

**Franklin Township, Adams County
Board of Supervisors
Special Meeting
January 19, 2018**

SUPERVISORS PRESENT: JR Crushong, Chris Santay, and Matt Williams

OTHERS PRESENT: Susan Plank, Secretary/Treasurer, Bernie, Yannetti, Solicitor.

The meeting, held at the Franklin Township Municipal Building, was called to order at 2:00 p.m. by Supervisor Chris Santay. The Pledge of Allegiance was recited by all in unison.

Waste Connections – Trash Collection

Supervisor Santay Crushong asked if there was anyone present to represent Waste Connections. There were three (3) representatives from Waste Connections: Connie Fridinger, Lee Zimmerman, and Doug Key. Supervisor Santay informed Waste Connections that the Township is very unhappy with the service that it has gotten at this point. The Township and Supervisors has gotten many complaints about trash being left for two to three weeks, totes not being delivered, trash not being picked up because of icy conditions. Supervisor Santay informed Waste Connections that their contract reads “Due to the late award of the contracts, the manufacturer is doing everything possible to have the carts ready for delivery by mid-December.” Supervisor Santay informed Waste Connections that we are five (5) weeks beyond that and no one has dumpsters and the Township is very unhappy at this point. Supervisor Santay informed Waste Connections that the Township terminated Advanced Disposal for practices like these and that they (the Township Supervisors) are not going to tolerate it. He asked for them (Waste Connections) to get their stuff together quickly. Supervisor Santay said the he has always said that when you hire the cheapest bidder, the cheapest bidder is what you get and that you (Waste Connections) is making that look true. Supervisor Santay informed Waste Connections that if they are having problems getting to an icy road to have someone call the Township and maybe we can get cinders to that area ahead of the truck. A representative from Waste Connections informed the Board that the only area that he was aware that they did not pick up because of icy roads was the Wagner/Hillcrest area which they had learned that Park’s did not pick up that area several times last year because of the same reasoning. Supervisor Santay wanted to know what efforts they (Waste Connections) made to pick up the trash in the area. They responded by saying they sent a truck to the area but it could not get up the hill and began to slide. Supervisors Santay asked what was Plan “B” when this happens. He also stated that previously Vendors used pick-up trucks to pick up trash in these kinds of areas.

Resident Chuck Lord informed everyone that he lives at 5100 Chambersburg Road and the first week that his trash was to be picked up it was not. He did not get his tote and he is at an age that he cannot be going up and down Chambersburg Road to pick up his bag that are blowing all over the place. Mr. Lord informed everyone that he called

about his trash not being picked up and talked to Heather and he might have as well talked to the wall because she told him that he needed to be quite because she needed to talk to him. Mr. Lord said he called the Township and talked to Susan and she got him a tote delivered. As of 1:15 today his trash was still not picked up. Supervisors are asking them (Waste Connections) to get better. Waste Connections says that people who do not have totes in January would be getting a credit if requested. Supervisor Santay that they (Waste Connections) should be keeping track of who requested totes and who did not get them in January and credit their account. Waste Connections also mentioned that residents are putting their regular trash in recycling totes and this cannot happen. They (Waste Connections) per State Regulations cannot empty trash out of recycling totes. Waste Connections informed the Board what they are finding is that people are signing up for service and checking the recycling tote but really are wanting the trash tote. There were two (2) boxes to check one for recycling and one for trash and people checked the wrong box and then are calling and complaining that they wanted a trash tote and not a recycling tote. Waste Connections are working on getting these swapped out and this is compounding the complaint.

Resident Joel Riddlemoser asked about the recycling events and what were the dates. Susan Plank, Secretary/Treasurer informed everyone that the following months: March, June, September, and December. Susan will get exact dates and post them on the website.

Wilbur Slothour – Parr Barn Permit

Supervisor Santay addressed Wilbur that the Board has received a complaint from Mr. Brian Redding concerning a horse barn on Mountaintop Drive at the Parr Residence. The Board has some concerns about Land and Sea's decision to issue the permit on behalf of the Township. Supervisor Santay informed Wilbur, Land & Sea that horse barn is written throughout the application and in addition it is noted on the application that the Zoning is Residential. Supervisor Santay said that according the current Zoning Ordinance that horses are not allowed in an "R" District. The Supervisors informed Wilbur that they needed some input from him on the matter.

Wilbur Slothour, Land and Sea Services, LLC responded by saying its been awhile since he looked at the application and permit and offered the following: The way that they look at that is an accessory structure/building to the primary resident. Some unusual things that they looked at with the lot. Initially the lot was over 10 acres, the Township has some large lots that are marked residential, so thinking along that line of the acreage and the spacing available and the other issue was that the building was only 900 square feet, it was a small building and the cost was anticipated to be around \$5,500.00, so that is the way that they (Land and Sea) looked at it and evaluated it. As an unattached structure, they have been researching this issue of horses for some time in terms of residential districts. It is a sticky point with a lot of Zoning Ordinances in a lot of municipalities. Wilbur looked at it based on this information and other information that came out of Penn State and other Ordinances as companion animals/pets and not as livestock. The reason he did this is because there was the same amount of horses there for the same number of residents, those horses he sees as companions/pets instead of livestock and the documentation from Penn State identifies that. So, you take the large

lot, the smaller structure and the low cost and you think of the horses as pets and not livestock (research from Penn State show that) and that is the why he issued the permit.

Supervisor Santay does not dispute the thought process and no one has a problem with the horse barn. The problem is not the barn but the horses. The application clearly states a horse barn. Supervisor Santay agrees that to the statement that horses are for pleasure and not livestock, but the Township Ordinance contradicts that. Supervisor Santay's concern is that there are three (3) horses and two (2) owners who do not have a house there yet. Wilbur informed the Board that this was done back in 2016 before the subdivision. Wilbur had no information on the subdivision at that point. Supervisor Crushong informed the other Board members that if you go back into the book that the enforcement of the Zoning Officer it clearly allows the Zoning Officer to register a non-conforming use or a non-conforming structure. This gives Wilbur the right to choose, based on what he just said, to make those choices without going through special meetings and special exceptions.

Supervisor Crushong addressed Bernie Yannetti, Solicitor and said that everyone has heard Wilbur's side and what is his thoughts on legal wise. With the application that was made, Solicitor Yannetti would rate Wilbur's interpretation as not negligent and that he has latitude to make a decision and he doesn't think that his decision to allow this to be permitted is wrong. Everyone may not be in agreement with his decision but he does not feel it is illegal by any means. He said there are probably many places in the Township that have barns for horses that do exist in residential areas. Wilbur's decision could have been appealed back when it took place and since we are now a year and half pass you cannot come and complain about something that you have existed with. Legally, Solicitor Yannetti does not think the Township has any exposure with this issue.

Wilbur commented that just for history, the average size of a small barn is 1200 square feet with a cost of approximately \$40k using it for more than just shelter and this information came out entitled Zoning Guidelines for permitting domestic livestock uses and that came out of Penn State in 2004. He thinks the challenge here is the large size lots and not just in Franklin Township but also in other Townships.

Supervisor Santay asked Solicitor if he is comfortable that the Township has no liability on this. Solicitor Yannetti responded "yes". Solicitor Yannetti informed the Board that he has talked to the grief party's lawyer and he agrees that the Township has no liability. Solicitor Yannetti informed the Board that maybe they should look at the Zoning Ordinance again. Supervisor Santay asked the other Supervisors if there were satisfied, Supervisor Williams abstained from comment and Supervisor Crushong replied that he was satisfied. Wilbur said to the Board that if they have any comments or thoughts to let him know. He said that they are trying to be as reasonable and consistent as they can be.

Supervisor Crushong informed Wilbur that the Board is not really happy with the services that the Township is getting from Land and Sea, particularly from Tim. They feel he is not in the Township enough and that the Supervisors have to point out things in the Township to him, example is up on Tick Toc. The place was getting cleaned up and now it is going backwards. The Supervisors do not feel that they are getting what they are paying for. They want this Township to be clean and that the residents know that the

Supervisors are taking care of them. Wilbur's commented that they want to do the job like the Township wants. If they are not doing that he understands that there may have to be some change. Wilbur will be glad to sit down and talk to Tim again. He said that with all employees everyone sees things differently and one person may see things one way and another may see it another way. They want to do the job and he will talk to Tim again. Supervisor Crushong informed Wilbur to have the talk with Tim and if he feels that one of the Supervisors should be there please let them know. Wilbur said to keep the information coming and he will move forward with talking with Tim.

Supervisor Santay asked guest if there were any concerns that they would like to address before the Board went into Executive Session. Solicitor Yannetti asked if the Board wanted Susan Plank, Secretary/Treasurer to be involved in the Executive Session and Supervisor Santay replied that he would like both Susan Plank and Solicitor Yannetti to attend the Executive Session.

The Board of Supervisors went into Executive Session at 2:33 p.m. The Board Supervisors came out of Executive Session at 3:08 p.m. and adjourned the meeting.

There being no further business to conduct, meeting adjourned at 3:08 p.m.

Respectfully submitted,

Susan J. Plank
Secretary

Chairman _____

Supervisor _____

Supervisor _____