

**Franklin Township, Adams County
Board of Supervisors
Regular Meeting
July 2, 2020**

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

MOTION by Supervisor Santay, seconded by Supervisor Crushong to approve the June 4, 2020 Board of Supervisors Meeting and the June 18, 2020 Workshop Minutes as presented. Motion carried, 3-0.

APPROVAL OF BILL LIST #7

MOTION by Supervisor Crushong, seconded by Supervisor Santay, to approve Bill List #7 General Fund Checks 36384– 36422 totaling \$53,898.81. Motion carried, 3-0.

PRELIMINARY/FINAL PLAN

Museum – 545 Crooked Creek Road – Waiver/Reducing of Rec Fees

Supervisor Santay mentioned that the Township has met with Mr. and Mrs. Buck concerning the Land Development Project at 545 Crooked Creek Road. The Bucks will be completing road repair on Crooked Creek Road from the entrance to the Museum to Mummasburg Road. Supervisor Santay informed everyone that there was a request on site that the Rec Fees be reduced since the road improvements are being done. Supervisor Crushong asked the Bucks what amount are they looking for, ½ ¼? Mr. Buck replied ½ at least or all of it. The road improvements are going to cost approximately 150K. Solicitor Yannetti informed the Board that they are asking for a waiver of the Rec Fees and should the Board extend the Waiver request then everyone else will be asking for a Waiver and this will put the Board in a compromising situation. Solicitor Yannetti informed everyone that every Land Development comes with cost and sometimes they are more than others but this is

an area that the Board needs to proceed with caution and on behalf of the Township Solicitor Yannetti would suggest against it. Mrs. Buck informed the Board that they are a non-profit organization and Supervisor Santay suggested that the Township limit the waiver of fees to only 5013C organizations (Non-Profit). Solicitor Yannetti was asked to look into this and get back to the Board with his suggestions. The Supervisors asked if the Bucks had a written estimate. Loni Buck replied that she would send a copy of the written estimate to the office.

Motion by Supervisor Santay, seconded by Supervisor Crushong to table the decision on the Rec Fees for the Museum at 545 Crooked Creek Road until the Workshop to be held on July 16, 2020. Motion carried, 3-0

Adams County Winery – Additions and Alterations

Gil Picarelli, KPI Technologies showed the Board what exactly the Winery had in mind and reported that the Planning Commission suggested that the Board conditionally approve the plans per KPI comments of June 17, 2020.

MOTION by Supervisor Crushong, seconded by Supervisor Santay to conditionally approve the plans for the Adams County Winery per KPI Technologies letter dated June 17, 2020, items 1-6. Motioned carried, 3-0.

Lazy Lipp, LLC – Extension Request

Gil Picarelli, KPI Technologies informed the Board that Lazy Lip, LLC has asked for a 90-day extension until October 15, 2020.

MOTION by Supervisor Santay, seconded Supervisor Crushong to accept the 90-day extension, October 15, 2020 for the Lazy Lipp, LLC. Motion carried, 3-0.

STORMWATER MANAGEMENT PLAN

REPORTS

Reports will be posted on line for review

OLD BUSINESS

481 Church Road – Update

Gil Picarelli, KPI Technologies informed everyone that he talked to Mr. Ben Allen last week and he is planning to complete the work within the next two (2) weeks.

400 Church Road – Update

Susan Plank, Secretary/Treasurer informed the Board that the Township has not gotten any complaints and Solicitor Yannetti informed everyone that the property has been signed back over to Mr. Keys and Mr. Keys is in the process of cleaning the area up.

GASD – Memorandum of Understanding

Solicitor Yannetti informed the Board that a letter was sent out on June 5, 2020 to the Gettysburg Area School District but there is no one working out at the building in Gettysburg and he doesn't expect a response until the District goes back to work.

Strausbaughs / 5 Newman Road and 5940 Chambersburg Road

There was no update on this property. Everything looks the same.

Hilltown Road Bridge Replacement

Gil Picarelli, KPI Technologies informed the Board that they are working on getting the necessary permits. Supervisor Santay mentioned that the Board needed to make the decision as to whether the repairs were going to be funded by State Funds or General Funds. Supervisors Crushong and Williams responded by saying that the Board has already discussed this and the Board is leaning towards using General Funds because it will not be as costly. The Board wants to wait and see what the budget looks like for 2021 and complete this project in 2021.

Ordinance No. 2020-01 – Chapter 65 – Section 65-4-E – Property Maintenance Ordinance

MOTION by Supervisor Crushong, seconded by Supervisor Santay to approve Ordinance No. 2020-01 – Chapter 65 – Section 65-4-E – Property Maintenance. Motion carried, 3-0.

Ordinance No. 020-02 – Chapter 164 – Section 164-2 – Motor Vehicle Nuisance Ordinance

Ms. Joann Riedel wanted to know if this has ever been addressed. She informed the Board that she has made several complaints concerning Hidden Pines and nothing has been done. She said it gets very frustrating that they are private community and there are a select few that have cars sitting around and one neighbor that is running a business out of his home and has construction material all over the place. Supervisor Williams informed Ms. Riedel that the Board made some changes so that hopefully that when the citation goes to the Magistrate that the fines are more and that things can get cleaned up. Solicitor Yannetti informed Ms. Riedel that the Board also knows about the resident who is running a business from his home. Supervisor Santay asked Ms. Riedel that he understands that there is a Home Owner's Association and wanted to know what action they have taken. Ms. Riedel responded that the Association has sent out certified letters, which most have not been picked up, others have put No Trespassing signs up. Ms. Riedel is the President of the Association. Supervisor Santay asked if they have legal Counsel for the Association and Ms. Riedel responded yes. Supervisor Santay informed Ms. Riedel that a civil action is another avenue that can be taken since there is a Home Owners Association and then the burden lies with the residents in the private community and not everyone that is sitting in the room and Supervisor Santay just wanted to put this option on the table.

MOTION by Supervisor Crushong, seconded by Supervisor Santay to approve Ordinance No. 2020-02 – Chapter 164 – Section 164-2 – Motor Vehicle Nuisance. Motion carried, 3-0.

Ordinance No. 2020-03 - Conditional Use Procedures

Solicitor Yannetti informed everyone that this is what the Public Hearing was about at 6:45 pm when the Board took comments and discussed the Adams County Planning comments.

MOTION by Supervisor Crushong, seconded by Supervisor Santay to approve Ordinance no. 2020-03 – Conditional Use Procedures amendment to the Zoning Ordinance as written. Motion carried, 3-0.

NEW BUSINESS

Mr. Walter Smith – 2700 Mummasburg Road

Mr. Smith was represented by Attorney Adam Boyer. Mr. Boyer wanted to go on record concerning the shooting range that has been talked about at numerous meetings. Mr. Boyer wanted to go on record that Mr. and Mrs. Smith are not complaining people and that they have lived at their home for 28 years with no complaints. Mr. Boyer wanted everyone to know that this is not personal and is a Land Use issue.

1. Mr. Boyer pointed out the current Noise Ordinance should be addressed with this issue, pointing out that it is written to protect the welfare of adjoining property owners when there is a noise animating from across a property boundary lines that causes a disruption to people. This is an issue when the intensity is at the frequency as a couple hours a day – 15 – 20 days a month is problematic.
2. Safety is another issue. There was an application for special exception which everyone was on board with this. Mr. Boyer informed the Board that siting was the issue here. According to the Township Ordinance the actual stand from where they are shooting from should be 200' from the property line, the shot drop zone should be 900' and that is taken straight from NRA range development manual and the Township when making the Ordinance decided to go 1,000' beyond that technically making it 1900'. Where it is sited now, where it's been sited, and where it is periodically moved is approximately 30' off the property line.

Solicitor Yannetti commented that what they (the Kershner's) are doing now does not meet the definition in the Zoning Ordinance for an outdoor shooting range, hence; the Township cannot impose any conditions upon them as it is for private use, they do not have to file for special exception. Whenever they did make the application, they were sent a letter from the Zoning Hearing Board Solicitor addressing all the NRA Range specifications, that was going to be a condition. The Township does not have the ability

based upon how the property is being used, hence; it is the Township's belief that your remedy lies with a private nuisance complaint. The Noise Ordinance speaks to certain times of the day when certain noises are allowed. If there is a private nuisance taking place that is something that the Township can require homeowners to adhere to.

Mr. Boyer asked is there any intentions to apply the current Noise Ordinance to this situation. Supervisor Williams informed Mr. Boyer that as of right now the Noise Ordinance does not apply to someone shooting gun. Supervisor Williams informed everyone that if it is Kate and Alan out there shooting their guns there is nothing that the Township can do as long as they are shooting within the Township's hours of noise.

Mr. Boyer asked that if that is your position the Noise Ordinance does not apply to this right now. Supervisor Williams informed Mr. Boyer that this does not apply to this situation. Mr. Boyer gave the Board a petition that was sent around to the neighbors in the area with 38 signatures of neighbors along Mummasburg Road, Appleway, and Fairview Fruit Roads. Solicitor Yannetti informed the Board that he would be glad to look into the matter further and then get back to the Board with what he finds, if anything. Supervisor Crushong would like Solicitor Yannetti to look into the matter further. There was much discussion about how many people the Smith's think is shooting, when and how long they are shooting.

Mr. Lorne Peters commented that Mr. and Mrs. Smith need to get the correct address for the complaint. Mr. Peters informed everyone that 2700 Mummasburg Road is not the correct address. Mr. Peters also comment that it is not skeet or trap shooting, it is sporting clay. Mr. Peters said the second thing is that they have 400 acres and September 1st dove season comes in. are they saying that he cannot hunt for dove a 100-yards away from their house. If guys come over to go hunting will this be a problem. Mr. Peters said check the address is all he asks.

Mr. Brian Woolsey, 51 Appleway Road and he hears it and it is further away for him.

Mr. William Smith, no relation, 2541 Mummasburg Road has a guest house that he has people come to stay and he has had to explain to his guest many times recently about the gun noise and he supports Mr. Walter Smith. Mr. Smith informed the Board that he would have signed the petition but he has been out of town the last couple of weeks.

Bruce and Sara Baldwin, 155 Hilltown Road has concerns about the shooting that is done towards their property on the west side. They have livestock and a daughter that they worry about when the shooting is being done. Mr. Baldwin is a supporter of the NRA but he is concerned about his livestock and his daughter.

GUESTS

Mr. George Germann, 910 Mt. Carmel Road brought in a notice from McNees, Wallace & Nurkc, LLC concerning Noise Ordinance violation. Mr. Germann was under the impression that this was from the Township and it was not. This is a private complaint and has nothing to do with the Township.

The Board informed everyone that the Board is going into Executive Session concerning personnel matter. The Board will adjourn when they come out of the Executive Session.

The Board went into Executive Session at 8:15 pm and came out of the Executive Session at 9:00 pm.

ADJOURN

MOTION by Supervisors Santay, seconded by Supervisor Crushong to adjourn the meeting at 9:00 pm.

Respectfully submitted,

Susan J. Plank
Secretary/Treasurer

Chairman _____

Supervisor _____

Supervisor _____