

**FREEDOM TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
DECEMBER 12, 2018
7:00 P.M.**

BOARD OF SUPERVISORS

Allen Beckett, Chairperson
Paul Kellett, Vice-Chairperson
Matt Young

TOWNSHIP OFFICIALS - PRESENT

Zachary Gulden, Township Manager
Linus Fenicle, Township Solicitor
Gil Picarelli, KPI Technology
Dominic Picarelli, KPI Technology

MEMBERS OF THE PUBLIC - PRESENT

Jim Hale, Mary & Ed Buchheit, Ken Scott, Brenda Snyder, Jon Holler, Clem Mellot, Ed Wenschhof, and Darrin Latts.

CALL TO ORDER

Chair Beckett called the Board of Supervisor's Meeting to order at 7:00 p.m.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Vice-Chair Kellett made a **MOTION** to approve the Minutes of the November 7, 2018 meeting. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

CONSIDERATION / APPROVAL OF BILLS IN THE AMOUNT OF \$20,097.25 FROM THE GENERAL FUND.

Vice-Chair Kellett made a **MOTION** to approve the financial report and bills in the amount of \$20,097.25. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

ROAD REPORT

The road crew completed the following tasks in November:

- Picked-up International Truck at 5-Star York.
- Picked-up 3 loads of antiskid from Gettysburg. Ed hauled 2 loads. Fred Welty hauled 1 load.
- Set up and took down voting equipment in meeting room.
- Installed plows, spreaders, and chains on trucks, load antiskid/salt mix (storm prep).

- Installed snow marker stakes along Shriver Road and other misc. areas.
- Plow and antiskid roads on 15th and 16th (8" snow). Place antiskid on overpass and bridges on 24th (icy).
- Chemung Supply delivered the 25 back ordered signs along with 3 plow edges and hardware for International Truck.
- Check roads, clear leaves, trash pickup, wash off trucks, repair doge plow (top flap). Replace plow edges on International Truck and misc.
- Met with John Johns from Risk Management (workman's compensation).

Road Crew Employee	Hours Worked	Mileage
Mike Wenschhof	56	0
Ed Wenschhof	45	0
Allen Beckett	0	0

Vice-Chair Kellett made a **MOTION** to approve November's Road Report as submitted. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

EMS & FIRE REPORTS

Adams Regional Emergency Medical Service (AREMS) had a total of 1 call to Freedom Township for the month of November.

Mr. Gulden said the Fire Report was not submitted for the month of November and it has not been submitted on time for over four months. Vice-Chair Kellett respectfully requested that the Greenmount Fire Department submit their reports on time.

OLD BUSINESS

A. Discussion of the Natural Dam Road Bridge project – KPI Technology.

Mr. Gil Picarelli said Franklin Township recently replaced a similar size bridge (Hickory Bridge), and it cost approximately \$150,000; however, their employees conducted most of the work. He said it would cost approximately \$175,000 to \$200,000 for the full replacement of the Natural Dam Bridge, assuming all of the work will be conducted by a contractor.

Chair Beckett said the Township has had structural engineers assess the bridge and they determined it could be repaired and not replaced. He also said the Township has already received the necessary permits. Chair Beckett asked Mr. Picarelli if the Township could place a pipe under the bridge instead of a box culvert in order to save money. Mr. Picarelli said that the PA Department of Environment prefers box culverts. Chair Beckett asked if KPI is capable of overseeing the entire bridge project – from creating a request for proposals to overseeing the contractor. Mr. Picarelli said yes. The Board agreed that they rather repair instead of replace the historic bridge.

Chair Beckett made a **MOTION** to hire KPI Technology in order to prepare a request for proposals and oversee the repair of the Natural Dam Bridge. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

Ms. Amy Naill said she lives on Natural Dam Road. She asked when construction would begin. Vice-Chair Kellett said that Mr. Gulden would notify her a few months before construction would start. Ms. Naill asked if there would be a weight restriction on the bridge. Mr. Picarelli said the bridge will handle the weight of any type of truck, and he will have to get back to her with an exact number. Ms. Naill said her home is a quarter of a mile away from the bridge, and she asked if the bridge will be closed for traffic. Mr. Young said the bridge will remain open.

B. Consideration / adoption of the proposed Ordinance 2018-03 (repeals and replaces Section 513 in the Subdivision and Land Development Ordinance).

Mr. Gulden said the Board held a public hearing at 6:30 pm before this regular meeting, and the Board may now approve or deny the proposed ordinance. Mr. Fenicle said the proposed ordinance has been properly advertised, the Board held a public hearing, and the Township has adopted a recreation plan. He also said the County has been extensively involved in the process. Vice-Chair Kellett asked if the public had any comments. There were none.

Vice-Chair Kellett made a **MOTION** to adopt the proposed Ordinance 2018-03, which repeals and replaces Section 513 in the Subdivision and Land Development Ordinance. The **MOTION** was **SECONDED** by Chair Beckett. The motion carried unanimously (3-0).

C. Consideration / approval of a contract with the Cohen Law Group for \$6,900.00 in order to renegotiate the Comcast cable franchise agreement. The current contract expires in May of 2020 (we must notify Comcast that we wish to renegotiate our contract by May of 2019, or it will automatically renew for five years with the same terms).

Mr. Gulden said for over 20 years, the Cohen Law Group (CLG) has specialized in cable franchise matters on behalf of local governments, and our attorneys have negotiated more franchise agreements than any other law firm in Pennsylvania and surrounding states. They have represented over 450 municipalities in negotiations with their cable companies. The principal of the firm is Dan Cohen. He has assisted local governments in cable, wireless, and broadband issues for over 25 years.

Potential franchise benefits:

1. Franchise Fee Revenue. Under federal law, municipalities may assess a franchise fee of up to five (5%) of the cable company's "gross revenues" for cable services derived from the municipality. The central subject of negotiation with the cable operator is the specific revenue sources to be included in the definition of "gross revenues." CLG has developed a comprehensive list of cable operator revenue sources to which municipalities may apply the franchise fee. This list currently includes 27 revenue

sources and is expanded regularly based on the increasing number of fees being charged by the cable operator.

2. **Franchise Fee Accountability.** In addition to franchise fee revenue, it is also essential for municipalities to require franchise fee protection and accountability. In a franchise agreement, these include detailed franchise fee reports with each payment, the right to conduct comprehensive franchise fee audits with penalties for underpayments, and protections against franchise fee reductions due to bundled services (also referred to as the “triple play” of internet, television, and telephone services) discounts.
3. **Cable System Upgrade.** Depending on technical features of the current cable system, the Township may wish to negotiate a time frame for an upgrade of the cable system. It is essential to know the specifications of the system and whether it is technologically current. Even if the system is up to date, it is important to include the technical specifications of the system in the renewal agreement.
4. **Customer Service Standards.** In a franchise agreement, municipalities may impose customer service standards to which the cable operator must adhere. It is important to include comprehensive and enforceable standards. Examples include telephone answering time limits for customer service operators, refunds for service interruptions, time frames for home visit by technicians, rules for resolving customer billing disputes, privacy standards, and a prohibition against early application of late fees.
5. **Free Services.** It is common in a franchise agreement for cable companies to provide complimentary cable television and/or internet services to community facilities. The types and amount of such services are different for different cable operators. The major subject of negotiation is the number of community facilities (including municipally operated buildings, public and private schools, and public libraries) that will receive the service and level of service received.
6. **Legal Protections of the Rights-of-Way.** Because cable companies place wires and equipment in the public rights-of-way, it is critical that a franchise agreement include legal protections for the municipality. These protections include, but are not limited to, safety standards, repair and restoration of property damage within a specified time frame, emergency removal of equipment, indemnification, and full insurance coverage.
7. **Public, Educational and Governmental (PEG) Channels.** Municipalities have a legal right under federal law to dedicated channel space for public, educational and governmental (PEG) programming. PEG channels may be used to inform citizens by broadcasting government meetings, providing public safety alerts, and making announcements regarding local government activities and community, educational, and athletic programs.

8. CLG will attempt to negotiate a one-time cash franchise grant from Comcast for renewing the cable operator's franchise to provide cable services in the Township. The availability, amount, and distribution schedule of these grants depend upon the give-and-take of the franchise negotiations.
9. Reporting Requirements. It can be helpful to obtain periodic information from the cable operator related to financial and customer service issues. A franchise agreement may require the cable operator to provide written reports on such matters as franchise fee verification, customer complaints, construction activity in the public rights-of-way, and the cable company's financial condition.
10. Enforcement. Once the cable operator agrees in a franchise agreement to provide certain benefits to the Township, it must be able to enforce those obligations. This includes a strict and practical enforcement tools to ensure the company's performance of its obligations under the agreement. These tools may include, but are not limited to, monetary fines, a substantial performance bond, and the right to revoke the franchise in extreme circumstances.
11. Length of Term. Because video technology changes so rapidly, municipalities typically seek a shorter length of franchise term. On the other hand, cable companies typically seek longer terms to protect their capital investment in the cable system. The difference between these two positions is resolved through negotiation.

Vice-Chair Kellett said he questions whether the Township needs to hire an attorney in order to increase the franchise fee from three to five percent. Mr. Gulden said Comcast could simply state that they refuse to increase the fee. Mr. Young said he believes they have to increase the fee if we ask. He said the fee will be passed along to the consumer. Chair Beckett said we should send them a letter stating we wish to renegotiate the contract before hiring the attorney.

Mr. Fenicle said the Township has until May of 2019 to send Comcast a letter stating we wish to renegotiate our contract. The contract will automatically renew for five years if the letter is not sent. He said he believes that the Township can get the increase to five percent without hiring an outside agency, but the Cohen Law Group specializes in contract negotiations and may be able to get additional benefits.

Vice-Chair Kellett said the Cohen Law Group could negotiate free internet and cable for the Township and Fire Department buildings; however, it would not get anywhere close to the \$6,900 fee paid to the Cohen Law Group to negotiate that into the contract. Mr. Gulden said the Township pays a little over \$150 per month for internet and cable and the same goes for the Fire Department. $\$300 \text{ a month} \times 12 \text{ months} \times 10 \text{ year contract term} = \$36,000$ in benefits.

Chair Beckett made a **MOTION** to table this discussion until another meeting. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried (2-1). Mr. Young dissented, because

he believes the Township should send Comcast a letter now. Chair Beckett said he would like to look at the pros and cons of hiring an outside firm before voting on the matter.

D. Consideration / adoption of the proposed Resolution 2018-10 (approval of the 2019 budget).

Mr. Gulden said he made the following changes since passage of the Preliminary Budget:

General Fund:

- Line item 01-404-317 (Solicitor Fees) – added \$6,900.00 to pay for the cable franchise negotiation.
- Line item 01-433-245 (Signs and Materials) – deducted \$3,000.00.
- Line item 01-437-451 (Repair of Tools & Machinery) – added \$3,000.00 for the purchase of tractor tires.
- Line item 01-486-195 (Worker's Compensation) – added \$703.00.
- Line item 01-486-351 (Property Insurance / Liability) – deducted \$862.00.
- Line item 01-492-030 (Transfer to Capital Reserve Fund) – deducted \$5,000.00.
- Line item 01-492-096 (Transfer to Park and Recreation Fund) – added \$100.00 to open the Parks and Recreation checking account at the bank.

Park and Recreation Fund:

- Line item 18-392-010 (Transfer from General Fund) - added \$100.00 to open the Parks and Recreation checking account at the bank.

Mr. Young asked if Mr. Gulden could make these changes after the budget has been advertised. Mr. Gulden said he spoke with Mr. Fenicle before any changes were made. Mr. Fenicle said it does not need to be re-advertised. Vice-Chair Kellett asked if there were any public comments or questions. There were none.

Vice-Chair Kellett made a **MOTION** approve the 2019 final budget by Resolution 2018-10. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

E. Consideration / appointment of Joyce Beckman of Lockwood Business Support Service to conduct the 2018 audit in place of the elected auditors.

Mr. Gulden said this was properly advertised in the Gettysburg Times on October 17, 2018.

Vice-Chair Kellett made a **MOTION** to appoint Joyce Beckman of Lockwood Business Support Service to conduct the 2018 audit in place of the elected auditors. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

F. Open the bids for the 2019 stone contract.

- **Consideration / award the 2019 stone contract to _____ in the amount of \$ _____.**

Mr. Gulden said the Township received bids from the following organizations:

1. New Enterprise Stone & Lime Co., Inc.
2. Hei-Way, LLC.
3. St. Thomas Development, Inc.
4. Specialty Granules, LLC.

The bids were opened.

Vice-Chair Kellett made a **MOTION** to table this discussion until the January meeting to allow staff time to review the documents. The **MOTION** was **SECONDED** by Chair Beckett. The motion carried unanimously (3-0).

NEW BUSINESS**A. PA Municipal Code Alliance, Inc. presentation.**

Mr. Mellot said their organization represents over 140 municipalities in South Central Pennsylvania. PA Municipal Code Alliance handles building and zoning review and enforcement, they oversee the health department for the Borough of Chambersburg, and conduct various duties. The company is four years old; however, they have highly experienced employees. Mr. Mellot said they have an inspector who lives in Freedom Township, and he would be the main inspector if their organization is chosen to handle building code review and enforcement. He said their fee schedule was sent into the Township a few weeks ago. The building review fees are paid by the applicant, while the enforcement fees are paid by the Township. They maintain an office in Gettysburg.

Mr. Gulden said he currently has to mail all of the building permit applications to Camp Hill for review and processing by the Middle Department Inspection Agency, and they have been really slow on approving or denying the permits. He also said the PA Municipal Code Alliance fee schedule is very similar to the fee schedule for the Middle Department Inspection Agency. Mr. Gulden said the Board can decide which company to use at the reorganization meeting in January.

B. Consideration / adoption of an advertisement for the 2019 Planning Commission and Board of Supervisor's reorganization and regular meetings. Reorganization meeting is scheduled for 01/07/19 at 6:30 PM and the regular meeting on the same date at 7:00 PM.

Freedom Township Planning Commission 2019 meeting schedule. Meetings to be held at 7:00 PM on the first Wednesday of each month, as needed, unless specified otherwise below at

2184 Pumping Station Road, Fairfield, PA 17320. Township Manager: Zachary R. Gulden. Email: zgulden@freedomtwp.org. Phone: 717-873-0475. Planning Commission meeting dates: January 2, February 6, March 6, April 3, May 1, June 5, July 3, August 7, September 4, October 2, November 6 (5:00 PM), December 4.

Freedom Township Board of Supervisors 2019 meeting schedule. Meetings to be held at 7:00 PM on the second Wednesday of each month unless specified otherwise below at 2184 Pumping Station Road, Fairfield, PA 17320. Township Manager: Zachary R. Gulden. Email: zgulden@freedomtwp.org. Phone: 717-873-0475. Board of Supervisor meeting dates: January 7 (reorganization – 6:30 PM & regular – 7:00 PM), February 13, March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 9, November 6, December 11.

Chair Beckett made a **MOTION** to approve an advertisement for the 2019 Planning Commission and Board of Supervisor's reorganization and regular meetings as presented by staff. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (3-0).

C. Norman V. Brown Final Subdivision.

- **Consideration / approval of a waiver request to waive the preliminary plan requirements.**
- **Consideration / approval of the subdivision request.**
- **Consideration / approval of the sewage planning waiver & non-building declaration.**

Mr. Gulden said KPI Technology, the County, and the Township's Planning Commission has reviewed the plan and provided minimal comments, which have been corrected by the applicant. Staff recommends approval of the plan.

Vice-Chair Kellett made a **MOTION** to approve the request to waive the preliminary plan requirements. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

Vice-Chair Kellett made a **MOTION** to approve the Norman V. Brown Final Subdivision plan. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

Vice-Chair Kellett made a **MOTION** to approve the sewage planning waiver & non-building declaration. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (3-0).

D. Middle Creek Bible Conference Final Subdivision.

- **Consideration / approval of a waiver request to waive the preliminary plan requirements.**
- **Consideration / conditionally approval of the subdivision request.**
- **Consideration / approval of the sewage planning waiver & non-building declaration.**

Mr. Gulden said KPI Technology, the County, and the Township's Planning Commission has reviewed the plan. Staff recommends approval of the plan with the following condition:

1. The applicant shall record in the Recorder of Deeds Office of Adams County a memorandum that both parcels shall be considered as one single tract for the purposes of subdivision. (308.4) This requirement is needed for Lots 1 & 2 and the properties that they will be added to. The Township's solicitor must approve the documents before it is recorded.

Vice-Chair Kellett said that Middle Creek has a lot on which there is located a Bible Conference consisting of a chapel and some dormitory type facilities. There is a separate lot on which is located the sewage treatment plant which services the Bible Conference. Middle Creek is subdividing the lot with the sewage treatment plant on it into two (2) lots. One of the lots will go to the neighboring land owner as an add on and the other lot with the sewage treatment facility on it will be added to the main lot consisting of the Bible Conference buildings. Vice-Chair Kellett said that by lessening the area of the lot with the non-conforming use on it, you are creating in essence, a "reverse expansion" which would require Zoning Hearing Board approval under the non-conforming use section of the ordinance. Mr. Kellett said he would like more time to review this issue with legal counsel. Mr. Fenicle said that Mr. Gulden, as Zoning Officer, will make the final decision on this issue.

Chair Beckett made a **MOTION** table the plan until the January meeting. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (3-0).

Mr. Dominic Picarelli said the Middle Creek Bible Conference is seeking a separate lot addition in Liberty Township. The Liberty Township Board of Supervisors has asked if the Freedom Township Board of Supervisors would like to review the plan and provide comment as a courtesy.

Vice-Chair Kellett made a **MOTION** to waive the review of the Middle Creek Bible Conference Final Lot Addition for William Braun that is located solely in Liberty Township. The **MOTION** was **SECONDED** by Chair Beckett. The motion carried unanimously (3-0).

E. Consideration / approval of a letter to PennDOT / Representative Moul regarding Pumping Station Road & Bullfrog Road Intersection.

Mr. Gulden said the recently adopted Southwest Joint Comprehensive Plan recommends that two stop signs be added on Pumping Station Road. This would change the intersection from a 2-way to a 4-way stop. It also recommends increasing the turning capacity onto Bullfrog Road. He said this intersection is extremely dangerous as is. Vice-Chair Kellett agreed. The letter is as follows:

"Representative Moul & PennDOT,

The Freedom Township Board of Supervisors formally request the following changes be made to the intersection of Pumping Station and Bullfrog Roads:

1. We ask that two stop signs be added on Pumping Station Road. This would change the intersection from a 2-way to a 4-way stop.
2. Increase the turning capacity onto Bullfrog Road.

The Supervisors passed the Southwest Joint Comprehensive Plan on August 8, 2018. This is a multi-municipal agreement, which helps us effectively and efficiently plan for the future. It was crafted with help from the Adams County Planning Department. Table 4-4 - Recommended Intersection Improvements, page 4-30 of the plan recommends upgrading the intersection of Pumping Station and Bullfrog Roads from a 2-way to 4-way stop and improve the turning capacity onto Bullfrog Road.

We ask that PennDOT consider making the above improvements, because we are extremely concerned about the safety of our citizens and visitors to Freedom Township. Visibility and an increase of traffic volume have resulted in dozens of wrecks at this intersection in the past decade.

Thank you for your consideration.”

Chair Beckett made a **MOTION** to forward the letter to Representative Moul and PennDOT. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (3-0).

OTHER BUSINESS

Mr. Gulden said he just received the final Freedom Township 2017 audit. No problems were noted. This will be placed on the Township's website.

STAFF REPORTS

A. Manager / Zoning Officer. - Year (2018) in review

- Hired a Township Manager who also serves as the Secretary, Treasurer, Right-to-Know Officer, and Zoning and Codes Officer. This has increased efficiency and effectiveness and saved money for the Township.
- Created a new Township website www.freedomtownship.us to increase government transparency. The website is updated weekly.
- Created new application forms to simplify the permitting process.
- Adopted the Southwest Joint Comprehensive Plan, which replaced the 1993 Freedom Township Comprehensive Plan.

- Adopted the 2018-2023 Freedom Township Recreation Plan. This document will help the Supervisors and residents plan for future recreation projects.
- Enacted a recreation fee paid only by developers who develop 3 or more residential units. This money will only be used for recreation purposes such as the creation of parks, trails, etc.
- Updated the Township's fee schedule, which decreased the zoning permit fees and modernized other fees.
- Repealed and replaced the Golf Course Community Zoning Ordinance.
- Sealed 7 miles of roadway.
- Processed 27 zoning permits.
- Passed a disposition of records resolution in order to properly dispose of old unnecessary records at the Township's Office. We also created property folders for each property in the Township. Both tasks have greatly freed up office space and increased efficiency.
- Enacted the 2019 budget with:
 - No tax increase.
 - \$100,000 proposed for road / bridge improvements.
 - \$50,000 proposed year-end balance for the Capital Reserve Fund, this is up from the current balance of \$1,500.
 - \$5,000 budgeted for the creation of a new Zoning Ordinance, which will replace the 1996 Zoning Ordinance.
 - \$6,900 budgeted to renegotiate the Comcast franchise agreement, which will allow the Township to increase funding to Community Media.

B. Solicitor

None

PUBLIC COMMENT

Ms. Brenda Snyder asked if the proposed benefits of the franchise fee negotiation could be added to the website. Mr. Gulden said he would do this.

ADJOURNMENT

There being no further business Chair Beckett made a **MOTION** to adjourn. The Motion was **SECONDED** by Mr. Young. Chair Beckett adjourned the meeting at 8:26 p.m.