

**Franklin Township, Adams County  
Board of Supervisors  
Regular Meeting  
September 5, 2019**

**SUPERVISORS PRESENT:** Supervisor Crushong, Supervisor Williams, and Supervisor Santay

**OTHERS PRESENT:** Bernie Yannetti, Solicitor, Gil Picarelli, 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 Santay, seconded by Supervisor Williams to approve the August Board of Supervisors Meeting Minutes of August 1, 2019 and the Workshop Meeting Minutes of August 15, 2019. Motion carried, 3-0.**

**APPROVAL OF BILL LIST #9**

**MOTION by Supervisor Williams, seconded by Supervisor Santay to approve Bill List #9 General Fund Checks 35812 - 35879 totaling \$181,262.73. Motion carried, 3-0.**

**PRELIMINARY/FINAL PLAN**

Hartzell Subdivision – Gil Picarelli, KPI Technologies informed the Board that they have all signatures that were required. Gil mentioned that there are a couple of minor items that need to be addressed according to KPI Technologies letter dated September 4, 2019. Gil informed the Board of Supervisors that Zoning Section 146-406 requires that the Township approved the Panhandle Lot which is shown on the drawings before the Subdivision can be approved.

**MOTION by Supervisors Williams, seconded by Supervisors Santay to approve Lot No. 1 as a panhandle lot. Motion carried, 3-0.**

**MOTION by Supervisor Crushong, seconded by Supervisor Santay to conditional approval of the Hartzell Subdivision based on all the KPI outstanding comments**

**being addressed in the September 4, 2019 letter and the DEP Module approval. Motion carried, 3-0.**

Proscapes – 2<sup>nd</sup> driveway request letter for the Eastern portion of the lot

Gil Picarelli, KPI Technologies informed the Board that they approved the plan with one (1) driveway and now they are asking for a second driveway based on the Ordinance that the Board of Supervisors would approve or deny the second driveway. Supervisor Williams is not in agreement with the 2<sup>nd</sup> driveway because they would want to back into their building off this driveway and he doesn't think there is enough distance at the rate of speed the cars coming off Chambersburg Road onto Hilltown Road. There was a lot of discussion of what can and cannot be done to allow the 2<sup>nd</sup> driveway. Gil Picarelli, KPI Technologies offered to the Board that they may want to table this until they can get with Proscapes/Bob Sharrah and have them inform the Board how they are going to use this second driveway. The Board of Supervisors would also like Curt to look at the driveways and let the Board know what he thinks at the October Board of Supervisors meeting.

**MOTION by Supervisor Santay, seconded by Supervisor Williams to table the driveway decision until further information is gathered and Curt MacBeth, Roadmaster has a chance to look at it. Motion carried, 3-0.**

## **STORMWATER MANAGEMENT PLAN**

Jeff Richards – SWM and Driveway Update

Supervisor Santay informed everyone that the Zoning Hearing Board made unanimous decision to deny Mr. Richards request. Supervisor Santay also mentioned that they were led to believe that Mr. Richards would be present at tonight's meeting but he is not present. Supervisor Crushong asked Solicitor Yannetti what the Township's next steps would be? Solicitor Yannetti asked if Mr. Richards submitted a Stormwater Plan. Gil Picarelli of KPI informed everyone that he did but it does not meet the requirements. Curtis MacBeth, Roadmaster informed everyone that he does not have an approved driveway permit for the 2<sup>nd</sup> driveway coming out on Fairview Fruit Road. Supervisor Santay commented that it is time to deny the driveway permit since the Zoning Hearing Board has denied his request. Solicitor Yannetti informed the Board that Wilbur Slothour of Land and Sea Services, LLC would take care of the impervious surface issue and Curt MacBeth, Roadmaster would take care of the driveway issue. Solicitor Yannetti also informed the Board that there is a 30-day appeal process and he suggest that nothing being done until after the 30 days are up, which would be September 23, 2019. Supervisor Williams would like Wilbur Slothour of Land and Sea Services, LLC to look at the imperious surface and to see if the second driveway can stay in and Mr. Richards still meet the 45% impervious surface.

## **REPORTS**

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

Curtis MacBeth informed the Board that the Township put the Sweepster Broom on Municibid website and received a bid from a private individual in Maxatawny, PA for \$1,550.00.

**MOTION by Supervisor Williams, seconded by Supervisor Santy to approve the sale of the Rubber Tire Roller to a private individual in Maxatawny, PA for \$1,550.00. Motion carried, 3-0.**

Curt MacBeth, Roadmaster informed the Board that the line painting is complete for this year. The dirt and gravel road grant project was completed and the only thing that Deb Musselman is waiting on is the grass to grow.

### **OLD BUSINESS**

481 Church Road – Septic – Susan Plank, Secretary/Treasurer and Gil Picarelli of KPI Technologies informed the Board that Ms. Shelton-Hill has not contracted with Mr. Allen to get the work completed. Susan Plank, Secretary/Treasurer informed the Board that she has not received a copy of the estimate and Gil Picarelli had talked to Mr. Allen and was informed that he would receive a copy of the estimate but he has not. Mr. Allen is not going to do the work until he gets paid. Supervisor Crushong asked if this is something that the Township could do themselves. Gil Picarelli, KPI Technologies replied that he would not suggest the Township does not do it themselves. Solicitor Yannetti informed the Board that the next steps are to continue to send her violations and if this doesn't work then hire someone to fix the problem and put a lien on the property. Supervisor Santay said that he agrees with Solicitor Yannetti and to impose another citation and to make sure it reads that it is the second violation. Supervisor Santay asked Solicitor Yannetti about a way to get this to the Court of Common Pleas instead of in front of a Magistrate. Solicitor Yannetti informed the Board that it is possible that the Township could asked for something like Equitable Relief – if you find judgement again someone the Township would have to find assets that the resident owns free and clear and then the Sheriff's office would go out an levy against the assets, sell them, and then the funds from the sale would go to the Township. Solicitor Yannetti informed the Board that he doesn't think there is enough assets to be worth the time or money to have the Township go this way. Solicitor Yannetti suggested that the Township take affirmative action and that will show that the Township is addressing the problem. The Board of Supervisors instructed Gil Picarelli, KPI Technologies to issue another citation.

### **Grant Application for Bottom Road Bridge Project – Update**

Susan Plank, Secretary/Treasurer informed the Board that everything was submitted and that Ms. Ryan of PA Department of Community and Economic Development informed her that the Board would make a decision sometime in November and the Township would not know anything until December. According to Ms. Ryan, herself and her Supervisor said everything looked good.

## Knouse Fruitlands

Susan Plank, Secretary/Treasurer informed the Board that she sent the changes to Solicitor Yannetti's office for review and he had no problem with adding May to paragraph 1 of the agreement. Kevin Knouse also received the revised copy and Mr. Knouse will be in Monday to sign and give a check for the cost of the attorney's fees to draft the agreement.

**MOTION by Supervisor Williams, seconded by Supervisor Santay to approve the changes of adding May to the months in paragraph one to the Knouse Fruitlands agreement. Motion carried, 3-0.**

## Noise-Nuisance Ordinance

Supervisor Crushong asked everyone if they had looked at the latest revision to the Noise-Nuisance Ordinance. Supervisor Santay and Supervisor Williams replied that they had reviewed the latest revisions. Supervisor Santay would like to hear feedback from the residents and to get that done he thinks it should be advertised. Solicitor Yannetti mentioned that there was an attorney here last year for the Wedding Barn and Solicitor Yannetti would like a copy sent to them also.

**Motioned by Supervisor Santay, Seconded by Supervisor Williams to send a copy to the Attorney for the Wedding Barn and to also advertise the Noise and Nuisance Ordinance for public comments. Motion carried, 3-0.**

## NEW BUSINESS

Supervisor Santay addressed the Board and ask if the Guests could speak before the last two (2) items on the agenda because they will take some time.

## GUESTS

Mr. Bloom of 491 Poplar Springs Road inquired about why the Township mowed his Pappas Grass down? He informed the Board that the Township devastated a 17-year growth and that he feels he is being targeted. Larry Dillon informed Mr. Bloom that he is the one that was mowing that day and that the Township has a 16 ½ foot right of way from the center line to mow and trim trees. Supervisor Santay informed Mr. Bloom that he is not being targeted. Mr. Bloom wanted to know why other residents were not being mowed, for instance his neighbor down the street. The Board informed Mr. Bloom that they would look into this. Mr. Bloom informed the Township that he wants an agreement that the Township does not go on his property unless they contact him first. Supervisor Crushong informed Mr. Bloom that the Township does have a right of way along the Township road of 16 ½ feet from the center line and that the Township cannot do any such agreement.

Resident Darren Hartzell asked the Board what was going to be done with the sewer issue at 481 Church Road. Mr. Hartzell asked if she had paid for the work to be done. Susan

Plank, Secretary/Treasurer informed Mr. Hartzell that she had paid for the permit from KPI Technologies. Mr. Hartzell informed the Board that this has been going on for 1-2 years and she still has not fixed the problem. Solicitor Yannetti informed Mr. Yannetti that the Township has taken the action to enforce the Ordinance. The Township has been trying to work with Ms. Hill and she has been to the District Magistrate and was informed to get this taken care of. The Township is now going to issue another Citation to Ms. Hill. Mr. Hartzell informed the Board that his brother now owns the properties and he has the means to get the well tested to make sure that there is no contamination from the sewer of Ms. Hill. Supervisor Crushong informed Mr. Hartzell that the Township is going to issue Ms. Hill another Citation. Supervisor Williams informed Mr. Hartzell that he would like to see Ms. Hill get a citation every month. There was much discussion on the issue of whether the system is working or not. If there is nothing on the ground then the system may be working. Mr. Hartzell is trying to get a better understanding of how the process works to get this fixed.

Mr. Stambaugh asked what the status was on the trees for the Twin Springs Farms facility on Hilltown Road. Susan Plank, Secretary/Treasurer informed Mr. Stambaugh that the plans have been approved. Supervisor Santay informed Mr. Stambaugh that he should have received his \$750.00 deposit back. Mr. Stambaugh said he had only received \$200+ back. Supervisor Santay informed Mr. Stambaugh that the refund was for the first hearing and that he should look into the last \$750.00 that was presented to the Township just a couple of weeks ago because this was refunded in full.

Mr. John Phillips was present to inform everyone that he is running for Adams County Controller. Mr. Phillips is attending as many Township and Borough Meetings as possible during his campaign.

Resident Darrel Hartzell questioned who wrote the September 4<sup>th</sup> letter. Solicitor Yannetti informed Mr. Hartzell that KPI Technologies wrote the letter. Mr. Sharrah was emailed the letter yesterday. Mr. Hartzell wanted to know why the letter was written so late and that this is the second Township meeting that they have gotten a letter at the meeting with items that needed to be taken care of for the Subdivision. Gil Picarelli informed Mr. Hartzell that this is usually the way that it works. The comments are presented at the meeting by Engineers and County Planning.

Gil Picarelli, KPI Technologies informed the Board that the Buchanan Valley Riding and Gun club is applying for a permit for a Holding Tank. DEP has approved the holding tank. Gil Picarelli requested the signature of Chairman Crushong and the Secretary for the approval of the holding tank.

#### Procedure for Conditional Use in the Ag Zone

Susan Plank, Secretary/Treasurer informed Solicitor Yannetti that there was some confusion among the Board of Supervisors of what the procedures for a Conditional Use would be. Solicitor Yannetti confirmed that there needed to be an application filled out requesting a hearing before the Board of Supervisors, the hearing would need to be advertised, the hearing would also need to be recorded by a clerk reporter, the lot would need to be posted, and residents adjacent to the property would have to be notified.

Susan Plank, Secretary/Treasurer informed the Board that she has left several messages and sent a letter to Gary Rebert and John Miller asking for a request for a quote on the concrete for the equipment building and have not heard from either one. Kyle Miller has turned in his quote and it is only \$1,000 more than his price in 2017. The Board instructed Susan to contact Keith Smith in Hanover to see if he would give a price.

#### Equipment / Vehicle Purchase

Supervisor Santay informed everyone that Bendersville Borough has offered \$20,000.00 for the F-550 with plow and salt spreader. In the place of the F-550 the road crew would like to purchase a bucket truck that will allow them to put everything out of the shed into the truck and when they are called in for a tree down, stop sign down, etc. everything will be in one truck. The Township would have to get an annual inspection on the bucket truck which will cost approximately \$100. Supervisor Santay is looking to pay cash for the bucket truck if the other Supervisors are in agreement. There was also discussion on buying a new 10-wheeler with a Cummins motor, Allison transmission, and a solid heated windshield. There was much discussion on what the trucks will be equipped with. Curt MacBeth, Roadmaster informed the Board that the Salesmen will be at the Township on Tuesday, September 10, 2019 to discuss what specs the road crew wants on the truck so that the final numbers can be sent to the Township for discussion.

**MOTION by Supervisor Williams, seconded by Supervisor Santay to approve the sale of the F-550 with plow and salt spreader to Bendersville Borough for \$20,000.00. Motion carried, 3-0.**

Supervisor Crushong asked Susan Plank, Secretary/Treasurer if the Township had heard anything from Worker's Compensation concerning the recent death of Firefighter Wagaman. Ms. Plank informed the Board that she will not hear anything until October some time. The Township can expect the Worker's Compensation to at least double in premium. Susan Plank, Secretary/Treasurer informed the Board of Supervisors that Buchanan Valley Fire Department and the family sent a Thank You for the donation.

Susan Plank, Secretary/Treasurer asked the Board of Supervisors if they wanted her to sign up for the grant classes that are being offered. The Board of Supervisors would like Susan and possibly Curt to sign up for these classes. This could definitely be beneficial for the Township.

#### Administrative fees for the Zoning Hearing Board

Susan Plank, Secretary/Treasurer informed the Board of Supervisors that she did look into this and the Township cannot charge for legal expenses, any expert witnesses, and only half of the Stenographer expense.

2020 State Budget

Curt MacBeth, Roadmaster explained the State Liquid Fuels budget to the Board of Supervisors to look at and make comments at the Workshop meeting on the 19<sup>th</sup> of September at 7:00 p.m.

There being no further business to conduct, **MOTION by Supervisor Williams, seconded by Supervisor Santay to adjourn the meeting at 9:10 pm.**

Respectfully submitted,

Susan J. Plank  
Secretary/Treasurer

Chairman \_\_\_\_\_

Supervisor \_\_\_\_\_

Supervisor \_\_\_\_\_