

**Franklin Township, Adams County
Board of Supervisors
Regular Meeting
July 11, 2019**

SUPERVISORS PRESENT: Supervisor Crushong, Supervisor Williams, and Supervisor Santay via skype.

OTHERS PRESENT: Bernie Yannetti, Solicitor, Brandon Guiher, KPI Technology, Curtis MacBeth, Roadmaster, and Susan Plank, Secretary/Treasurer.

CALL TO ORDER

PLEDGE OF ALLEGIENCE

PUBLIC COMMENT OF AGENDA ITEMS ONLY

No Comments.

APPROVAL OF MINUTES

MOTION by Supervisor Williams, seconded by Supervisor Santay to approve the June Board of Supervisors Meeting Minutes of June 6, 2019 and the Workshop Meeting Minutes of June 20, 2019. Motion carried, 3-0.

APPROVAL OF BILL LIST #7

MOTION by Supervisor Williams, seconded by Supervisor Santay to approve Bill List #7 General Fund Checks 35728 - 35762 totaling \$36,060.10. Motion carried, 3-0.

PRELIMINARY/FINAL PLAN

Kalathas Extension Letter – PennDot has not approved their High Occupancy Permit. Mr. Mark Bard informed the Township office that he expects it any day.

Motion by Supervisor Santay, seconded by Supervisor Williams to grant a 90-day extension to Kalathas Mini Storage Land Development Plan. Motion carried, 3-0.

Ketterman Subdivision: Brandon Guiher, KPI Technologies informed everyone that the owner is requesting a modification for the bearing and distances for the boundary Lines for Lot 1 and also a waiver of the Wetland Delineation and Report for Lot 1 as required. There is a total of six (6) comments made by KPI Technologies on June 14, 2019. Supervisor Crushong mentioned that the waiver request is because this is a lot addition and not a building lot. Solicitor Yannetti agreed and said that it is parents giving land to

their son. Supervisor Crushong asked Solicitor Yannetti if he had reviewed what needs to be done with the portion of the lot where it splits. Solicitor Yannetti replied yes, he has and there was an issue where the parent's lot would be two (2) separate lots and Bob Sharrah needs to move the line in order to make two lots into one. Solicitor Yannetti informed everyone that can be done easily and he can review the deed once it is done. Solicitor Yannetti informed the Board that time is up and they have to take action tonight. Solicitor Yannetti informed the Board that they could give conditional based on the comments from KPI Technologies which would be granting the two (2) waivers and reconfiguration of the lot that goes to the parents one (1) lot and not two (2) separated lots. Solicitor Yannetti added that the Planning Commission recommended conditional approval based on everything that he had mentioned.

MOTION by Supervisor Santay, seconded by Supervisor Williams to give conditional approval of the Ketterman Subdivision based on all six (6) comments from KPI Technologies' letter dated, June 14, 2019. Motion carried, 3-0.

Hartzell Subdivision: Solicitor Yannetti informed everyone that the Planning Commission review the matter at their meeting and their recommendation is that the plan not be approved. The reason they gave basically dealt with the note on that was on the plan, however; Solicitor Yannetti does not think they reviewed all the aspects of the plan. The Township is in receipt of both comments from KPI Technologies and Land and Sea Services regarding a need for a variance to be able to approve any plan. Solicitor Yannetti asked Mr. John Murphy what their intentions were. Solicitor Yannetti understands that they have the approval of the existing residents that live there but asked about the issue with the road frontage on Lot 5 that Land and Sea has brought to the attention of the Township? Solicitor Yannetti mentioned that he cannot speak for the Supervisors but it would seem to him that the best thing Mr. Murphy could do for his client is to request for an extension and waive either approval or denial for the existing plan which expires on July 15, 2019. Solicitor Yannetti mentioned that he understands Mr. Murphy and his client's predicament but he does not know how to get around the road frontage issue on the plan as it is submitted. Mr. Murphy commented that Land and Sea's comments were just handed to them, which the Board understands. Mr. Murphy understands that it is late in the game and that they really don't have time to understand what is really happening but they are here today to try to get over the hump of the previous Subdivision plan. Mr. Murphy and his client would like some guidance on whether the Board would allow the subdivision to go forward pending them addressing the issue that was just presented to them from Land and Sea Services that would put them in a better position to address the issue. Mr. Murphy mentioned that he and Bernie has exchanged case laws and statues and he thinks that they made their position clear last time. They are just looking for some guidance from the Board once they address the comments from Land and Sea Service. Supervisor Crushong agreed with the comment to get the approval of the homeowners that are surrounding this subdivision was a good idea and that is why Supervisor Crushong suggested to give the 90-day extension at the Planning Commission but the other members did not agree with this suggestion. Supervisor Crushong mentioned that since there are agreements with the current homeowners agreeing that they do not have a problem with this subdivision that he does not have a problem with it moving forward. Mr. Murphy informed the Board that Mr. Sanborn and Mr. Topper who will be received lot additions once the subdivision move

forward have agreed to the subdivision. They would be on board to sign a release concerning the subdivision. Supervisor Williams informed Mr. Murphy and his client that if they remedy the problem with the road frontage that he would have no problem with the subdivision. Supervisor Williams was asked how much more road frontage does Mr. Hartzell need and Supervisor Williams answered that he needs roughly another 100 feet to come in accordance with the Zoning Ordinance. Solicitor Yannetti mentioned that he thinks what Mr. Murphy and his client is hearing is that if they can address the comment from Land and Sea concerning road frontage that the Board does not have a problem with the subdivision. Supervisor Santay commented that there are two (2) residents there but there is also a Holt that the Township would need a release from also, correct? Mr. Murphy informed the Board that they would obtain a release from the Holt property owners also. Supervisor Crushong informed Supervisor Santay that Mr. Murphy and his client would get releases from all three (3) current property owners. Solicitor Yannetti informed Mr. Murphy and his client that the Board would need releases from all the residents of the original subdivision and Mr. Murphy agreed. Supervisor Crushong informed every one that this is setting a precedent to any future similar subdivisions. Darrin Hartzell asked the Board that when the original subdivision was approved did this lot have the approved road frontage at that time. Solicitor Yannetti informed Mr. Hartzell that the Township would not know that answer at this time. Mr. Hartzell informed the Board that he only took 25' off the road frontage so he is thinking that this lot did not have the road frontage on the original subdivision plans. Solicitor Yannetti informed Mr. Hartzell that this is something that he could point out if he goes further with the issue but he would need to ask for an extension. Solicitor Yannetti informed Mr. Murphy and his client that if they do not ask for extension that the only alternative that the Board has is to deny the plan. Supervisor Santay asked that if this is approved that there would have to be some sort of driveway agreement. Supervisor Crushong responded as yes and that it is Item No. 2 in the comments and Mr. Murphy agreed that this would be taken care of. Mr. Murphy on behalf of the application asked for 90-day extension. Solicitor Yannetti asked Mr. Murphy that in asking for the 90-day extension were they waiving the requirement of the Supervisors to take action on their plans on or before July 15, 2019. Mr. Murphy answered "yes they were waiving this requirement".

MOTION by Supervisors Williams and seconded by Supervisor Santay to approve the 90-day extension on the Subdivision Plan that was requested by Mr. Murphy on behalf of Darrin Hartzell. Motion carried, 3-0.

Supervisor Santay asked for a copy of the agreements with the residents of the original Subdivision being in agreement with the current requested subdivision. Mr. Murphy will get this taken care of. Supervisor Santay mentioned that the Board would like to see this sooner than later and that this will help the Board to consider the Subdivision.

Twin Springs Farms – Solicitor Yannetti asked about where the Township was with Twin Springs Farms. Mr. Battersby was to get an explanation of why the Zoning Hearing Board could not move on this and what exactly Mr. Deardorff has to do. Susan Plank, Secretary/Treasurer will look into this and let everyone know what needs to be done.

STORMWATER MANAGEMENT PLAN – Jeff Richards – SWM

Susan Plank, Secretary/Treasurer informed everyone that there is a Zoning Board Hearing set for July 22, 2019 at 4:00 p.m. concerning this matter. Supervisor Williams asked what is the Township's course of action if this does not work out for Mr. Richards? Solicitor Yannetti informed everyone that this is something that he would have to look into, but there should be some sanctions that can be enforced.

Supervisor Crushong asked for an update on the lady up on Church Road. Susan Plank, Secretary/Treasurer informed everyone that she had not gotten an update from Gil Picarelli of KPI Technologies concerning 481 Church Road but that she would look into this.

Supervisor Crushong informed everyone that he did swing by 18 Edward Court to check out the water issue and there was no wash out or anything even with all the rain that has been falling.

REPORTS

Supervisor Crushong informed everyone that the reports are up front for review.

OLD BUSINESS

Grant Application for Bottom Road Bridge Project – Update

Susan Plank, Secretary/Treasurer informed the Board that everything is done and ready to go except the Resolution that they will motion on this evening.

NEW BUSINESS

Resolution No. 2019-04 – Authorized Official Request for Multimodal Transportation Fund Grant – Need to designate an Official to execute documents.

MOTION by Supervisor Santay, seconded by Supervisor Williams to accept Resolution No. 2019-04 – Authorized Official Resolution request for Multimodal Transportation Fund Grant and to designate Susan J. Plank, Secretary/Treasurer to executed documents on behalf of the Township. Motion carried, 3-0.

Health Insurance Premium Renewal Rates – Susan Plank, Secretary/Treasurer informed the Board that she has received the renewal rates for the Health insurance and it has increased 6.81% for the coming year. Susan Plank informed the board that it will go up approximately \$5,400.00 a year. Supervisors would like Susan Plank, Secretary/Treasurer to look into other options. Susan asked the Board if they would be interested in meeting with Melissa Plitt, Webb Insurance to go over other options and HSA and HRA plans. Susan will set up this meeting.

MOTION by Supervisor Williams, Seconded by Supervisor Santay to table the decision on Health Insurance until Susan Plank, Secretary/Treasurer looks into other options and brings them to the table. Motion carried, 3-0.

Rubber Tire Roller – Curt MacBeth, Roadmaster informed the Board that the other Townships are not interested in the roller. He asked to advertise it on Municibid. The Supervisors agreed to advertise it on Municibid with a reserve of \$2,500.00.

MOTION by Supervisor Williams, seconded by Supervisor Santay to have Curt MacBeth, Roadmaster to advertise the rubber tire roller on Municibid with a reserve of \$2,500. Motion carried, 3-0.

GUESTS

Derek Hartzell asked the Board if they gave Ms. Shelton-Hill a timeframe to get the work done at 481 Church Road. Supervisor Crushong asked Mr. Hartzell if he has seen anything out on the road and Mr. Hartzell replied “no”. Supervisor Crushong informed Mr. Hartzell that the lady has very little funds but she has put a deposit down and has a contractor to do the work and once he is paid then the work will start. Mr. Hartzell informed the Board that she just put new carpet in the house so there is money somewhere. Supervisor Crushong informed Mr. Hartzell that they will push the issue and they have been on her.

Mr. Derek Hartzell also informed the Board that Curt was down and cut a ditch on the opposite of his property at 380 Fox Hill Road to deter the water from coming across the road. The ditch is filled with sediment and is not work. The property directly across from him took out approximately an acre of woods and turned it into farmland. This is causing more sediment to come into the ditch. All the fruit trees on his lower part of his property are dying because of all the run off. He was told that this is a Conservation District issue but he was wondering if there is anything that the Township can do. Solicitor Yannetti instructed the Board that he thinks that the Township needs to make a call to the Conservation District and make them aware of the problem and that would be the recourse at this time. Curt MacBeth, Roadmaster informed everyone that he has told the resident that she should put a driveway tile in to keep the water from running across her driveway and she feels this is not her responsibility but the Township responsibility. Curt MacBeth informed the Board that she does not want water running across her driveway but she doesn't want to put the tile in. Mr. Hartzell is aware that this is a problem that has been going on for years. Per Mr. Hartzell what Curt has done does not work when you get 3” of water at one time and something else needs to be done. Solicitor Yannetti informed Curt that maybe there is something else that can be done but he would have to go with Curt and look at the situation. A normal rain it is coming across the road right now because the sediment has filled in the ditch because of the field that has been put in. Susan Plank, Secretary/Treasurer will put a call into Rusty Ryan to see if he will come out and look at this issue and do something about. Mr. Hartzell informed the Board that he has a well below the trees which is causing his water to be mudding and brown looking. Solicitor Yannetti said that he would have to see the problem before he can suggest that a culvert will fix the problem. Supervisor Crushong informed Mr. Hartzell to let the Township get hold of Rusty Ryan and see what the Township can have the Conservation District do to fix the problem.

There being no further business to conduct, **MOTION by Supervisor Williams, seconded by Supervisor Santay to adjourn the meeting at 7:40 pm.**

Respectfully submitted,

Susan J. Plank
Secretary/Treasurer

Chairman _____

Supervisor _____

Supervisor _____