

**Franklin Township, Adams County  
Board of Supervisors Meeting**

**December 3, 2020**

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

**OTHERS PRESENT:** Bernard Yannetti, Solicitor and Gil Picarelli, KPI Technologies via Zoom, and Susan Plank, Secretary/Treasurer.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT ON AGENDA ITEMS ONLY**

No Comments

**APPROVAL OF MINUTES**

**MOTION by Supervisor Santay, seconded by Supervisor Crushong to approve the November 5, 2020 Board of Supervisors Meeting and the November 19, 2020 Workshop Minutes as presented. Motion carried, 3-0.**

**APPROVAL OF BILL LIST #12**

**MOTION by Supervisor Crushong, seconded by Supervisor Santay to approve Bill List #12 Check Nos. 36674 – 36742 and State Fund Check No. 6618 -6619 totaling \$160,827.62. Motion carried, 3-0.**

**PRELIMINARY/FINAL PLAN**

Lazy Lipp, LLC – Extension request until February 15, 2021

**MOTION by Supervisor Crushong, seconded by Supervisor Santay to approve the extension request until February 15, 2021 by Lazy Lipp, LLC. Motion carried, 3-0.**

Museum – Crooked Creek Road – Frank and Loni Buck

Loni Buck informed the Board of Supervisors that they are waiting on DEP to issue their permit and she received an email this morning that that should be forthcoming and then they are ready to start. Supervisor Santay informed Mr. and Mrs. Buck there was a representative from the Masonic Lodge of Gettysburg at the last Planning Commission informing the Planning Commission that there were some plans to continue to develop in conjunction with Mr. and Mrs. Buck. The Board or anyone else really knows is going on for sure. He led the Planning Commission to believe that this was going to be done as an

accessory building which is not the way to do this as it would mean that all the plans would need to be redrawn. There was much discussion on this matter and Mr. and Mrs. Buck informed the Board that this is not the way it would be done and Supervisor Crushong informed the Bucks that this would need to be a completely separate subdivision from their property. Supervisor Crushong informed Mr. and Mrs. Buck that they cannot have two (2) accessory uses on the same property. The Board would like them to sit down with Darrin and go over what exactly would need to be done. Susan Plank, Secretary/Treasurer informed Mrs. Loni Buck that she would send her a list of items that needed to be done before permits are issued and she would get it to Mrs. Buck on Monday.

## **STORMWATER MANAGEMENT PLAN**

703 Flohrs Church Road

105 Orrtanna Road

Gil Picarelli, KPI Technologies informed the Board that they had approved these Stormwater Management Plans this month.

## **REPORTS**

Reports will be posted on line for review

## **OLD BUSINESS**

Strausbaughs / 5 Newman Road and 5940 Chambersburg Road

Solicitor Yannetti informed the Board that his office is going to send a 30-day notice to the Strasbaugh's to let them know that they fix it within 30 days or the Township will be going to Court to get a Court Order to have it taken care of. Solicitor Yannetti's opinion is that they will not do anything and that the Township will have to take further action. Supervisor Santay wanted to make clear that that Court Order is not for the Township to clean the property up but for the property Owner to do so.

## **NEW BUSINESS**

Ms. Dawn Williams – Municipal Authority

Ms. Williams informed with Board that she attended the Franklin Township Municipal Authority Meeting on Tuesday evening to address their decision to change the due date of water bills from net-30 days to net-15 days. She said that 90% of the residents pay their bill on time and in making this change it is going to make it very difficult for these residents to continue to pay their bills on time. She and other residence do not feel that this is fair and more people will be late in paying their bills which in turn causes them to have a \$50.00 penalty for a late payment. The Board of Supervisors informed Ms. Williams that they understood her concern and would have Susan Plank,

Secretary/Treasurer draft and letter to the Municipal Authority asking them to reconsider their policy and see what they have to say. Solicitor Yannetti informed Ms. Williams that the Municipal Authority is their own entity and that the Board of Supervisors has no say on how they bill the residents for water use.

#### Second Driveway Enforcement – Driveway Tile Enforcement

Susan Plank, Secretary/Treasurer informed the Board that the Driveway Tile is being taken care but she asked about who would enforce a second driveway that was put in without approval. Supervisor Crushong commented that a violation should have been issued and Supervisor Santay asked Solicitor Yannetti what he could do. Solicitor Yannetti informed the Board that he could issue a cease and desist order if he has the property Owner's name and address. Susan Plank, Secretary/Treasurer informed Solicitor Yannetti that she would get this to him next week

#### Dirt and Gravel Road Program – Signs

Susan Plank, Secretary/Treasurer informed the Board that Deb Musselman sent the Township an email asking if the Dirt and Gravel Road program could put up signs on the roads that have used the Dirt and Gravel Road grants to repair them. The Board of Supervisors agreed that this was okay and that she should coordinate it with Curtis MacBeth, Roadmaster.

#### Approve 2021 Budget

**MOTION by Supervisor Santay, seconded by Supervisor Crushong to approve the 2021 Budget without a tax increase. Motion carried, 3-0.**

CD Renewal – one (1) 6-month CD renews December 29<sup>th</sup> and one (1) 12-month CD renews January 7, 2021.

**MOTION by Supervisor Santay, seconded by Supervisor Crushong to renew two (2) CD's, one will renew December 29<sup>th</sup> and one will renew January 7, 2021. Motion carried, 3-0.**

Set date and time for Re-Organizational Meeting – 1<sup>st</sup> Monday, 2021 – January 4, 2021, 6:00 p.m. and advertise for meeting dates in 2021.

**MOTION by Supervisor Crushong, seconded by Supervisor Santay to set the Re-Organization Meeting for January 4, 2021 at 6:00 p.m. with the Regular Board of Supervisors meeting to commence immediately following and allow Susan Plank, Secretary/Treasurer advertise for all meeting dates in 2021. Motion carried, 3-0.**

#### Ordinance No. 2020-07 – Solar Energy Systems

Chairman Williams informed everyone that Franklin Township is trying to be proactive with the Solar Energy and this is the reason that the Board is looking at an Ordinance to address this scenario. Resident Brian Redding asked what the Ordinance was and the

Board informed everyone that this is just the beginning draft and that the Board will review and take any comments if anyone has any. The draft Ordinance can be obtained by contacting the office and asking for a copy.

**Ordinance No. 2020-08 – Well Ordinance**

Chairman Williams asked Solicitor Yannetti where this Ordinance came from. Solicitor Yannetti replied that he heard from Dominic that the Township was interested in adopting a well Ordinance. Supervisors Crushong and Santay informed everyone that at the last Planning Commission Meeting that this was brought up for discussion. Supervisor Crushong mentioned that since it is drafted that he doesn't have a problem with reviewing and discussing a Well Ordinance and Supervisors Santay and Williams agreed.

**Resolution No. 2020-09 – Adams County 2020 Hazard Mitigation Plan**

Susan Plank, Secretary/Treasurer informed the Board that this Resolution would adopt the Adams County 2020 Hazard Mitigation Plan which has been worked on for the past year and that is needed for FEMA to help the Township in case of a disaster. Solicitor Yannetti also commented that he strongly suggests for the Township to adopt the County's 2020 Hazard Mitigation Plan.

**MOTION by Supervisor Crushong, seconded Supervisor Santay to approve the Resolution No. 2020-09 – Adams County 2020 Hazard Mitigation Plan. Motion carried, 3-0.**

**Hiking Trail – Thirsty Farmer to Boyer's Nursery**

Sara Kipp, Adams County Land Conservancy was in attendance to explain that the County approached Boyer's Nursery, Hauser Winery, and Knouse Fruitlands about a hiking trail connecting all three (3) properties. It will be an open trail that will be open from dawn to dusk. The Land Conservancy has received a Grant from the County for construction. They will be entering a 25-year Lease Agreement with the Land Owners which explains the liability for the trail and maintenance for the trail. There will be no trail easement, it is a 25-year Lease Agreement. Chairman William asked how wide the trail will be and Ms. Kipp replied that the corridor that the Designer came up with will be 5' wide but the mulch portion of the trail will be 3' wide. Supervisor Crushong asked how this would meet the ADA requirements? Ms. Kipp replied that it is not required to meet these requirements as the grant funding is not from DCNR but coming from the County and private partners. The Board informed Ms. Kipp that the Township may be requiring a Land Development Plan but that decision has not been made yet. Supervisor Santay asked if there was a draft to the lease and if there was could Ms. Kipp please send it to the Township for review and Ms. Kipp replied yes.

**Wings Unlimited Building Project at 3161 Chambersburg Road**

Wilbur Slothour, Land and Sea Services informed the Board that he met with Mike Baumgardner to go over with him the progress of the project to the point they are at now

and what needs to happen going forward. Wilbur informed the Board that he did put this in writing on November 23<sup>rd</sup> and send a copy to the Township, which Susan Plank, Secretary/Treasurer confirmed that she received. Wilbur informed the Board that Mr. Baumgardner is not sure what he is going to use the building for at this point but he wants to get it closed in for the winter. Wilbur informed the Board that Mr. Baumgardner is going to come to a point where he is going to have to determine what he is going to use the building for then that will have to come back to the Township for approval. Mr. Baumgardner is basically building to the plans which were submitted and approved. Wilbur informed the Board that Mike told him that Wings Unlimited has been sold. Supervisor Crushong mentioned that the building will not be occupied by Wings Unlimited. Wilbur replied that it may be occupied for the use in a couple years, but that is nothing permanent or definite at this point. There were lot of questions about what is going to be done with the building and what is going to be occupied there. If the final use is not an approved use then Mr. Baumgardner will have to get approval from the Township. The building is rated for factory per Wilbur Slothour, Land and Sea Services, LLC. The Special Exception expires in one (1) year. The building construction needs to match the use. The Board of Supervisors agreed that this is project that is clearly going to need to be watched closely. Wilbur Slothour informed the Board that Mike Baumgardner informed him that he is planning on running public sewer to this lot and that he is planning a residential building on the lower vacant lot.

Solicitor Yannetti asked Wilbur if this is something that Land and Sea will be passing onto PMCA in the new year. Wilbur Slothour informed Solicitor Yannetti and he would like to finish all the projects that Land and Sea has underway and have PMCA handle everything that comes in the New Year. Supervisor Santay informed everyone that the Board met with PMCA before the meeting and they are in agreement with this statement.

**\*\*\*INFO ONLY\*\*\*** E-cycling Event, December 5, 2020 – Butler Township – 344 Arendtsville Road – Biglerville, PA – 8:00 am to 10:00 am.

### **GUESTS**

Resident Brian Redding commented that the Special Exception (Wings Unlimited) 12-month thing is not correct. The resident would have had to been issued a Land Use Permit pursuant to the Special Exception and the Land Use Permit must be initiated within twelve months of when it was issued and then Mr. Redding thinks it is three (3) years in which you have to use a Land Use Permit. Supervisor Santay replied that the 12-month would apply if there was no construction started. Solicitor Yannetti commented that he would look into this comment. Supervisor Santay commented that this is something that the Board needs to be looked at. Solicitor Yannetti replied that the Ordinance says unless otherwise specified or extended by the Zoning Hearing Board a Special Exception authorized by the Board expires if the applicant fails to obtain or produce a zoning permit or certificate of use and occupancy within 12 months of the special exception. So, he would need to get an occupancy permit or zoning permit within 12 months or it would expire (Section 175-30A-2). The Board does still have some concerns about the construction and what is going to be put in. The Board will look into all aspects of this Special Exception.

Wilbur Slothour, Land and Sea Services informed the Board that if the Board is going to allow Land and Sea Services to finish their projects in the new year, he would suggest that the Board at their re-organizational meeting approve Land and Sea Services in the minutes that they will be permitted to finish the projects in the new year so that they properly sign the paperwork as Code Officer. The Board comments that this is their plan and that anything Land and Sea has open they will finish. Wilbur replied that he appreciates that and Chairman Williams feels it will be a better transition this way and will be easier on everyone.

**ADJOURN**

**MOTION by Supervisors Santay, seconded by Supervisor Crushong to adjourn the meeting at 8:40 pm.**

Respectfully submitted,

Susan J. Plank  
Secretary/Treasurer

Chairman \_\_\_\_\_

Supervisor \_\_\_\_\_

Supervisor \_\_\_\_\_