

**Franklin Township, Adams County
Board of Supervisors
Regular Meeting
January 6, 2020**

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

OTHERS PRESENT: Bernie Yannetti, Solicitor, Gil Picarelli, KPI Technology, Curtis MacBeth, Roadmaster, Susan Plank, Secretary/Treasurer.

CALL TO ORDER

PUBLIC COMMENT OF AGENDA ITEMS ONLY

Resident Pat O'Shea informed the Board that he attended the Planning Commission and would like to be on record that he would like a Traffic Study done for the 545 Crooked Creek Road Military Museum project. Supervisor Crushong informed everyone that a Traffic Study is suppose be completed.

Resident Carol Rebert asked about the Noise Ordinance, hypothetically she goes to work and her dog barks all day, she reads the Noise Ordinance as if someone reports the dog barking and it may or may not be true will she be fined right away? Supervisor Williams informed Ms. Rebert that the complainant would need to show proof. Supervisor Crushong informed Ms. Rebert that someone would investigate the situation and then go from there. Supervisor Santay informed Ms. Rebert that it would need to be a founded complaint.

APPROVAL OF MINUTES

MOTION by Supervisor Crushong, seconded by Supervisor Santay to approve the December 5, 2019 Regular Meeting Minutes and the December 19, 2019 Workshop Minutes as presented. Motion carried, 3-0.

Solicitor Yannetti informed everyone that the dog barking violation can be anytime during the day or night and all other Noise Nuisances are between 10 pm and 6 am according the Noise/Nuisance Ordinance that has been drafted.

APPROVAL OF BILL LIST #1

MOTION by Supervisor Santay, seconded by Supervisor Crushong, to approve Bill List #1 General Fund Checks 36046 – 36095, State Fun Checks 6611 – 6612, and Fire Tax Fund Check No. 41 totaling \$63,517.61. Motion carried, 3-0.

PRELIMINARY/FINAL PLAN

545 Crooked Creek Road – Military Museum – Update

Gil Picarelli, KPI Technologies informed the Board that they have asked for an extension to April 3, 2020 for the 545 Crooked Creek Road project. KPI Technologies informed everyone that they had received updated plans just before Christmas.

MOTION by Supervisor Crushong, seconded by Supervisor Santay to grant an extension to April 3, 2020 for the 545 Crooked Creek Road project. Motion carried, 3-0.

Solicitor Yannetti informed the Board that it should be reiterated that a Traffic Study needs to be done because this does take some time. Supervisor Crushong informed Gil Picarelli, KPI Technologies that he thought Dominic was previously looking into this and was going to reach out to the Buck's (545 Crooked Creek Road Project) Engineer. Resident Joel Riddlemoser asked if they were to enter off the Mummasburg Road would the Traffic Study still need to be done? Solicitor Yannetti informed everyone that a Traffic Study can be required at any time. Resident Brian Redding asked what was the study going to tell them? Supervisor Crushong informed Mr. Redding that it would tell them if the road is fit to handle that much traffic, does it need to be widened, whether there needs to be a whole new road put down with a good base under it, if a right turn lane is needed, if it is wide enough to make the turn with buses. There was much discussion on what kind of attendance is expected, what time of the day and year. There have been no specifics on attendance according to Supervisor Crushong. Resident Redding questioned whether this was a requirement in the SALDO and Gil Picarelli informed Mr. Redding that it is in the SALDO and read a portion to Mr. Redding to confirm.

Kalathas Mini Storage Units

Susan Plank, Secretary/Treasurer informed the Board that Kalathas has asked for a 90-day extension for the Mini Storage Unit project. PennDOT has not approved the Line of Credit that Kalathas has sent to PennDOT.

MOTION by Supervisor Santay, seconded by Supervisor Crushong to extend for 31-days and have Kalathas provide paperwork that the LOC has been sent to PennDOT for approval by the Workshop Meeting on January 16, 2020. Motion carried, 3-0.

Resident Carol Rebert asked what is Kalathas. Supervisors informed Ms. Rebert that they are mini storage units up near Caledonia Golf Course.

Gil Picarelli, KPI Technologies informed the Board that he and Solicitor Yannetti feel that the Planning Commission needs to make a motion that a Traffic Study is required for the 545 Crooked Creek Road Museum Land Development. Resident Brian Redding asked why the Township would wait this long to require a traffic study. Supervisor Crushong informed Mr. Redding that the Buck's have not been back in front of the

Township with new drawings since the Conditional Use Hearing. Supervisor Crushong said that the Buck's showed what changes they were going to do but the Township had not received anything until just before Christmas. Supervisor Crushong informed Mr. Redding the traffic study was openly discussed with everyone.

STORMWATER MANAGEMENT PLAN – Jeff Richards – SWM

Attorney Murphy addressed the Board to let them know that they have filed with the Court of Common Pleas which is pending and that they have a few things in motion that will put them in a position to make a settlement offer that both parties may agree upon. Attorney Murphy is hoping that they will have something for the Board to consider at their next workshop meeting on the 16th of January. Solicitor Yannetti informed the Board that they can consider a settlement without going to the Court of Common Pleas. Solicitor Yannetti also informed the Board that he himself and Mr. Murphy have not drafted their briefs as of yet, trying to save everyone money just in case there is a settlement.

REPORTS

Road Foreman Comments - None

OLD BUSINESS

.481 Church Road – Gil Picarelli of KPI Technologies informed the Board that he has not heard anything and that he was in the area last week and stopped by and everything is still dry. Supervisor Santay asked if the money that Ms. Shelton-Hill said was coming from an unnamed source was validated? Susan Plank, Secretary/Treasurer informed the Board that the Township had not hear from Ms. Shelton-Hill. Gil Picarelli will check with Mr. Allen, Contractor who will do work, to see if he has received any funds.

400 Church Road – Solicitor Yannetti informed the Board that they were given a 30-day notice back on November 14, 2019 and it was served on the 18th of November. In an email to Wilbur Slothour, Land and Sea Services there was a question about condemnation. Susan Plank, Secretary/Treasurer informed the Board that the Township received an email from Wilbur Slothour that he could determine the house an unsafe structure under Section 403.84 of the UCC. Wilbur would need to get into the home to determine any violations of the UCC Section 403.84 and would require an administration search warrant. Supervisor Crushong asked what an administration search warrant is and Solicitor Yannetti informed the Board that he has not done one. Solicitor Yannetti suggest that the Township seek permission to enter the premises by phone call or certified letter. If permission is granted the Supervisors suggest that the Constable goes with Wilbur and Tim to the residence. Supervisors decided to have Wilbur and Constable go to the home and ask permission to enter, while there get updated pictures. Susan Plank, Secretary/Treasurer is to call the Constable to find out what he needs for him to accompany Wilbur on this. Supervisor Santay would also like Solicitor Yannetti to find out more information about the Administration Search Warrant. Supervisor Santay also would like Gil to talk to DEP about the issue with the dumpster and everything in that

dumpster is running into the ground water when it rains. Supervisor Williams asked if the sewer had been pumped and Susan Plank responded “yes”.

Strausbaughs / 5 Newman Road and 5940 Chambersburg Road

Solicitor Yannetti informed the Board that they were cited and fined and that his office sent a 30-day notice.

Conditional Use Procedures

Solicitor Yannetti informed the Board that the Township came up with the procedures for Conditional Use but how is something going to be deemed as a Conditional Use. The Township needs to find where to incorporate the Conditional Use in the Code of Ordinances. The Township already has Use by Right and Use by Special Exception in the Ordinances now. There was much discussion on what makes a Conditional Use and what is the difference between a Conditional Use and a Special Exception. The Board would like for the Planning Commission to give some input on Conditional Uses. The Board would like Susan Secretary/Treasurer to contact Cumberland, Tyrone and PSATS to see what kind of Conditional Uses they have. Solicitor Yannetti also commented that the Township could put in their Ordinance that any use that is not listed on the Zoning Ordinance could be permitted by Conditional Use is another option.

Noise/Nuisance Ordinance

Grass/Weeds Ordinance Chapter 65 – Section 65-4 E and Motor Vehicle Nuisance Ordinance Chapter 164 – Section 164-2.

Susan Plank, Secretary/Treasurer informed the Board that she did advertise for both the Noise/Nuisance Ordinance and the Ordinance Wording Revisions but did not get this done until January 3, 2020 as she had the flu for a week. The Board will not be able to motion on either until their February 6th Meeting.

NEW BUSINESS

Special Event – 2020 South Penn Enduro – September 13, 2020

Susan Plank, Secretary/Treasurer informed the Board that the Township received the request to the Special Event along with a map, emergency plan, and Certificate of Insurance naming the Township as additional insured.

MOTION by Supervisor Santay, seconded by Supervisor Crushong to approve the 2020 South Penn Enduro Special Event to be held on September 13, 2020. Motion carried, 3-0

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Resolution No. 2020-01 – SEO Fee Schedule

Susan Plank, Secretary/Treasurer informed the Board that the Township received a request from KPI Technologies for an increase in the SEO Charges which was reviewed at the December 2019 Workshop. There had not been an increase in approximately ten (10) years.

Motion by Supervisor Crushong, seconded by Supervisor Santay to approve Resolution No. 2020-01 / SEO Fee Schedule which was previously reviewed at the December, 2019 Workshop. Motion carried, 3-0.

Supervisor Crushong informed everyone that Northern Adams Regional EMA Director has put his resignation in effective January 21, 2020. Supervisor Crushong has been in contact with the County and has asked several people if anyone would like to step up to be the Director for this Region. No one has stepped up. This affects Franklin, Butler, Menallen, Tyrone Townships and Biglerville Borough. NAREMA has a meeting on January 21st to discuss this issue. The job entails a lot of training. Supervisor Santay suggested that maybe some advertising for position may need to be done.

GUESTS

There were no comments

There being no further business to conduct, meeting adjourned at 7:50 p.m.

Respectfully submitted,

Susan J. Plank
Secretary

Chairman _____

Supervisor _____

Supervisor _____