

FINAL

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
JANUARY 13, 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 January 13, 2021, Franklin Township Board of Supervisors (BOS) Meeting was called to order at 7:04 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 December 9, 2020, BOS CUH2020-3 Meeting Minutes.

Second by Chairman Mark Wenrich.

Discussion: Supervisor David Christensen abstained as he was not at the meeting. There was no discussion.

The motion carried.

A motion was made by Supervisor David Buckwash to approve the December 9, 2020 Regular Meeting Minutes.

Second by Chairman Mark Wenrich.

Discussion: Supervisor David Christensen abstained as he was not at the meeting. There was no discussion.

The motion carried.

A motion was made by Supervisor Naomi Decker to approve the December 30, 2020, BOS Fee Schedule Workshop Meeting Minutes.

Second by Supervisor David Christensen.

Discussion: Chairman Mark Wenrich abstained as he was not at the meeting. There was no discussion.

The motion carried.

A motion was made by Chairman Mark Wenrich to approve the January 4, 2021, BOS Reorganization Meeting Minutes.

Second by Supervisor Naomi Decker.

Discussion: Supervisor David Buckwash abstained as he was not at the meeting. There was no discussion.

The motion carried.

PUBLIC COMMENT

There was no public comment.

ORGANIZATION REPORTS

Police –

A written report was submitted for November 2020.

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The BOS discussed the new report being provided from NYCRP. Supervisor David Christensen inquired about if anything was found out yet from Chief Lash about the foot patrol being conducted on Water Street. Chairman Wenrich noted that the December Police meeting was cancelled, and he is going to bring this up to Chief Lash at the January meeting and would report afterwards. Supervisor Naomi Decker is amazed at the amount of calls the Police Department responds to on a daily basis.

Fire –

A written report was submitted for December 2020.

Dillsburg and Franklintown Volunteer Firefighter Relief Associations Merger—Discussion ensued. Solicitor Bret Shaffer will look into the matter to see if any Ordinances or internal policies need updated to reflect this change. Proposed Governance & Funding Plan for Northern York County Fire Rescue—Discussion ensued with how this is going to affect the residents/property owners and if the Township has any standing with decisions being made. Chairman Mark Wenrich suggested having someone from the Department attend the February meeting to answer questions and provide a better explanation of the changes to be made.

A motion was made by Supervisor David Christensen to send a letter to Northern York County Fire Rescue inviting them to attend the BOS February Regular Meeting so they could provide an explanation of the Governance & Funding Plan and answer any questions.

Second by Supervisor David Buckwash.

Discussion: Supervisor Naomi Decker opposes any new bureaucracy being formed without any public input and no way out.

The motion carried.

EMS –

A written report was submitted for both November and December 2020.

DAA –

A written report was submitted for November 2020.

Emergency Management-

No written report was submitted.

Laurin Fleming, EMA Coordinator was in attendance via Zoom. He stated that Pennsylvania is 3rd or 4th in the Nation with a high death toll. York Hospital is currently at 115-125% capacity. No activity this month. Laurin noted that he is currently working on the Emergency Plan, getting a Certification Class scheduled for the Fall, CERT Teams may be needed for assistance in getting additional vaccination sites set up, and also noted that the equipment may be borrowed rather than donated, if approved by the BOS. Laurin recommended that the BOS keep the Emergency Disaster Declaration active. Laurin will keep the BOS in the loop if he and his team need to take any further actions.

Route 15 Transportation –

No written report was submitted.

Engineer Phil Brath provided updated drawings/plans for review by the BOS. Discussion ensued regarding location and status of the project. Supervisor David Christensen requested a copy of the drawings. Engineer Phil Brath is to email a pdf version of the drawings to Secretary Kerri Smith, so she is able to provide a copy to the BOS.

Engineer's Report-

A written report was submitted for December 2020.

Doug Diverter—discussion ensued regarding small flow treatment facilities, noting the Township currently has five of them, the need for yearly inspections to be completed by the SEO with assistance from the Engineer, and the process involved. Engineer Phil Brath noted that an inspection needs to be completed for this property and recommends that it be done by the SEO.

A motion was made by Chairman Mark Wenrich for the SEO, Gary Morrow to inspect all of the small flow treatment plants in our Township when required by their permit and also to bill the customer accordingly.

Second by Supervisor David Buckwash.

Discussion: There was discussion regarding the inspections and billing of these services for the small flow treatment facilities.

The motion carried.

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Sewage Planning Module for 166 Hickory Road—Engineer Phil Brath gave an overview of the paperwork received and the necessary steps to be taken, noting that the Township has only a handful of them currently. Discussion ensued regarding a new Resolution for the Sewage Planning Modules, the agreement with the Township and yearly inspections, mostly informational at this time. Tabled for February.

Heavenwood Farm Improvements Guarantee Elimination Request—Engineer Phil Brath discussed the letter that was received by William K. Wilkison dated December 28, 2020, regarding Heavenwood Farms surety reduction confirming completion of the project and recommending release of surety. Discussion ensued regarding status of construction, the final conformance with applicable plans, specifications or municipal requirements and the ability to pass any final applicable test requirements.

A motion was made by Chairman Mark Wenrich to release the Belco Letter of Credit No. 1059496 L0001 for Heavenwood Farms in the amount of \$25,000.16.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Water Street Memorandum—Engineer Phil Brath provided a memorandum with several options to discuss: 1) Leave the bridge in place and abandon road; 2) Demolish the bridge and abandon the road; 3) Leave the road closed for an indefinite time period while we continue to look for a solution; 4) Push forward with the current design and request easements for construction or seek permanent easements by legal means through court; 5) Leave the bridge in place, make it a pedestrian only bridge by adding railings and necessary safety improvements along with making the road a path or hike/bike/horse trail rather than a road; currently, there are no existing trails along that area; and 6) Revise the structure to a single lane culvert/bridge and complete all improvements in the exiting right-of-way. Discussion ensued.

The DEP said that they can review a redesign for eligibility under the same registration that was submitted. However, they would require Franklin Township to submit an entire complete registration package with the redesign, including the forms and documents that do not change. If anything in the registration form changes, then the form must be resigned. This would be relatively simple, but still expected to be several thousands of dollars in updating drawings and preparing revised hydraulic calculations. Solicitor Shaffer does not feel that the bike/horse trail is feasible, he would need to research it further.

Discussion ensued whether or not a decision would be made tonight regarding the Water Street matter in light of the Petition to Vacate received from the Miller family today. Supervisor David Christensen commented that he thinks it is best to have a decision sooner rather than later as it has already been delayed long enough. Supervisor Naomi Decker stated that she felt this matter be discussed in the Executive Session at the end of this meeting.

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.

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.

The motion carried.

Treasurers Memorandum-Treasurer/Asst. Sec. Pam Williams remarked about the funds remaining from the closeout of accounts and the monies to be invested in CD's. The accounts were closed as instructed and the monies were invested into five \$130,000 CD's through Members 1st FCU. There was \$9,400 left from the closeouts of the accounts which was deposited into the Members 1st FCU General Fund Money Market account. Pam asked the BOS if they wanted to leave the money in this account or add to it and open a sixth CD. She also asked permission to move the Liquid Fuels monies from M & T Bank to F & M Trust. She stated the interest rates have always been the best at F & M and we are currently receiving no interest at M & T Bank. The BOS discussed leaving it in the Members 1st FCU Money Market account.

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A motion was made by Chairman Mark Wenrich to move Liquid Fuels money from M&T Bank into F&M Trust and close out the account at M&T Bank.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Pam stated the need to assign a primary and alternate for the York Adams Tax Bureau as well as for the TCC Representative and Alternate. Discussion ensued regarding the Township Tax Collector, Rhonda Harpster being the Representative and Pam Williams as the Alternate. The BOS decided that Franklin Township's Representative with YATB would be Pam Williams with Rhonda Harpster being the alternate, and with TCC the representative would be Rhonda Harpster with Pam Williams being the alternate for the monthly meetings.

Pam noted that additional CARES ACT Funds in the amount of \$6,244.28 were received in the Township office from York County. The Annual Audit by SEK is scheduled for February 3 through February 5, 2021. Pam noted that she contacted the Treasurer's Bond insurance company and notified them of the increase of the Treasurer's Bond to \$1.4 million.

Pam presented the estimate from Stamm Solutions for an additional 50" display monitor to be placed in the conference room for use in various meetings for the display of plans, drawings, etc. for public viewing. Discussion ensued regarding the current need. Secretary Kerri Smith discussed the need not only for meetings being held now but also for future meetings.

A motion was made by Supervisor David Christensen to approve the estimate from Stamm Solutions for the purchase of the 50" display with mount and cabling and consulting services.

Second by Supervisor David Buckwash.

Supervisor Naomi Decker, Supervisor Brian Galbraith and Chairman Mark Wenrich all opposed.

Discussion: Chairman Wenrich felt there was not a need for it now and that it could be addressed at a later time.

The motion did not carry.

Pam spoke about the transfer of funds over \$250,000 to Members 1st FCU and the email that was received from Members 1st FCU regarding the collateralization of aggregation of public funds. Discussion ensued regarding the NCUA insurance limit and how this is being handled. The email from Members 1st FCU provided the following information about the collateralization of aggregation of public funds:

"As part of Act 72, Members 1st FCU will pledge funds to collateralize in aggregate the public funds that we have on deposit. The funds are pledged for any balances on public fund accounts in excess of the \$250,000 NCUA insurance limit. Members 1st FCU does not offer any form of re-purchase agreements at this time, but this may not be an issue since all public funds are collateralized. Feel free to reach out with any additional questions."

CANDIDATES FOR ZONING OFFICER

Discussion ensued regarding the two candidates that were interviewed, Jared Gasiewski from Barry Isett & Associates, Inc. and NOAH, as well as other possibilities, and the BOS decided to continue with the search for candidates. The BOS decided to expand the advertisement to other newspapers outside of the local area to try to attract more interest and hopefully be able to fill the vacancy sooner.

A motion was made by Chairman Mark Wenrich to readvertise the Zoning/Code Enforcement Officer vacancy in The Gettysburg Times (either Sunday or Saturday) and The Sentinel (Saturday) for two times a month.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

BCO / ZONING OFFICER'S REPORT

A written report was submitted for December 2020.

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 February 28, 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 until February 28, 2021.

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Second by Supervisor Naomi Decker.

Discussion: There was no discussion.

The motion carried.

SOLICITOR REPORT

Resolution for amendments to Employee Handbook—Solicitor Bret Shaffer discussed the amendments made to the handbook regarding sick and vacation time for full time and part time employees starting after January 1, 2019 and noted that this had previously been voted on and the need for final signatures.

Clint & Joann Williams follow-up—Solicitor Bret Shaffer is waiting to hear from the William's attorney. No new update.

3-5 Meadowview—Lorin & Sandra Stough to Russell and Kathryn Mason—Solicitor Bret Shaffer noted that this is another sewage planning module, he is currently working on this one and that Kathryn Mason is working on the DEP paperwork; no new update.

CUH Decision—Solicitor Bret Shaffer noted that this needed to be discussed in Executive Session.

Executive Session—Solicitor Bret Shaffer noted that it was not needed at this time as it is taking place at the end of the meeting to discuss the CUH Decision and the Water Street Bridge matter.

AgSecurity Presentation by PA Department of Agriculture Director, Douglas Wolfgang – Solicitor Bret Shaffer inquired about scheduling the presentation by Director Wolfgang. The BOS agreed to trying for a presentation to be held at the Township building in April or May 2021. Secretary Kerri Smith is to reach out to Director Wolfgang for his availability.

MUNICIPAL REPORTS

Parks & Recreation –

A written report was submitted for October 2020.

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 February BOS meeting at which time it will be reevaluated.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Park Bench replacement due to vandalism—Discussion ensued regarding whether or not to submit an insurance claim or if the Township should just use available funds from the General Funds account to replace the bench.

A motion was made by Supervisor David Christensen to use the funds out of the General Fund account to replace the bench damaged by vandalism at Ponderosa Park.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

The motion carried.

Roadmaster –

The report was included in the Treasurer's packet.

Insulation Bids—Discussion ensued regarding the three bids for both R19 and R30 insulation presented to the BOS, the expense of each, and the requirement to advertise per 2nd Class Township Code for sealed bids when the amount is over \$21,000.00. It was decided that the R30 insulation was the better choice for the garage. Solicitor Shaffer noted that this would need to be advertised per the 2nd Class Township Code requirements. Tabled for February meeting.

A motion was made by Chairman Mark Wenrich to advertise for sealed bids for the garage insulation (R30 insulation) at least twice before the February 10, 2021, BOS Regular meeting.

Second by Supervisor David Christensen.

Discussion: Supervisor Naomi Decker inquired on whether we advertise for both or just the R30; it was decided just the R30 insulation was to be advertised.

The motion carried.

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Panel Replacement—Secretary Kerri Smith called Roadmaster Andy Gibb to discuss the status of the replacement of the current panel box. Roadmaster Andy Gibb noted that a new panel box with updated breakers would be installed.

Planning Commission – No written report.

NEW BUSINESS

2021 Zoning Hearing Meeting Dates/Submission Dates

A motion was made by Chairman Mark Wenrich to approve the advertisement for the 2021 Zoning Hearing Board Meeting and Submission dates.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

The motion carried.

2021 Planning Commission Hearing Meeting Dates/Submission Dates –Engineer Phil Brath noted that he is not available for Monday meetings. He noted he could provide another Engineer from his firm as he previously did with Andrew Reese. If we wanted to continue with Phil, then the meeting dates would need to be changed. Supervisor David Christensen noted that he would like to discuss this with the Planning Commission before giving final approval of these dates. Tabled until the February BOS Regular meeting.

YATB & TCC Township Representatives—Previously discussed in Treasurer Memorandum section

Board of Auditors January 5, 2021, Reorganization Meeting Minutes—FYI Only

OLD BUSINESS

DAA Representative & Zoning/Codes Officer—Discussion ensued regarding continued advertisement to get these vacancies filled. The Zoning/Codes Officer was previously discussed, and motion made to continue advertisement.

A motion was made by Supervisor David Christensen to advertise three additional times in The Dillsburg Banner for the DAA Representative vacancy.

Second by Supervisor David Buckwash.

Discussion: There was no discussion.

The motion carried.

Security System—Supervisor David Christensen apologized for not getting on this issue sooner. He noted about the COSTARS status for one of the quotes previously obtained and questioned Solicitor Shaffer as to whether advertisement is needed and if the Township is able to just go with the one quote that is COSTARS qualified. Solicitor Bret Shaffer is going to research this and provide information. Supervisor Naomi Decker brought up the quote from Jason of Stamm Solutions to be considered as well since we currently work with him on IT matters. Discussion ensued. Tabled to February meeting.

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

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

Second by Supervisor David Buckwash.

Discussion: Secretary Kerri Smith inquired on whether it would be possible to have the extension of the Declaration set for a few months at a time rather than the current month-by-month basis. Chairman Wenrich stated that per Solicitor Bret Shaffer's recommendation the Township would keep it as a month-to-month basis approval.

The motion carried.

CORRESPONDENCE

Dillsburg Area Public Library donation by Franklin Township—no action taken.

New Hope Ministries donation by Franklin Township—no action taken.

Dillsburg Community Fair Association donation by Franklin Township—no action taken.

YC Solid Waste Authority Suspends/Resumes Residential Electronics Recycling due to COVID-19—no action taken.

York County Solid Waste Authority Suspends Free In-Person Facility Tours due to COVID-19—no action taken.

York County Operations Release 12.9.2020—no action taken.

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CARES ACT Funding Allocations Press Release 12.9.2020—no action taken.

Municipal Assistance Program Applications Open for Floodplain Management—no action taken.

PENNDOT Traffic Counters—set January to April 2021—no action taken.

APPRISE (PA State Health Insurance Assistance Program) —no action taken.

York County Commissioners News Release—no action taken.

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

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION-

An Executive Session was requested by Solicitor Bret Shaffer and was held from 9:09 PM to 9:34 PM to discuss the Wenger CUH2020-3 decision and the Water Street Bridge matter.

Regarding the Conditional Use Hearing, CUH2020-3 with Jared and Carol Wenger:

A motion was made by Supervisor David Buckwash that the Franklin Township BOS advise the Wenger's that they need to go before the Franklin Township Zoning Hearing Board to obtain a dimensional variance and the BOS also authorized the waiving of the fee associated with the Zoning Hearing.

Second by Chairman Mark Wenrich.

Discussion: There was no discussion.

The motion carried.

Chairman Mark Wenrich noted that the second part of the Executive Session pertained to Water Street and the Petition to Vacate that was just received tonight, January 13, 2021. The BOS did not make any decision tonight. However, there will be a decision made at the February 10, 2021, BOS Regular meeting. Chairman Wenrich noted that this meeting would be advertised and requested Secretary Kerri Smith to contact the parties involved that previously requested notification on any action pertaining to Water Street.

A motion was made and amended by Chairman Mark Wenrich to advertise in The Dillsburg Banner the subject of Water Street being discussed at the next BOS Regular Meeting on February 10, 2021, and to notify all parties involved prior to the meeting as well as posting of the Petition to Vacate for public viewing and knowledge and having posted to the bulletin board in the Township office.

Second by Supervisor David Buckwash.

Discussion: The Miller family had questions about the BOS "hearing" on February 10, 2021. Solicitor Shaffer noted that it would not be a hearing but rather a regularly held meeting. All of the parties involved will have a chance to present their concerns and the comments would be limited to 5 minutes, so this matter does not drag on. There was also discussion about the posting of the Petition to Vacate filed by the Miller family on the Township webpage. Solicitor Shaffer will discuss this further with the Miller family Attorney, Brian Nagle. Supervisor David Christensen further pointed out his opposition to this matter, and that he would like to have this matter taken care of as soon as possible.

Supervisor David Christensen opposed; all other Supervisors were in favor.

The motion carried.

ADJOURNMENT at 9:44 p.m.

A motion was made by Supervisor David Buckwash to adjourn the meeting at **9:44pm**.

Second by Supervisor David Christensen.

Discussion: There was no discussion.

The motion carried.

Respectfully submitted,

Kerri J. Smith

Kerri J. Smith
Secretary