

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
September 8, 2021**

FINAL

1. Call to Order

The September 8th, 2021, Franklin Township Board of Supervisors (BOS) Meeting was called to order at 7:00 PM 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.

2. Roll Call

Present:

Chairman Mark Wenrich
Vice Chairman Brian Galbraith
Supervisor Naomi Decker
Supervisor David Christensen
Supervisor David Buckwash
Solicitor Bret Shaffer
Engineer Phillip Brath
Secretary Traci Kauffman
Treasurer/Asst. Secretary Pamela Williams

Absent:

3. Pledge of Allegiance and Prayer

The Pledge of Allegiance was led by Chairman Wenrich and Prayer was led by Supervisor Naomi Decker.

4. Approval of Minutes

4.1 Approval of July 14, 2021, CUH2021-02 Minutes

4.2 Approval of August 11, 2021, CUH2021-03 Minutes

4.3 Approval of August 11, 2021, CUH2021-04 Minutes

A motion was made by Supervisor Dave Buckwash to approve the July 14, 2021, CUH 2021-02 Minutes as written.

Second by: Supervisor Dave Christensen

Discussion: There was no discussion

The motion carried.

A motion was made by Supervisor Dave Buckwash to approve the August 11, 2021, CUH 2021-03 Minutes as written.

Second by: Supervisor Dave Christensen

Discussion: there was no discussion

The motion carried.

A motion was made by Supervisor Dave Buckwash to approve the August 11, 2021, CUH 2021-04 Minutes as written.

Second by: Supervisor Dave Christensen

Discussion: There was no discussion

The motion carried.

5. Public Comment (*written request pertaining to Agenda items only*)

Chief Lash discussed they had 10 weather related calls due to Hurricane Ida. The August Activity Report shows increasing crime calls. In August of 2021, Northern York County Regional Police (NYCRP) handled over 3,100+ calls, over 500 more than last year jurisdiction wide.

Chief Lash asked the board to consider passing the Heidelberg Township Resolution. Discussion ensued about the Ponderosa porta-potty vandalism. The police did several stake outs and, on those evenings, there were no incidents.

6. Organization Reports

6.1 Police –

- A. A written report was submitted for the June/July 2021.
- B. A written activity report was submitted for August 2021 from Chief Lash.
- C. A written NYCRPD 2022 Budget Presentation/NYCRPD Headquarters Facility Feasibility Study was submitted.
- D. The Heidelberg Township Resolution was discussed.

A Motion was made by Supervisor Dave Christensen to accept Heidelberg Township as a member of NYCRP. Supervisor Christensen stated he moved to amend the main motion by adding the words AND CHAIRMAN MARK WENRICH TO VOTE IN FAVOR OF THEIR ENTRANCE INTO THE POLICE DEPARTMENT.

Second by Supervisor Naomi Decker

Discussion: There was no discussion

The motion carried.

6.2 Fire –

A. A written report was submitted for August 2021. Supervisor Decker spoke on behalf of the Fire Company. She indicated there was discussion on the sale of some equipment. The equipment can't be sold because the more you have the lower your insurance rates are since you have more power to protect. Supervisor Decker also brought up that they were considering selling the Franklinton Fire Hall. The Fire Hall was going to be appraised and they were going to have someone come in to evaluate any repairs needed. Discussion of selling the Fire Hall seems premature since Dillsburg couldn't house all their equipment and Franklinton has the capacity to house the equipment. Supervisor Decker also stated that they are considering hiring paid firefighters, both part-time. They estimated it would be about \$40,000 but it appears it would be closer to \$80,000.

B. Chairman Wenrich inquired on the fairness of Dillsburg or Franklinton being dispatched prior to the originating engine and are not getting paid for it. Solicitor Bret Shaffer inquired if any other municipalities were having the same issue. It was stated that there have not been any other inquiries about this issue. Discussion ensued by the BOS. Solicitor Shaffer is going to write a short resolution that we are designating them as our primary and will communicate this to dispatch.

A motion was made by Chairman Wenrich for Solicitor Bret Shaffer to draft a resolution referencing dual dispatch between Franklinton and Wellsville.

Second by Supervisor Dave Christensen

Discussion: There was no discussion

The motion carried.

C. The written report for the Paid Driver Comparison by County/Municipality was reviewed; more discussion is needed.

6.3 EMS –

A. A written report was submitted for August 2021.

6.4 DAA –

A. A written report was submitted for July 16, 2021, and minutes were submitted.

6.5 Emergency Management – No written report.

A. Written Overview of FEMA 2021 Non-disaster Mitigation Grants/BRIC/Flood Mitigation Assistance was reviewed.

Supervisor Buckwash indicated he would be willing to attend a CERT Class by Laurin Fleming and represent the BOS on Saturday 9/11/2021.

Secretary Traci Kauffman will check with Laurin to make sure he is still having the class since only one board member will be attending.

6.6 Route 15 Transportation – No Written Report.

Engineer Phil Brath sent an email indicating the state was working to fix the issues on Route 15. Engineer Brath stated that there were a lot of crashes and NYCRP got rid of some of the barriers. Discussion ensued regarding the changes.

6.7 Engineer's Report –

A. August 2021 written report was submitted.

Engineer Phil Brath responded to some DEP comments on Water Street. Lexington will come up later in the agenda.

7. Approval & Payment of Bills

A Motion was made by Chairman Mark Wenrich to approve and pay the bills.

Second by Supervisor David Buckwash

Discussion: There was no discussion

The motion carried.

8. Treasurer's Correspondence

8.1 Treasurer's Report

Supervisor Brian Galbraith asked if this showed the American Rescue Plan Act (ARPA) Funds and Treasurer Pam Williams indicated that it did.

Chairman Wenrich inquired if we have received any further instruction on what that money is allowed to be used for and Solicitor Shaffer indicated that PSATS said to just keep it for a while. The first report of the how the funds have been used is due in October. PSATS are lobbying for broader use of the money.

A motion was made by Supervisor Decker to accept the Treasurer's Report.

Second by Supervisor David Christensen

Discussion: There was no discussion.

The motion carried.

8.2 Treasurer's Memorandum

From the Recycling Performance Grant submitted in 2020, Franklin Township received \$3,311.53. The intent was to use this money for a chipper however the cost of a chipper runs between \$40,000 to \$50,000. Discussion ensued and more information was requested. CDL Training for Secretary Traci Kauffman at a cost of \$35.00 a class was recommended by Treasurer Williams.

A motion was made by Chairman Wenrich to approve the two CDL Classes at the end of October at \$35.00 each for Secretary Kauffman.

Second by Supervisor Dave Buckwash.

Discussion: There was no discussion.

The motion carried.

Treasurer Williams indicated that Zoning Officer (ZO) Jeff Gardner needs signs to post Conditional Use Hearings and Zoning Hearings on properties prior to the hearings. ZO Gardner is currently borrowing from Land & Sea and indicated he would like to be given a limit to purchase signs for Township use. Discussion ensued between the BOS on which sign and how many signs need to be purchased.

A motion was made by Chairman Wenrich to allow ZO Gardner to purchase four signs at no greater expense of \$350.

Second by Supervisor Buckwash.

Discussion: There was no discussion.

The motion carried.

Treasurer Pam Williams indicated that we received the PSATS 2021 Business Meeting packet to be held in Hershey, PA in October. The Township Secretary is appointed as the voting member at the annual Reorganization Meeting in January. The BOS packet included issues to be voted on and the BOS will need to review the issues and inform Secretary Kauffman how to vote. Discussion ensued between the BOS and Treasurer Williams.

A motion was made by Chairman Wenrich to have Secretary Kauffman attend the PSAT's Business Meeting on Friday 10/15 in Hershey.

Second by Supervisor Buckwash.

Discussion: There was no discussion.

The motion carried.

9. BCO / Zoning Officer Report-

9.1 The August 2021 written report and invoice were submitted by Land and Sea

9.2 The July/August 2021 written report from ZO Gardner from Barry Isett & Assoc. was submitted.

- A. Treasurer Williams indicated that this was the first written report we have had from ZO Gardner.

A copy of an email with information regarding the issue for 121 Capitol Hill Road was provided. ZO Gardner sent a certified letter to the Shumaker's. Another request came up with another new owner and the previous owner is telling the new buyers this type of arrangement is a permitted use in that district; Chairman Wenrich indicated it is not. Treasurer Williams indicated that BCO Gardner said according to the standard today, using RVs as a single-family home are not a permitted use and incorrect information is getting circulated. Solicitor Bret Shaffer indicated they could file an appeal to the Zoning Hearing Board (ZHB) and ZO Gardner feels they might.

- B. A warning letter was sent to 8 Pomo Court regarding the chickens/roosters. ZO Gardner said the owner was very compliant and has come up with a plan to keep the chickens/roosters out of his neighbor's yard.

Supervisor Christensen indicated that ZO Gardner had requested we look into providing an official photo ID for him from the Township. Discussion ensued regarding the need to provide this form of ID.

A motion was made by Supervisor Dave Christensen to provide to our Zoning Officer a photo ID identifying him as a Code Enforcement Officer for the Township of Franklin, and we look into purchasing this either through Police Supply or LowV.

Second by Supervisor Naomi Decker

Discussion: There was no discussion.

The motion carried.

10. Subdivision and Land Development

10.1 Lexington Fields – Mr. Phil Garland who was representing Lexington Fields, indicated that Engineer Brath previously told them to obtain direct access to 194. Chairman Wenrich asked Engineer Brath if he did tell Mr. Garland he needed direct access to 194.

Engineer Brath did tell Mr. Garland he couldn't have access through By-Pass Road. Mr. Garland indicated that it was his understanding to obtain direct access. Engineer Brath indicated again that he did not request direct access.

Chairman Wenrich inquired at what point changes constitutes a significant change that would require it be sent back to the York County Planning Commission (YCPC). Mr. Garland indicated that was up to the BOS, and he did not consider it a significant change while addressing comments. Mr. Garland indicated that at the scoping meeting, PennDOT would prefer to have both accesses closed and all traffic access the new way going out to 194. The bridge that is on By-Pass Road is a township bridge. Mr. Garland indicated that if they go with PennDOT's suggestion of cutting off the north and south entrances, the township becomes responsible for the bridge. If the township does not want to maintain the bridge, Mr. Garland suggested it be communicated to PennDOT. Mr. Garland suggested leaving the north entrance open for the two users that currently use it. The section where the bridge is located would need to be abandoned and Mr. Spriggs parcel would need to access 194 directly.

Supervisor Decker inquired how Mr. Garland achieved access. Mr. Garland indicated he secured access with an agreement of sale. Supervisor Decker inquired if it is a right-of-way or if he purchased the property. Mr. Garland indicated he has an agreement to purchase the property. Supervisor Decker inquired how much area the agreement was for, and Mr. Garland indicated it was a good size area for the access and turning lane. Supervisor Galbraith inquired regarding where the road would be closed off and Mr. Garland indicated that it would close the road from the property line out the northern entrance and the bridge would not be used. Supervisor Galbraith inquired if it could be closed without a turn around. Engineer Brath indicated that normally a cul-de-sac would be put in and the only other way to do it would be to abandon it entirely and turn it over to the property owner in the back. Discussion ensued regarding the property in the back.

Supervisor Wenrich questioned whether Mr. Garland had purchased the property and Mr. Garland indicated he had not. Supervisor Wenrich asked how a plan could be discussed when Mr. Garland doesn't actually own the property. Mr. Garland indicated it was done all the time. Supervisor Wenrich again inquired what constitutes a significant change to send it back to York County. Supervisor Decker indicated that up until now we had a preliminary plan that never showed going out to 194 and always used By-Pass Road; when this was reviewed by the county it wasn't reviewed as access to 194. Supervisor Decker indicated that the Township never directed access be taken out to 194; conversation ensued on this issue.

Supervisor Buckwash indicated that obviously a lot of planning was put into the plans, but he cannot vote in favor where 19 times the YCPC and Transportation Resource Group misidentify Route 194 as Franklinton Road. Supervisor Buckwash is wondering if they can't get the street names straight, what else is wrong.

Mr. Garland is looking to know if the accesses should be left open, closed, or abandoned. Chairman Wenrich suggested discussing this in Executive Session. Solicitor Shaffer inquired what exactly Mr. Garland wanted them to decide tonight. Mr. Garland indicated which way they wanted to go with By-Pass Road; do they want it left open, a three-way stop or do they want the northern end closed. Chairman Wenrich indicated they are not ready to decide tonight. Supervisor Decker indicated that the BOS needs to determine what they are doing with the subdivision before they decide this issue. Discussion ensued regarding all the changes and when it should be sent back to the YCPC. Engineer Brath indicated the reason Mr. Garland was attending the meeting was because in the transportation planning meeting with the county and PennDot there were some questions about By-Pass Road. Engineer Brath indicated that the traffic effort is stalled until a decision is made by the BOS. Discussion ensued regarding the access issue and what exactly was said by the BOS.

Engineer Brath indicated that the issue with By-Pass Road is that the two entrances and exits to By-Pass Road are unsafe to use without being improved. The use of those two entrances would create an unsafe condition and asking to go straight through was not the intent. Solicitor Shaffer indicated this will need to be a board decision. Discussion continued.

A motion was made by Supervisor Christensen to table this issue until next month's meeting.

Second by Supervisor David Buckwash

Discussion: There was no discussion.
The motion carried.

11. Solicitor –

11.1 Solicitor Bret Shaffer will email the PERCS Agreement to Pam to be signed.

11.2 Solicitor Shaffer indicated Penn State has not followed up on the Revised EMS Agreement yet and indicated they will get back to us.

11.3 Solicitor Shaffer emailed Engineer Brath this month about the Clint & Joan Williams plan and needs to talk to their attorney about the Consolidation Deed that was never done. Solicitor Shaffer indicated he needed to check with Pam regarding fees paid at that time. Engineer Brath indicated there is a requirement for landowners to do a Deed of Consolidation and that it is up to them to send it in for review. It is still up to the Williams to file the Deed of Consolidation. Discussion ensued regarding the William's Deed Consolidation and what still needs to be done.

11.4 3-5 Meadowview-Lorin & Sandra Stough to Russell and Kathryn Mason. No action has been taken on this issue at this time.

11.5 APRA funds already discussed.

11.6 Executive Session

A. Water Street Litigation waiting for court to set an argument. They have everything they need but the date has not been set.

C. Bennington Investment Litigation- Solicitor Shaffer sent an email prior to the meeting and will discuss further in the Executive Session.

12. Municipality Reports

12.1 Parks & Recreation –

A. July Minutes-no comments were made.

Chairman Wenrich requested Secretary Kauffman to check to see who pays for the north end porta-potty in Ponderosa Park. Chairman Wenrich indicated that if it is not there, it cannot be tipped over.

A motion was made by Supervisor Buckwash to determine who is responsible for the porta-potty closest to the intersection of Water Street and Mountain Road. If it is determined that we are paying for it, he recommends we terminate the contract as quickly as possible and have it removed.

Second by Supervisor Mark Wenrich

Discussion: There was no discussion.

The motion carried.

12.2 Roadmaster –

A. 150-152 Twin Hills Driveway-Treasurer Williams indicated that we gave them until April 30, 2021, to have the work done on the driveway to bring them into compliance with the Driveway Ordinance. Roadmaster Andy Gibb spoke with the owner and the owner admitted that he did not complete it. The owner indicated he was going to put #4 ballast and stone dust down. Treasurer Williams inquired as to when this would be completed and Roadmaster Gibbs said he wasn't given a specific date by the owner. Chairman Wenrich questions what our recourse was, and Solicitor Shaffer indicated the BOS could file a district justice action. Supervisor Decker asked why we couldn't give a final deadline and if he doesn't fix the driveway, we will fix it and bill the owner for it. Solicitor Shaffer indicated that if he did not pay the township would then need to file a district justice action.

A motion was made by Supervisor Christensen to give 30 days to bring it in to compliance with the township requirements and if he fails to do so, the township will bring it up to code and we will notify him in writing about this.

Second by Supervisor Naomi Decker

Discussion: Chairman Wenrich inquired if it was 30 days from when he received the notice and Solicitor Shaffer indicated the date should line up with the meeting. Supervisor Galbraith inquired if it was possible to get a paving company within 30 days right now and Engineer Brath indicated it was not. Supervisor Galbraith questioned if this is something he can accomplish because of getting supplies. Supervisor Christensen indicated he had time to accomplish this since April through September. Supervisor Galbraith asked how long of a lead out for supplies and Engineer Brath indicated probably eight weeks. It was noted they will be bumping right up against 56 degrees and close to the deadline which is right after October 15. Supervisor Galbraith indicated we should give him the time and Supervisor Christensen said we have given him enough time. Chairman Wenrich indicated you will not get a contractor at this time. Supervisor Decker indicated that it would also have to be at a time the road crew can get it done before the freezing weather. Chairman Wenrich indicated it could still be done if it was 56 degrees. Chairman Buckwash indicated the road crew could do it anytime except in the dead of winter. **Chairman Christensen withdrew his motion.** Supervisor Galbraith indicated if it is 60 days the road crew could still do it and Chairman Wenrich suggested November 10 for a deadline. Chairman Wenrich asked Solicitor Shaffer what his suggestions was. Supervisor Buckwash suggested giving him 30 days and have the road crew complete it and send him the bill. Solicitor Shaffer indicated that he might not have it done in 30 days, but he could have a contract in 30 days. Supervisor Decker indicated the contract should be for it to be done before winter.

After the withdraw of the first motion, a second motion was made.

A motion was made by Supervisor Christensen that we give Mr. Russ Goodling 30 days to have the driveway under contract at 150/152 Twin Hills Drive to pave it up to Township code and notify him by letter if he fails to do so and prove that he does have a contract, that it will be done by the Township, and he will be billed for that work. The contract that he gets must indicate it will be done prior to winter.

Second by Supervisor Naomi Decker

Discussion: There was no discussion.

The motion carried.

B. Debra Lane vs. S. Cherry Lane. Chairman Wenrich indicated that Debra Lane is located straight across Route 15 off Old Cabin Hollow Road at the very first left; it might be 15-20 feet in. The road is designated on one part of the map as S. Cherry Lane and one part is Debra Lane. 911 calls the road S. Cherry Lane and the map we have calls part of it Debra Lane. Engineer Brath looked up what PennDOT designated it as indicated they designate it as S. Cherry Lane; discussion ensued. Treasurer Williams indicated that it used to be a private road and then the Township took it over and it was never changed in the assessment data base. 911 is saying they received a call there recently and when they tried to look up the location from assessment, it listed it with a Debra Lane segment. 911 called the township office and was trying to clarify what the road name is. Treasurer Williams responded that she and Roadmaster Gibb did not know if anything needed to be done on our end. Chairman Wenrich indicated that if 911 has an actual address and fire, EMS and police are calling it the same road and not having to drive around looking for something, we shouldn't have to do anything. Solicitor Shaffer inquired what the owner called/calls it and Engineer Brath inquired if there was a road sign. It was stated there is a street sign that says South Cherry Lane. Chairman Wenrich questioned if they need to take any action because the BOS all agreed it is South Cherry Lane. Solicitor Shaffer indicated he did not think any legal action needed taken and would double check it is correct at assessment.

12.3 Planning Commission –

A. No minutes—August meeting was cancelled.

13. New Business

13.1 Carpet Replacement – No action taken.

13.2 Records Retention Policy – Solicitor Shaffer indicated he was still working on the Records Retention Policy.

13.3 York County Declaration of Disaster Emergency Hurricane Ida – There was no significant damage in the township and discussion ensued. Chairman Wenrich indicated that Secretary Kauffman should ask Laurin Fleming if any supplies, from a township standpoint, were used for Ida.

14. Old Business

14.1 HVAC Duct Cleaning – no mold found, but ducts were very dirty.

14.2 Terminix Service Contract – Chairman Wenrich inquired if the contract with Terminix automatically renewed. He indicated that they do not want to renew with Terminix and felt we could get more for our money with another company. Chairman Wenrich inquired if Secretary Kauffman could get quotes from Gladhill Services, Focus Pests and Home Paramount and in the meantime not to renew the Terminix contract

A motion was made by Chairman Wenrich to not renew the Terminix contract and give them notification that we are not renewing.

Second by Supervisor Buckwash

Discussion: There was no discussion.

The motion carried.

15. Correspondence

15.1 PADot Route 15 Accidents/Old Cabin Hollow Road –Has been addressed.

15.2 York County Major Investment in Economy – Chairman Wenrich indicated it was for the city.

15.3 PADot – I-83 Resurfacing/Ramp Closures – Taking place in Emigsville.

15.4 York County Co-Responder Block Grant – No discussion.

15.5 York County Rocky Ridge Trail – Chairman Wenrich indicated they have nice Christmas lights and are adding more.

15.6 York County Board of Commissioners – West Nile Virus-York City, Dover Borough, Dover Township, E. Manchester, Manchester & Springettsbury townships & York County – Chairman Wenrich said he assumed they found West Nile Virus and suggested if you have standing water at your home to please dump it out.

15.7 Water Shed Alliance of York-19th Annual York Watershed Week – No discussion.

Engineer Brath requested to return to discussing York County. He indicated that while at a presentation a few days ago it was noted how much money is in or will be coming to the state and the county. There are restrictions, but Pennsylvania and the counties are sitting on a lot of money. He indicated most times this money comes attached with strings, but maybe not so much when using it for Broadband because everyone was/is at home working. Using it in this way may alleviate or lessen restrictions on the funds. Chairman Wenrich indicated that this should be placed on next month's agenda and discussion ensued.

16. Public Comment (Resident Concerns)

Dave Sprigg, 6 By-Pass Road, Dillsburg made a couple of comments on the Bennington/Lexington plan. The plan is very old. Initially the township required two accesses in and out of the development plan. There was an existing right-of-way off Glenwood Rd. into the development that was too narrow to be used. One of the first changes to the plan was Bennington acquired property on Glenwood Rd., added that to the plan and added an access road from Glenwood Rd. on the plan now. That diminished a small number of lots. Now there is another change from By-Pass Road to 194. These changes may be minor incrementally but over the life of the plan the changes that have been made cumulatively have to be a significant change to that plan.

Mr. Sprigg appreciates what was said tonight and that the BOS will follow up on it. He also brought up the distances between rights-of-way of By-Pass Road and 194 where the proposed access road is

going. The widest part of that is maybe 40 feet and that is not “a sizeable chunk of land” as the comment was made tonight. He stated It only runs to the north maybe 250 feet to the stop sign. A major part of that swamp is owned by Eric Welshans, and it is not part of Byers property. When this came up before, the Willis farm that sits back the long lane, he had given testimony that if By-Pass Rd. is closed, he cannot access his lane with his farm equipment from the north end of By-Pass Rd. because of the current angle of his lane. Mr. Sprigg explained that his land does not come out at a 90-degree angle and if you come in from the north it is an acute angle to get into his land. He said this was all discussed many years ago back in 2009-2010 and has been around a long time. Mr. Garland indicated that for the record, Mr. Sprigg did talk to the person selling the ground. Mr. Garland indicated that he did not feel as though any substantial changes have/had been made and would appreciate anything the BOS could do in the next 30 days, or if the Board needs more time, to determine if it is substantial change.

17. Executive Session

An Executive Session was requested by Solicitor Bret Shaffer and was held from 9:00 PM to – 9:42 PM. There were no decisions made following this session.

18. Adjournment at 9:43 PM

A motion was made by Supervisor David Buckwash to adjourn the meeting at 9:43 PM

Second by Supervisor David Christensen

Discussion: There was no discussion.

The motion carried

Respectfully submitted,

Traci Kauffman

Traci Kauffman
Secretary
Franklin Township