

FINAL

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
FEBRUARY 10, 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. Sec. Pamela Williams

ABSENT: None

CALL TO ORDER:

The February 10, 2021, Franklin Township Board of Supervisors (BOS) Meeting was called to order at 7:02 p.m. by Chairman Mark Wenrich. 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 Mark Wenrich.

APPROVAL OF MINUTES

A motion was made by Supervisor David Buckwash to approve the January 13, 2021, BOS Regular Meeting Minutes.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

All in favor. The motion carried.

INSULATION BIDS

Chairman Mark Wenrich noted three bids were received in the Township office regarding the R30 insulation Notice that had been advertised in The Dillsburg Banner as per Second Class Township requirements. The one bid by eci Group was received by regular US mail and was accidentally opened by the Township Secretary, Kerri Smith due to the envelope not being clearly marked as a bid. An affidavit from Kerri Smith is attached to these minutes regarding the accidental opening of that bid from eci Group.

The three companies that submitted bids were eci Group, Amerifoam Insulators LLC, and Dutchman Contracting LLC.

The bids that were submitted are as follows:

eci Group bid \$24,800.00

Amerifoam Insulators LLC submitted two bids: one for an equivalent to R-49 at \$14,993.28 and the other for R-31 at \$21,376.72; this contractor's bid was automatically rejected due to the bid not being compliant with the advertisement of R-30 insulation.

Dutchman Contracting LLC bid \$23,800.00.

A motion was made by Chairman Mark Wenrich to award the bid for the R-30 insulation to Dutchman Contracting LLC in the amount of \$23,800.00 with a 10% performance bond being due within 20 day.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

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CONDITIONAL USE HEARING

Chairman Wenrich noted that a Conditional Use Hearing needed to be scheduled for 126 Water Street, Dillsburg, PA 17019, CUH2021-1. Discussion ensued regarding the date availability. Chairman Wenrich is out for surgery on March 8, 2021 and will be out of commission.

A motion was made by Supervisor David Christensen to schedule a Conditional Use Hearing for March 10, 2021, at 6:30 pm for the application submitted by Jason Weaver for the address located at 126 Water Street, Dillsburg, PA 17019.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

Chairman Mark Wenrich abstained. All others were in favor.

The motion carried.

SMALL FLOW FACILITY – HARVEY

Engineer Phil Brath presented a brief overview of the septic system located at Paula and Terry Harvey's address at 166 Hickory Road, Dillsburg, PA, and noted that they are looking to replace it with a small flow treatment facility, which is basically an advanced treatment system. Discussion ensued between Lenny Sizer, Paula and Terry Harvey, Engineer Brath and the BOS regarding the current status of where things stand with putting this small flow treatment facility into place. Further discussion ensued regarding the need for a construction surety in the suggested amount of \$2,000.00 and performance/maintenance surety in the suggested amount of \$3,000.00 as well as a Resolution to be put in place by the BOS.

A motion was made by Chairman Mark Wenrich to accept the Harvey Small Flow Facility with a \$2,000.00 construction surety bond and \$3,000.00 performance/maintenance surety bond contingent upon the execution of the Agreement by the BOS as well as Paula and Terry Harvey providing the Bond to Franklin Township.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

GEOCACHES

Mr. Eric Danielson explained to the BOS an overview about Geocaches and requested that he and his son be able to participate with this in the Township Parks. BOS sees no issue as long as no damage is done to the Parks.

PROPOSED GOVERNANCE & FUNDING PLAN FOR NORTHERN YORK COUNTY FIRE RESCUE

Merger Consultant, Rob Brady, Chief Director of Northern York County Fire Rescue, Mark Snyder and Attorney, Ben Reed were present to discuss the Proposed Governance & Funding Plan. Residents were also present to listen to the presentation and provide comments/concerns. Discussion ensued regarding the overall plan discussed at numerous informal meetings. Supervisor Naomi Decker had requested the meeting minutes and sign in sheets before this meeting took place and was informed that no meeting minutes were taken and sign in sheets were not available for these informal meetings. Supervisor Naomi Decker is disturbed by the lack of transparency by the Fire Company, and she refuses to give the authority to an entity that is not the Board of Supervisors. Several residents spoke up regarding their concerns about the Fire Company not receiving necessary funding to stay in service and the need for assistance. Rob Brady discussed how the funding was split between the Townships currently using the Fire Service. Supervisor David Christensen wants the funding to be split evenly by all Townships using the service, and also inquired about the income, and who would oversee it.

The BOS stated that they had no issue in supporting the Fire Company as there is a need for them, however, they do not agree with an outside Authority overseeing and making decisions without the input of the BOS from the participating Townships. No decision was made this evening. Supervisor Naomi Decker stated that Carroll Township would be holding a meeting on March 1, 2021, at 6:30 pm to discuss this matter as well for those who wished to attend.

PUBLIC COMMENT

Water Street Bridge – Petition to Vacate

Chairman Mark Wenrich spoke about the Petition to Vacate received from the Miller family and opened the floor for any comments/concerns from the public. Attorney Brian Nagle discussed the BOS's advertisement of the

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Petition to Vacate and suggested that the Residents present be able to speak first regarding their concerns on the Petition. Several residents, Brian Fahey, Kevin Cummings, and Marlene Stiffler spoke regarding their concerns about the closure of Water Street due to the bridge being unsafe and why the Miller family was continuing the delay. Glenn Rowe, Brian Nagle, Mrs. Ann Miller, and Leslie Miller spoke regarding their reasons for wanting Water Street vacated especially the expense of the project. Discussion ensued regarding the current state of the bridge and it being unsafe, flooding of the road and liability issues. Chairman Mark Wenrich asked Attorney Brian Nagle who would be liable for the bridge should it collapse if the Township vacated; would the Miller family be responsible? Further discussion ensued. Mrs. Ann Miller started to question Supervisor David Christensen and Solicitor Shaffer requested that Mrs. Ann Miller stop interrogating the BOS. Chairman Wenrich thanked everyone for their comments and concerns and noted that the BOS would discuss the Petition to Vacate in Executive Session.

EXECUTIVE SESSION-

An Executive Session was requested by Solicitor Bret Shaffer and was held from 8:58 PM to 9:04 PM to discuss the Petition to Vacate Water Street Bridge.

After considering the public health, safety and welfare, A motion was made by Supervisor David Buckwash to deny the request Petition to Vacate the .29 mile section of Water Street between Hickory Road and Lake Lea Drive.

Second by Supervisor David Christensen.

Discussion: Vice Chairman Brian Galbraith opposes the motion due to the expense and safety of the bridge and this matter dragging on and on.

Chairman Mark Wenrich, Supervisors David Christensen and Supervisor David Buckwash are in favor.

Supervisor Naomi Decker abstains due to personal relationship with the Miller family.

Vice Chairman Brian Galbraith is opposed.

The motion carried.

Nothing further regarding Water Street is being decided tonight and all parties involved will be notified when a decision will be made regarding the outcome.

ORGANIZATION REPORTS

Police –

A written report was submitted for December 2020 as well as the January 2021 activity report. Supervisor David Christensen noted that in a previous report presented, there were names of Officers who were placed on probation and that he is not comfortable with those names being placed on record. It is a privacy issue.

Fire –

A written report was submitted for January 2021.

EMS –

A written report was submitted for January 2021.

DAA –

A written report was submitted for December 2020. A memorandum was also presented with the Terms of Office for the DAA current members.

Emergency Management-

No written report was submitted.

Laurin Fleming, EMA Coordinator was in attendance via Zoom. Laurin discussed the general decline in hospitalization, that there are variations of the COVID-19 showing up that could cause another spike in cases, 160,000 doses of the vaccination are being given a week, and that he recommends the continuation of the Disaster Declaration. Laurin also discussed the 2021 Spring All-Hazards Exercise that is scheduled for April 22, 2021 from 9:00 am to 12:00 pm. This is an internal, county-wide exercise and if anyone is interested they should complete the form located at <https://forms.gle/svrogtgBadjcymsr-5>. Secretary Kerri Smith asked Laurin Fleming if the Township Roadcrew would be able to use the cots currently in the EMS storage area during times of snow plowing weather that the Roadcrew sleeps at the Municipal Building; Laurin Fleming authorized the use of cots for the Roadcrew.

Route 15 Transportation –

No written report was submitted.

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Engineer Phil Brath stated he attended the SR15-034 Public Stakeholders Informative Meeting. Discussion ensued regarding the projection description and projected schedule.

Engineer's Report-

A written report was submitted for January 2021. Supervisor David Buckwash brought up the litigation regarding Bennington Investment Group/Brookshire Mobile Home Park and how a form is being signed every two years to continue the litigation. Supervisor Buckwash inquired if there was any way to get this completed any sooner. Solicitor Shaffer discussed the backlog of the current court dockets and did not feel that it would be anytime soon.

SEO Alternate—Engineer Brath noted that he does not have any licensed SEO's currently on his staff that could be used for the Township's Alternate SEO. Engineer Brath reached out to SEO, Gary Morrow for any input and we were provided three names of qualified SEO's to be considered. Discussion ensued regarding the three names suggested by SEO Morrow which were Brant Fink, Jr., Tim Wargo and David Morrow.

A motion was made by Chairman Mark Wenrich to appoint David Morrow as the Alternate SEO.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

All in favor. The motion carried.

York County Bridge 237—Lost Hollow Rd. Preliminary Detour Route—Engineer Phil Brath gave an overview of the preliminary detour route noting it would be in accordance with PennDOT policies and procedures and would have 20-13 signs posted. Discussion ensued.

A motion was made by Chairman Mark Wenrich to approve the suggested detour for Lost Hollow Road for the work being done on York County Bridge 237.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

YCPC Project 21-008-Northern York County Regional Comprehensive Plan Amendments—Engineer Phil Brath discussed the rezoning being reviewed in Carroll Township and the need to change the Comprehensive Plan whenever a change to Zoning occurs. Carroll Township's Secretary, Faye Romberger is sending a letter to all surrounding townships regarding their Zoning changes. Carroll Township has a meeting scheduled for April 19, 2021, at 6:30 pm at their Municipal office to discuss the Comprehensive Plan Amendments if anyone is interested in attending.

Franklin Glen Update—

Engineer Phil Brath discussed the status of outstanding issues with Franklin Glen Homeowners Association and the current pending suit. Discussion ensued regarding the basin, sediment, stormwater basin and what is needing done yet to meet the outstanding requirements. Solicitor Shaffer noted that the stormwater basin issue has been taken care of and suggested the BOS drop the suit against the HOA. Engineer Brath has no objections to this being done.

A motion was made by Chairman Mark Wenrich to vacate suit against Franklin Glen Homeowners Association.

Second by Supervisor David Christensen.

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: 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 Chairman Mark Wenrich to accept the report.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

All in favor. The motion carried.

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Treasurers Memorandum-

Treasurer/Asst. Sec. Pam Williams discussed PSATS Pennsylvania Municipalities Pension Trust Act 44 Disclosure Form which needs to be formally accepted by the BOS. Discussion ensued.

A motion was made by Chairman Mark Wenrich to adopt PSATS Pennsylvania Municipalities Pension Trust Act 44 Disclosure Form for 2021.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

All in favor. The motion carried.

Treasurer/Asst. Sec. Pam Williams discussed Pension and GASB 67 & 68 Reports completed by the PA Municipalities Pension Trust's plan actuary and the fee of \$500.00 per year. Discussion ensued regarding whether it is necessary to have it done every year; next one would be done in 2022.

A motion was made by Chairman Mark Wenrich for GASB reports to be every other year rather than annually and to have the fee of \$500.00 to be deducted from the assets of the Pension Plan.

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 January 2021.

SUBDIVISION AND LAND DEVELOPMENT

David Habowski, HD Engineering Solutions, Inc. on behalf of 717 Ranch, LLC submitted a letter requesting an extension of time to Franklin Township until May 21, 2021, for the 715 and 717 Range End Road project.

A motion was made by Chairman Mark Wenrich to accept 717 Ranch, LLC's (715 and 717 Range End Road) Request for Extension of Time through May 21, 2021.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

Engineer Phil Brath noted that the L-Cubed -Revised plan was for informational purposes only. This plan needs to be discussed at the March Planning Commission meeting due to their February meeting being cancelled due to snow.

SOLICITOR REPORT

Zoning Amendment—Solicitor Bret Shaffer discussed the letter received from the York County Planning Commission. Discussion ensued regarding the wording of the amendment. Tabled for March meeting.

Revised EMS Agreement—Solicitor Bret Shaffer noted that there are several items (seat on advisory, monthly reporting) that need to be included in this agreement before final approval, also amending ordinance to include the name change of the entity and Laurin would need to change the emergency plan to include name change of entity. Discussion ensued. BOS authorized Solicitor Shaffer to amend the ordinance. Tabled for March meeting.

3-5 Meadowview—Lorin & Sandra Stough to Russell & Kathryn Mason—Tabled for March meeting; no new update.

Clint & Joann Williams—Tabled for March meeting; no new update.

Open Records office link—Solicitor Bret Shaffer noted that this link should be made available to the public on the Township webpage and in office. Treasurer/Asst. Secretary, Pam Williams noted that she has posted to Township webpage and is currently posted to Township bulletin board in the office.

Executive Session – Not needed at this time.

MUNICIPAL REPORTS

Parks & Recreation –

A written report was submitted for December 2020.

Appointment to Parks & Recreation Board—A letter of interest to be serve on the Parks & Recreation Board was received from Kathy Oberg. Discussion ensued.

A motion was made by Chairman Mark Wenrich to appoint Kathy Oberg to the Parks & Recreation Board for a five-year term.

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Second by Vice Chairman Brian Galbraith.

Discussion: There was no discussion.

All in favor. The motion carried.

Girl Scouts Earth Day—An email was received from Cathy Wedemyer regarding the use of Ponderosa Park for an all-day Earth Day event on Saturday, May 1, 2021. Discussion ensued regarding this being for the Eco Awareness Patch. Engineer Brath discussed how this would be of value for the Township regarding the Chesapeake Bay permit and needing brochures for exemption. The BOS approved the all-day use for this event. Cathy Wedemyer is to contact the Township office with more information regarding the event.

Roadmaster –

The report was included in the Treasurer's packet.

Cots for Roadcrew—Approved use of the cots currently in the Emergency Management section of the shed.

Planning Commission – No written report; February meeting was cancelled due to snow.

NEW BUSINESS

Adobe Acrobat Pro—Secretary Kerri Smith needs for office use to make edits to pdf documents.

A motion was made by Chairman Mark Wenrich to purchase a 1-year subscription for the amount of \$179.88 for the Adobe Acrobat Pro.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

Additional Office Cleaning—Secretary Kerri Smith requested an additional day of office cleaning; it currently is at one day a month, so this would make it two days a month. Kerri presented the price of \$150.00 for two days a month. Discussion ensued.

A motion was made by Chairman Mark Wenrich for Kerri Smith to get the current cleaning contract updated to two days a month for the cost of \$150.00 a month.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

York County Zoning & Building Permit Officials Association—Information was received regarding the 2021 Schedule of Meetings. Discussion ensued and it was decided no one from the Township needed to attend these meetings.

PSATS 2021 Conference—Conference is being held April 18-21, 2021. Discussion ensued regarding attendance of conference by the Secretary and Treasurer/Asst. Secretary and if there were any others who would like to attend. The Secretary is the voting delegate, so attendance is necessary. Registration is currently open.

2021 Boundary & Annexation Survey (BAS)—Email was received from U.S. Census Bureau regarding the current survey to ensure that the Census Bureau has current and accurate boundary, legal name, and status information for our government. Discussion ensued regarding the County already reporting and wanting to continue with this.

A motion was made by Chairman Mark Wenrich for Kerri Smith to complete the 2021 Boundary & Annexation Survey paperwork authorizing York County to report for Franklin Township.

Second by Supervisor David Buckwash.

Discussion: Supervisor Naomi Decker questioned whether the county could change anything. Solicitor Shaffer noted they could not.

All in favor. The motion carried.

Deadline approaching for Changing Tax Collector Compensation—Discussion ensued regarding the email received from PSATS regarding the deadline of February 15, 2021, for changing Tax Collector Compensation for collecting the real estate tax, which would need to be done by ordinance or resolution for taking effect for 2022.

A motion was made by Chairman Mark Wenrich to adopt Resolution 2021-2 to change the Tax Collector's rate from 5% to 6% effective for 2022.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

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All in favor. The motion carried.

PADEP-2021 ALA Targeted Radon Survey—Radon Division of the Department of Environmental Protection would like to send a letter with an offer for a free radon test kit to residents within Franklin Township, in order to do so, they would need a listing of all residential property addresses. Discussion ensued regarding address listing and whether Rhonda Harpster would have listing of taxpayers. Pam Williams is to reach out to Rhonda Harpster to inquire about listing for posting to Township webpage.

A motion was made by Chairman Mark Wenrich to allow Treasurer/Asst. Secretary Pam Williams to reach out to Rhonda Harpster to inquire about the list for taxpayers or reach out to the ALA to see if just putting it on the Township webpage is okay.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

All in favor. The motion carried.

Girl Scouts Earth Day—

A motion was made by Chairman Mark Wenrich to waive the Ponderosa Park Pavilion rental fee for the Girl Scouts Earth Day event on Saturday, May 1, 2021, if they provide an agenda and list of attendees for the Earth Day event.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

All in favor. The motion carried.

OLD BUSINESS

DAA Representative & Zoning/Codes Officer—Discussion ensued regarding the interview previously held for the Zoning/Codes Officer and nothing received for the DAA Representative.

A motion was made by Chairman Mark Wenrich to offer Zoning/Code Enforcement/Non-UCC position to PA Municipal Code Alliance.

Second by Supervisor David Christensen.

Discussion: There was discussion regarding their hourly rate for Non-UCC and to send the fee schedule to Solicitor Bret Shaffer before decision can be made.

This Motion has been retracted. Tabled for March meeting.

ASA Resolutions Presentation, Douglas Wolfgang—Discussion ensued regarding possible in person meeting dates. Secretary, Kerri Smith is to check for possible date of June 9, 2021, to be held in person. Tabled for April 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 Chairman Mark Wenrich to continue daily cleaning of the porta potties in both Parks by Walters Services until the March 10, 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.

Security System—Supervisor David Christensen gave an update on this matter. Discussion ensued regarding an on-site evaluation by COSTARS, memory space, battery backup and access control system advertisement. Tabled for March meeting.

Extension of Declaration of Disaster—extended through March 10, 2021

A motion was made by Chairman Mark Wenrich to extend the Emergency Disaster Declaration through March 10, 2021.

Second by Supervisor David Buckwash.

Discussion: There was none.

All in favor. The motion carried.

CORRESPONDENCE

York County Conservation District Seedling Sale—posted to Township bulletin board—no action taken.

YATB December 2020 Distribution of Earned Income Taxes Summary—no action taken.

York County Commissioner's News Release—1.20.2021—no action taken.

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Northern York County EMS Advisory Council Update—no action taken.

Summary of YATB Board Meeting—no action taken.

AARP Tax Aide offering free tax preparation—no action taken.

York County Commissioner's News Release 2.3.2021-YoCo Fiber Broadband Task Force—no action taken.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION-

None was needed.

ADJOURNMENT at 9:44 p.m.

A motion was made by Supervisor David Buckwash to adjourn the meeting at **10:57pm**.

Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

The motion carried.

Respectfully submitted,

Kerri J. Smith

Kerri J. Smith

Secretary