

**Franklin Township, Adams County  
Board of Supervisors  
Regular Meeting  
November 7, 2019**

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

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIENCE**

**PUBLIC COMMENT OF AGENDA ITEMS ONLY**

There was no public

**APPROVAL OF MINUTES**

**MOTION by Supervisor Williams, seconded by Supervisor Santay to approve the October Board of Supervisors Meeting Minutes of October 3, 2019 and the Workshop Meeting Minutes of October 17, 2019. Motion carried, 3-0.**

**APPROVAL OF BILL LIST #11**

**MOTION by Supervisor Santay, seconded by Supervisor Williams to approve Bill List #11 General Fund Checks 35946 - 35990 totaling \$49,643.98. Motion carried, 3-0.**

**PRELIMINARY/FINAL PLAN**

545 Crooked Creek Road – Military Museum – Extension Letter

**MOTION by Supervisor Santay, seconded by Supervisor Williams to accept the 90-day extension letter for 545 Crooked Creek Road Military Museum. Motion carried, 3-0.**

Twin Springs Fruit Farm – Bond Release - \$156,202.75

Dominic Picarelli of KPI Technologies informed the Board that KPI has done the inspection and everything has been completed according to the drawings and KPI suggest release the Performance Bond in the amount of \$156,202.75.

**MOTION by Supervisor Williams, seconded by Supervisor Santay to release the Performance Bond for Twin Spring Fruit Farm in the amount of \$156,202.75. Motion carried, 3-0.**

Mr. David Deardorff questioned the Board about extending the Bond for 18 months. Dominic Picarelli, KPI Technologies informed Mr. Deardorff that he would need to obtain a Maintenance Bond and that he would have Brandon from KPI's office get the dollar figure for the Maintenance Bond.

## **STORMWATER MANAGEMENT PLAN**

Jeff Richards – SWM and Driveway Update – No action needed

## **REPORTS**

Supervisor Crushong informed everyone that the reports are up front for review. Curtis MacBeth, Road Foreman informed the Board that the equipment is ready for the winter months. Supervisor Crushong informed everyone that the road crew did an excellent job this past year and that the Supervisors appreciated all the hard work.

## **OLD BUSINESS**

481 Church Road – Septic – Dominic Picarelli informed the Board that Gil Picarelli, KPI Technologies and Ben Allen investigated the trailer next door to see if it was connected the sewer and it is not. There is no current malfunction of the septic at this time. Ms. Shelton-Hill has a court date in December and it was the consensus of the Board and Solicitor Yannetti to stay on course with the Court Hearing. Mr. Derek Hartzell informed the Board that the malfunction usually happens in the winter/spring months. Mr. Hartzell was informed to call the office if he sees a malfunction at any time.

400 Church Road /Wagaman and 5 Newman and 5940 Chambersburg Roads / Strausbaughs

Supervisors are concerned about the conditions of these properties. There have been numerous citations and the properties are not being cleaned up. Supervisors asked Solicitor Yannetti if these concerns could be taken to the Court of Common Pleas. Solicitor Yannetti informed the Board that they could. The Township would need to forward the information and current photos to Mr. Yannetti so that he can prepare the appropriate documents. Supervisor Santay would like the Adams County Conservation District or DEP to look at the property at 400 Church Road because of the water run-off from the dumpster.

Chalmers Property on Chambersburg Road. This hearing is to be dismissed and the Township will keep an eye on this property as it has been cleaned up significantly.

Noise/Nuisance Ordinance 2019-01

Resident Gary Phillips asked if the Board and Solicitor received a copy of the Court Order between the Shord's and the German's. The Supervisors and Solicitor replied that they had received a copy. Mr. Phillips also asked if the Board and Solicitor received a copy of his request for somebody to look at the Primary and Secondary uses of the property. Mr. Phillips was informed that the Supervisors, Solicitor Yannetti, and Wilbur Slothour went out to the property to get an idea of what is being done and that Wilbur Slothour is drafting a report that Solicitor Yannetti and the Supervisors will review. Supervisor Santay informed Mr. Phillips that a final draft should be available for the next Workshop Meeting. Supervisor Santay informed Mr. Phillips that the Noise and Nuisance Ordinance is still a work in progress and some discussion needs to be completed before it is finalized. Mr. Phillips agreed with everything in the Noise Nuisance Ordinance except Section 110-5 – Exemptions - Item No. L “Any lawfully existing or licensed business, commercial or industrial operation”. Mr. Gary Phillips mentioned that he was hoping to get some relief from Beech Springs Farm and asked if this is still in the works? Supervisor Santay responded by saying relief from Beech Springs Farm is not in the works but the Noise Nuisance Ordinance that the Township is considering is still being reviewed and in the works. The Township is still working through it and it takes time to pass such an Ordinance. Mr. Phillips informed the Board that at the last meeting he had mentioned that he thought Mr. Wilbur Slothour and Land and Sea Services was acting as both the Zoning Officer and the Code Enforcement officer and the Supervisors informed Mr. Phillips that that statement was not true and that Wilbur Slothour was the Zoning Officer and Tim McCauslin was the Code Enforcement Officer. Mr. Phillips disagrees. Mr. Phillips went on to explain why he disagrees and showed pictures of Adams County Winery, The Round Barn, Hauser Winery, and Beech Springs Farm. He mentioned that there are 45 homes within one mile of the barn. He is hoping that the Noise Ordinance will give them some relief. Mr. Phillips informed the Board that Land and Sea Services on their Website advertise that “they will walk you through the process and give you a certificate to operate” and he thinks that this a conflict of interest giving one man the authority to issue a permit to operate a barn as business. Supervisor Williams asked the Township Solicitor if the Township makes their Noise Ordinance for 11:00 p.m. does the Court Order that Mr. German and the Shord's have that says 9:00 p.m. supersede the Township Ordinance. Solicitor Yannetti's reply was that a Court Order is a Court Order and it has to be abided to. Supervisor Santay informed Mr. Phillips that they are not looking to change Zoning and the Zoning is going to stand as it is. The Zoning Ordinance was just looked at and updated in 2015. Supervisor Santay informed Mr. Phillips that this issue is not based on Zoning and that the Board of Supervisors is responding to a complaint of Primary use / Accessory Use and that is what the Township is looking into. Supervisors informed Mr. Phillips that the Township governs Zoning and Mr. Wilbur Slothour of Land and Sea Services enforces it. Supervisor Williams informed Mr. Phillips that Wilbur Slothour walks you through the process to make sure that everything is to UCC Code and according to the Zoning Ordinance. Mr. Slothour is an inspector just like any other Zoning Officer to make sure things are done according to Code. There is no conflict of interest. Supervisor Santay informed Mr. Phillips that he (Mr. Phillips) could talk to Mr. David Deardorff from Twin Spring Farms concerning what Mr. Wilbur Slothour does. Mr. David Deardorff agreed with the Supervisors that Mr. Slothour came to their site and informed them what the law was, what codes needed to be met and what can be done and gave them options on how things could be done according to code. Mr. Deardorff said in no way does he think that

this is a conflict of interest. Mr. Deardorff says that Mr. Slothour enforces the Zoning Ordinance and the UCC Codes. Supervisor Crushong informed Mr. Phillips that the Township is working on the Noise Nuisance Ordinance and that the Court Order that the Shord's and German's have will supersede any Ordinance that the Township passes. Supervisor Santay wanted to make sure that Mr. Phillips was aware that Supervisor Crushong, himself, Solicitor Yannetti, and Mr. Wilbur Slothour went up to the barn to investigate his complaint and there were three (3) other people with unbiased opinions. Supervisor Crushong informed Mr. Phillips that the report will be based on what is in the Zoning Ordinance.

Dominic Picarelli, KPI Technologies informed the Board that Kalathas did get a letter from PennDot that their Highway Occupancy Permit has been approved but they have not received the permit yet. Kalathas did request a ninety (90) day extension which will expire in January per Susan Plank, Secretary/Treasurer.

## **NEW BUSINESS**

**\*\*\*INFO ONLY\*\*\*** E-Cycling Event – December 7, 2019 – Franklin Township Building – 8:00 am to 10:00 am

Resolution No. 2019-05 – Marsy's Law – Supervisor Crushong informed everyone that this was on the ballot and on the morning of Elections the Supreme Court ruled that they cannot do it. Solicitor Yannetti informed the Board to table the Resolution to see what the Supreme Court does.

**MOTON by Supervisor Santay, seconded by Supervisor Williams to table the passing of Resolution No. 2019-05 – Marsy's Law to see what the Supreme Court does. Motion carried, 3-0.**

Review of Municipal Emergency Management Plan – NAREMA

Supervisor Crushong informed everyone that he and Supervisor Santay sit on this Board and that they have not heard from who is in charge of this for a good while. Solicitor Yannetti informed the Board that he does not think everything has been updated. Susan Plank, Secretary/Treasurer informed the Board that she received Kim Brank of Adams County informing the Township that the documentation that is on file has fun out or is not in compliance. Susan informed the Board that she sent an email to Mr. Kevin Biesecker asking if he is going to update everything and he has not responded. Solicitor Yannetti informed everyone that he would contact whoever is second in charge which is Tom Leedy. The Supervisors agreed so that the Township is not in a bind if something should happen. There was a lot of conversation about an EMA representative for the Township and who it should be and if someone else should be in charge of that NAREMA. Susan Plank, Secretary/Treasurer was instructed to try to get hold of T. J. Pritt to see if he was interested. There was a lot of discussion about the NAREMA and what can be done to get back on track.

## Conditional Use Procedures

Solicitor Yannetti informed the Board that he has updated the procedures and sent them out for review and comment. Solicitor Yannetti also commented that it is an Ordinance Amendment and that it would need to be advertised. Supervisor Crushong asked if it was ready for advertisement. Supervisor Crushong asked the other Supervisors if they had a chance to look at it and Supervisor Santay replied that he had not looked at it yet and Supervisor Williams responded that he looked at the email. Supervisors are to review before the workshop and then there can be discussion at the workshop and can be motioned to advertise at the December Board of Supervisor's meeting.

Approve Charitable Contributions as budgeted:

- a. SPCA \$50.00
- b. Library \$600.00
- c. Office of Aging \$650.00
- d. ACTA \$500.00
- e. Youth League - \$2,000.00

**MOTION by Supervisor Santay, seconded by Supervisor Williams to approve the following Charitable Contributions:**

- a. SPCA \$50.00**
- b. Library \$600.00**
- c. Office of Aging \$650.00**
- d. ACTA \$500.00**

**and to table the decision on the \$2,000.00 Contribution to the Youth League until further discussion with the representatives from the Franklin Township Youth League and School. Motion carried, 3-0.**

Susan Plank, Secretary/Treasurer informed the Board that the Youth League was not listed because of the Recreational Fee that Subdivisions and Land Development plans are paying in lieu of land for recreational use. Supervisors would like Susan Plank, Secretary/Treasurer to contact the head of the Franklin Township Youth Program and the Gettysburg School District Property Management improvements and have them both meet with the Supervisors at the December 5, 2019 Board of Supervisors meeting to discuss what improvements are needed at the Franklin Township Elementary facility.

## Review Grass Ordinance Section 65-4 E / Weeds

Solicitor Yannetti informed that he has amended the wording and the Board will need to review and then advertise the changes. Supervisors instructed Susan Plank, Secretary/Treasurer to email the language changes to the Supervisors for review.

**GUESTS**

Resident Darrin Flake asked the Board that when they have their meeting with the Youth League to ask the Youth League representative if any other Borough / Township is contributing to the program. Supervisor informed Mr. Flake that they would do that.

Pastor Dennis from Flohrs Lutheran Church wanted to introduce himself to everyone.

There being no further business to conduct, **MOTION by Supervisor Williams, seconded by Supervisor Santay to adjourn the meeting at 8:50 pm.**

Respectfully submitted,

Susan J. Plank  
Secretary/Treasurer

Chairman \_\_\_\_\_

Supervisor\_\_\_\_\_

Supervisor\_\_\_\_\_