

November 21, 2023

The Franklin Township Supervisors met on the above date at the Franklin Township Administration Building located at 889 Fairyland Road. Township Officials present were Supervisors Fred Kemmerer Jr, Robin Cressley, Jason Frey, and Secretary Brenda Cressley. An attendance sheet listing all others present is attached to the Minute Book. Chairman Kemmerer called the meeting to order at 6:30 p.m., and led those present in the Pledge of Allegiance to the American Flag.

Robin Cressley made a motion approving the minutes from the October 17, 2023 Township Meeting. Jason Frey seconded the motion. Motion carried unanimously.

Robin Cressley made a motion approving the minutes from the October 25, 2023 Public Zoning and Saldo Ordinances Hearing. Jason Frey seconded the motion. Motion carried unanimously.

Jason Frey made a motion approving the minutes from the November 8, 2023 Budget Workshop Meeting. Robin Cressley seconded the motion. Motion carried unanimously.

Jason Frey made a motion approving the minutes from the November 14, 2023 Budget Workshop Meeting. Robin Cressley seconded the motion. Motion carried unanimously.

Jason Frey made a motion approving the minutes from the November 15, 2023 Budget Workshop Meeting. Robin Cressley seconded the motion. Motion carried unanimously.

Secretary's Report –

Reported there would be no change in the garbage collection for the Thanksgiving Holiday.

Franklin Township Office is selling 6" cold hoagie tickets @ \$5.50 each to help raise money for the revitalization of Phifer's Ice Dam Playground. Hoagies are from Cindy's Deli. Tickets can only be purchased from the Franklin Township Administration Office during business hours. The ticket expires March 1, 2024

Treasurer's Report – Jason Frey made a motion to approve the Treasurer's Report. Robin Cressley seconded the motion. Motion carried unanimously.

Zoning Report - Zoning Officer Paul Jarrett submitted his report from 10/11/23 through 11/20/23. Revenue from Zoning Permits: \$721.70. Variance application fees- \$0.00. (Copies are on file)

UCC Building Code Official - Received report from Paul Jarrett, Building Code Officer from 10/11/23 through 11/20/23. Administrative fees turned in with report: \$590.50 (Copies are on file)

Fire Chief & Fire Police Reports – The October, 2023 monthly report was submitted for Franklin Township Volunteer Fire Company and the October 2023 monthly report was submitted for the Franklin Township Fire Police. Copies are on file.

Police Report- OIC Frank Buonaiuto submitted the Police report from 9/17/23-10/14/23.

Road Crew Reports submitted reports from 10/15/23- 10/28/23 & 10/29/23 – 11/11/23

Central Carbon Municipal Authority – Minutes from the October 16, 2023 Central Carbon Municipal Authority were submitted by Ronald Solt along with their 2024 budget.

Communications –

Received the 2023 third quarter account statement(s) for the Police Pension Plan for the period of July 1, 2023 through September 30, 2023, from Girard Pension Services, LLC Investment Advisory Agreement with Nationwide as our Plan Custodian, also received a copy of the quarterly invoice from Girard Pension Services which was paid by our plan; All Supervisors received a copy of same; received a refund (\$4,365.72) from CCMA for the 2022 year end billing adjustments in accordance with their audit and a copy of the DCED Annual report of Municipal Authorities; 2023 -Signed Act 44 Disclosure form from Nationwide/Girard Pension Services regarding the police pension from Ronald Bittner; 2023 - Signed Act 44 Disclosure form from Foster & Foster regarding the police pension from Laura Prego; Certificate of Recycling of 9,768 lbs. of electronic waste at our October 21, 2023 E-Cycling collection day; Received the completed 2023 Act 205 Actuarial Valuation Report; Emails from PSATS News Bulletin, DEP, and LTAP.

Citizen Participation –

Mr. & Mrs. Robinson residents from Bass Pike were present to state they were to a township meeting about 1 ½ years ago to voice their concerns about the condition of their road they live on (Bass Pike). They want to know who owns the road and would like any minutes from when this development was completed. They feel this is a township problem and the township needs to do the responsible thing and fix the road. They said they are not asking for the road to be macadam, just graded and widened along with being re-stoned. Supervisors Cressley stated even if the township road crew would be allowed to do that, the first heavy rain would wash it right out again without proper drainage installed. Mr. Robinson said there are a lot of retired/senior citizens living on this road who cannot afford to contribute to the task of bringing Bass Pike up to Township Road Standards. They also remarked the current condition of the road has brought down the property values of the homes along Bass Pike. They are concerned that the post office, oil deliveries, Amazon/Fed Ex/UPS will soon tell them they cannot deliver to their homes. Mrs. Robinson stated this road is unacceptable. They want the township to correct the wrong that was done fifty (50) years ago. Chairman Kemmerer expressed again that essentially this is a private driveway and the township cannot maintain/repair any private driveway let alone an entire road. He offered to meet with the Robinson's again to further discuss the matter. Township Solicitor Thomas Nanovic agreed with the board that it is a private road and we cannot use taxpayers' money to fix it.

Resident Thomas Lawler was present on behalf of his family and neighbors who live in the Sawmill Run Development to express their concerns with the proposed Fazenda Fishing Camp Land Development Plans. They are upset about the previous gatherings at this location where the noise level was extremely loud, from DJ music to fireworks and rapid gunfire into the late hours. Many concerns were mentioned regarding the property being an illegal campground, the cabins that are proposed will be become a tiny house community, will the existing septic system be able to keep up with the people, the entrance should have better signage, ex: Private Drive due to the fact the entrance is located at a bend along Forest Street. Mr. Lawler said that the Fishing Camp has a proposed limit of fifty (50) members but questioned how many guests would be allowed there? They all want to know who will be enforcing the fifty (50) limit club membership and the loud noises. They would like the township to adopt a Noise Ordinance and hire a Code Enforcement Officer to be able to control the potential violations. Mr. Lawler stated that all they want is to have respectful and courteous neighbors. He said prior to this new land development plan they have not been respectful neighbors and are concerned they will only get worse.

Citizen Participation –

Kirk Cressley was present to ask if we do not have a noise ordinance do we follow the State Ordinance. He stated he does shoot with a high power rifle on his property day and night because of wild animals.

Sawmill Development Residents also present to support Mr. Lawler were: Dawn Lawler, Bill & Wendy Lauth, Phil Balliet, Debra Schweitzer, Mark Martin, and Joe Maisey

Steven Hawk from Keystone Consulting Engineers was present representing Crazy Trout LLC and the Fazenda Fishing Camp Land Development Plans. He said they have done everything that was requested and that a Lodge is a permitted use in our Zoning Ordinance.

Township Residents Merritt Coleman & Maureen Lenar were both present to ask the Supervisors what can be done to stop their neighbor from running his equipment late at night? They have been living with this constant banging noise from the tailgate being opened and closed, along with him letting his equipment run forty (40) minutes at one time at all hours. Mrs. Lenar said they should not have to deal with this and “They have no Respect for anyone.” Chairman Kemmerer said the board is opened to looking into a Noise Ordinance.

Unfinished Business - None

New Business:

Jason Frey made a motion to table adopting the 2024 budget for all funds (General Fund, State (Liquid Fuels) Fund, Sewer Operating Fund, Recreation Fund, Fire Hydrant Fund, Road Equipment Fund, Capital Project Garbage Collection Equipment Fund, Capital Reserve Police Vehicle and Equipment Fund; Capital Reserve Building Fund; and Capital Reserve Employee Benefit Fund). Robin Cressley seconded the motion. Motion carried unanimously. There will be another budget workshop meeting scheduled in the near future to discuss the final budget figures.

Jason Frey made a motion authorizing the Secretary to advertise the Boards’ intent to hire Independent Auditors to Audit all Township 2023’s Accounts. Fred Kemmerer Jr. seconded the motion. Motion carried unanimously.

Jason Frey made a motion to authorize Girard Pension Services as Trustee to adjust retired police officer Thomas Beltz’s COLA at a rate of 3.2% effective January 1, 2024. Robin Cressley seconded the motion. Motion carried unanimously.

Jason Frey made a motion to approve employee #105’s hourly rate to \$19.57 (Step 3- Journeyman) retroactive to October 30, 2023, per recommendation of the interim Road Foreman. Robin Cressley seconded the motion. Motion carried unanimously.

Fred Kemmerer made a motion to approve payment for the overage of the bid from the CDBG Project for Phase II of Red Hill Road. Jason Frey seconded the motion. Motion carried unanimously.

Fred Kemmerer made a motion to adopt Resolution 2023-14 amending Resolution 2001-12 to reduce the user charges to be collected from the owner of each improved property served or to be served by the sewer system. Jason Frey seconded the motion. Robin Cressley opposed. Motion carried.

New Business:

Fred Kemmerer made a motion to hold another public meeting on Wednesday, November 29, 2023 at 7:00 p.m. to discuss the proposed Zoning Ordinances and Zoning Map changes. Robin Cressley seconded the motion. Motion carried unanimously.

Fred Kemmerer made a motion to approve the waiver that was requested for the proposed Minor Subdivision Franklin Commons (regarding SALDO Section 514 which requires the lot depth to be not less than one (1) times the average width) permitting a lot depth that is greater than one (1) times the average lot width. Jason Frey seconded the motion . Motion carried unanimously.

Fred Kemmerer made a motion to approve the waiver that was requested for the proposed Minor Subdivision Franklin Commons (regarding SALDO Section 702.K requires contours elevations be provided at intervals of five (5') feet), permitting contour elevations to be provided at intervals of ten (10') feet opposed to five (5') feet. Robin Cressley seconded the motion. Motion carried unanimously.

Robin Cressley made a motion to approve the waiver that was requested for the proposed Minor Subdivision Franklin Commons (regarding SALDO Section 702.AH requires a Pennsylvania Historic Museum Commission Review for archeologically sensitive sites and historic sites) to not require a Pennsylvania Historic Museum Commission Review for this approval, as no earth disturbance is being proposed as part of the Minor Subdivision Application. Fred Kemmerer seconded the motion. Motion carried unanimously.

Jason Frey made a motion to approve the waiver that was requested for the proposed Minor Subdivision Franklin Commons (regarding SALDO Section 703 requires final plans to be drawn at a scale of not more than one-hundred (100') feet to the inch) to permit final plans to be drawn at a scale of 1"= 150' due the size of the overall property. An inset for the subdivided lot is provided at a scale of 1" = 50' based on direction from the Township Engineer. Robin Cressley seconded the motion. Motion carried unanimously.

Fred Kemmerer made a motion to give conditional plan approval to the Franklin Commons Subdivision based on all comments are addressed from Carbon Engineering and from all outside agencies. Robin Cressley seconded the motion. Motion carried unanimously.

It is the intent to carve out the existing dwelling from the current property of approximately 97 acres

Robin Cressley made a motion to table both agenda items ten (10) and eleven (11) waiver requests and to give conditional approval on the Fazenda Fishing Camp Land Development Plans until the December 19, 2023 Township Board of Supervisors Meeting. . More time is needed to review the plans and speak to the township engineer. Jason Frey seconded the motion. Motion carried unanimously.

Citizen Questions/Comments –

Joe Craig the builder of the Fazenda Fishing Lodge was in attendance, also a Sawmill Run Development resident. He tried to explain what the owners plan to do with the Lodge. It is a members-only club and there will be no guests. They may have a special event once in a while with guests invited. They do not plan on expanding. They will have to do the proper Stormwater management plan and follow all zoning regulations. Mr. Craig said he had Rod Mann and Kim Rabenold and Ivan Meixsall from the Franklin and Carbon Planning Commissions come and visit the property and offered an open invitation to look at the property. He suggested getting a date and time where the residents of Sawmill and the owners could meet and discuss their concerns.

Chairman Kemmerer said everyone is treated the same. Everyone has to follow the same process in place from the beginning stage of planning to obtaining the necessary Zoning and UCC Permits.

Mr. Maisey said he understands, but still is concerned because of what has already taken place.

Questions from the Press: None

Jason Frey made a motion to adjourn the meeting at 9:10 p.m. Robin Cressley seconded the motion. Motion carried unanimously.

Respectfully Submitted

Brenda Cressley, Secretary