have the Township Parks reopened.

A motion was made by Supervisor David Buckwash to have the water tested at each of the Parks so we can begin the process of opening the Parks.

Second by Supervisor David Christensen.

Discussion: There was none.

All in favor. The motion carried.

Commonwealth to Lift Mitigation Restrictions on May 31, 2021

An email was received May 5, 2021, from York County Economic Alliance (YCEA) announcing the lifting of COVID-19 restrictions effective May 31, 2021, and encouraging Pennsylvanians to obtain their vaccinations. Discussion ensued amongst the Board of Supervisors as to how this would affect the Township and its residents.

CORRESPONDENCE

York County Press Release 4.27.2021—Open Space 2020 Review—no action needed.

York County Press Release 4.29.21—Fruit & Vegetable Vouchers Available by mail—no action needed.

York County Press Release 4.29.21—Passport Picture Service expanding—no action needed.

YAMPO GOYORK 2045 Metropolitan Transportation Plan Public Outreach—post link to webpage.

PUBLIC COMMENT

There was no public comment.

RESOLUTION NO. 2021-3

Solicitor Shaffer noted that he has the final document for the BOS review and signature for Resolution No. 2021-3 for KEEPPABEAUTIFUL to clean up Range End Road from Rte. 15 to Rte. 15 within Franklin Township limits and for the road crew to provide the signpost, safety signs and trash cleanup assistance, as necessary. The BOS signed the final document, and no other action was needed.

EXECUTIVE SESSION-

An Executive Session was requested by Solicitor Bret Shaffer and was held from 9:39PM to 10:10PM to discuss a personnel issue and an update on the Miller family litigation matter with no action being taken on either.

PARKS AND RECREATION MEMBER

A motion was made by Chairman Mark Wenrich to appoint Steph Boudier as a Member of the Parks and Recreation Board.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

All in favor. The motion carried.

INCIDENTAL EXPENDITURES

Chairman Mark Wenrich noted that a policy needs to be put into place and until such time employees are to obtain approval from their immediate Supervisor. The Supervisor should use their discretion in the expenditure and if they have any questions they should be addressed to the BOS for a final decision. Tabled until June meeting.

ADJOURNMENT at 10:11 p.m.

A motion was made by Supervisor David Buckwash to adjourn the meeting at **10:11pm**.

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