

# **November 23, 2010 - Antrim Township Board of Supervisors**

## **MINUTES OF THE ANTRIM TOWNSHIP SUPERVISORS**

### **REGULAR MEETING**

**November 23, 2010 7:00 p.m.**

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, November 23, 2010 in the Antrim Township Municipal Building, 10655 Antrim Church Road, with the following present:, Vice Chairman Curtis Myers, Supervisors Sam Miller, James Byers and Fred Young III. Others attending the meeting included Solicitor John Lisko, Sylvia House, Zoning Officer and Brad Graham, Township Administrator. Chairman Rick Baer was absent from the meeting.

Visitors: Mike Ross of FCADC, Husam Obeid of P. Joseph Lehman, Inc. and see the attached list of other visitors.

Vice Chairman Myers called the meeting to order at 7:00 p.m. The meeting opened with a word of prayer followed by the Pledge of Allegiance.

Vice Chairman Myers called for public comment.

Brenda McQuait addressed the Supervisors and stated that she is representing the neighbors of S. Allison Street and wanted to thank the Board for doing the repairs to S. Allison Street. Mrs. McQuait also addressed issues that Robert Wertime has addressed in the past regarding air quality in regards to the ATAPCO and Norfolk Southern projects and she would like to know what we can do as a community to control carbon monoxide due to excess idling time of trucks. Vice Chairman Myers responded that diesel trucks cannot idle more than five minutes at a time. Solicitor John Lisko responded that the Township has no air quality standards and this is controlled by the State and DEP. Supervisor Miller commented that the fire company has to be notified of what chemicals and hazards are going to be there and thinks we should not give them any permits or sewer service if they do not follow our rules. Sylvia House, Zoning Officer added that they will have to comply with EPA regulations. Mrs. McQuait thinks we need to be proactive and address these issues before the project is started. Supervisor Miller also added that he feels Norfolk Southern should be responsible for the Williamsport Pike and Hykes Road intersection and he has read the Norfolk Southern agreement and there is nothing in it about this intersection. Supervisor Young commented that the money we are getting from Norfolk Southern is for bridge maintenance and road rebuilding. Supervisor Miller replied that it does not release them from maintenance of the Williamsport Pike & Hykes Road intersection. Vice Chairman Myers asked Mrs. McQuait if she would like to take the lead and organize the community to contact the EPA. Mrs. McQuait responded that she would do that. Supervisor Miller stated that he thinks we need to sit down with Norfolk Southern and require them to file a land development plan. Vice Chairman Myers addressed Mrs. McQuait and recommended that she try calling the Governor's hotline because they must acknowledge her question and supply her with a response.

Robert Wertime addressed the Supervisors and noted that he spoke with Mr. Graham previously and left him voice mails and wanted to know if he received anything from Norfolk Southern for a land development plan and anything from EPA because he has not heard anything back from Mr. Graham. Mr. Wertime stated that for a project that will be ready to go in March, there is no correspondence from the EPA and he has spoken to representative Shuster who states they must comply with NEPA (National Environmental Policy Act) 1978. Mr. Wertime has called the EPA in Philadelphia, PA who states they have no record of a filing with the EPA and they have looked back two years from Norfolk Southern.

Mr. Wertime thinks Norfolk Southern must do an Environmental Impact Study per NEPA 1978. Mr. Wertime also noted that whenever State or Federal Grant monies of the \$96M that Norfolk Southern is receiving for the project, they must have contact with the PHMC and it should have been filed as early as mid 2009. Mr. Wertime is concerned with the number of trucks and train traffic. Supervisor Miller thought Penn-Dot said Milnor Road would not be closed until the intersection was fixed. Miller thinks we need to set up a meeting with Norfolk Southern and ask them to file a land development plan and he would like Mr. Graham to set something up with them. Vice Chairman Myers stated that we will stand behind whatever we can do legally. Mrs. McQuait is concerned with the air pollution and traffic problems and thinks anything we can do to be proactive we should do it before the ground breaks.

Jeremy Bard addressed the Supervisors regarding the mowing bid that he submitted this year and questioned why the bid bond that he submitted was kept and he never backed out of the job. The bid bond was for \$1,588.00 and the Township held onto it and he wants to know why. Solicitor Lisko advised Mr. Bard that the bid laws require an individual to supply a bid bond or a letter of credit and he could not supply a performance bond to the Township. Mr. Bard replied that because there was more than a 10% difference between his bid and the next lowest bidder he was not able to obtain bonding. Mr. Bard also argued that his bid should not have been considered because he did not have the documents notarized. The Supervisors acknowledged Mr. Bard's request but took no action to give him any of the bid bond money back.

A Young/Byers motion passed 4-0 (Baer was absent) to approve as written the worksession meeting minutes from November 4, 2010 and the regular meeting minutes from November 9, 2010.

A Young/Miller motion passed 4-0 (Baer was absent) to approve the bills on the Treasurer's reports dated November 23, 2010 with the exception of the Global Data Check #75213 that will be signed but will not be released until all computer system issues are resolved.

Mike Ross from Franklin County Area Development Corporation (FCADC) addressed the Supervisors regarding the sale of the Antrim Township water system. Brad Graham, Township Administrator noted that the ATMA has approved the agreement with the GAFCWA for the sale of the water system and now it is up to the Supervisors to approve the assumption of the ATMA loan. Mr. Graham has provided the Supervisors with a copy of the agreement for them to review. Mr. Ross noted that the meeting with the ATMA and GAFCWA was incredibly productive and issues were resolved and everyone recognized that there is a water system that can serve the greater Greencastle-Antrim area. The Supervisors would like to table this until the next meeting until they have time to review the new agreement. Supervisor Miller made a comment about the 2% over 25 years loan and wanted to make sure this is the same as what the Township has now with the ATMA. Solicitor Lisko responded that we need to make sure money issues are straight with the \$1,340,000.00 that was loaned and how much is owed. Supervisor Young asked Mr. Ross about the composition of the Board and Mr. Ross replied that the initial representation would be three members of the GAFCWA and two members from the ATMA with the ATMA getting the longest terms and the Borough Council would make the appointments.

Husam Obeid of P. Joseph Lehman, Inc. addressed the Supervisors and gave them an update on the Martin's Mill Bridge project. Mr. Obeid noted that they are conducting a scoping field view with Penn-Dot and they are waiting for approval from Penn-Dot. He also stated there is a permit that needs to go to DEP and needs to be signed by the Township. Mr. Obeid stated they are working on design plans and will advertise in March and the project should be done by summer 2011. He also stated that they have submitted to the FHWA for additional funding but they have not made a decision on this yet but they are hoping to hear about this in early to mid 2011. Brad Graham, Township Administrator asked Mr. Obeid what other things could be done if additional funding is obtained. Mr. Obeid replied that they could possibly open the bridge to limited vehicle traffic but it depends on the funding that would be obtained. He also noted that replacing the essential members of the bridge so it can extend the life of

the bridge. Mr. Obeid stated that there is \$9M out there for funding for covered bridges.

A Miller/Young motion passed 4-0 (Baer was absent) to authorize Vice Chairman Curtis Myers to sign the DEP permit for the Martin's Mill Bridge Project.

Sylvia House, Zoning Officer addressed the Supervisors regarding a request to amend §150-29 (B) for Fireworks Sales Establishments. Mrs. House stated that she has received a request from Keystone Fireworks to amend our fireworks sales ordinance because there are items in our Ordinance that are very stringent and consumer fireworks are not explosive. Mrs. House noted that other municipalities handle it as a retail sales establishment. She noted that section (b) of the ordinance states that it requires public water, section (c) requires a 2 acre lot, section (d) requires 250' setbacks and section (e) requires parking to remain within the setback area. Mrs. House stated that Brian Shaub is here from Keystone Fireworks and after having a meeting with Sylvia they are asking for relief so they could open a fireworks sales facility. Mr. Shaub addressed the Supervisors and stated they have a holding tank for water at their Adams County facility and they could not meet the 250' set back on all sides. The site they are looking to put the facility in Antrim Township is right along Exit 3. Mrs. House noted that this would be a conditional use and they would have to go through a hearing. Mrs. House went through each section of the ordinance and recommended the following changes:

1. Section (b) currently requires public water and she would like to reword the ordinance to require adequate fire suppression.
2. Section (c) currently requires a 2 acre lot and she would like to remove this section completely.
3. Section (d) currently requires a 250' setback and she thinks we could either eliminate this requirement or make it a 50' setback.
4. Section (e) currently requires parking to remain within the setback area and she thinks we could eliminate this completely.
5. Section (h) requires compliance with other codes and she thinks we could add language regarding conflicting regulations that the most stringent would apply.
6. Section (i) states that screening is required along all property lines not adjacent to a roadway and she thinks we could eliminate this completely.

Mr. Shaub noted that they are regulated by the Department of Agriculture. Mrs. House stated that Keystone Fireworks would pay the costs of advertising and hearing costs to change the ordinance. Supervisor Miller stated that he wants to keep the ordinance the way it is. The Supervisors decided to table this until the next meeting.

Sylvia House, Zoning Officer addressed the Supervisors regarding an ordinance change that is required by FEMA for Chapter 150, Article XVII "Flood Hazard District." Mrs. House stated that FEMA won't get to look at our changes until July 2011 but the changes are meeting their required changes and she would like to proceed with the ordinance changes upon approval from FEMA.

A Young/Myers motion passed 4-0 (Baer was absent) to authorize Sylvia House, Zoning Officer to go ahead and make the required changes to Chapter 150, Article XVII "Flood Hazard District" upon approval from FEMA.

A Miller/Young motion passed 4-0 (Baer was absent) to approve signing an amendment to the existing Sheetz Indemnification Agreement to include the signing of a conditions statement.

A Young/Miller motion passed 4-0 (Baer was absent) to authorize signing the Jerr Dan Plan Amendment that was approved at the September 14, 2010 meeting.

A Young/Miller motion passed 4-0 (Baer was absent) to authorize signing the Heritage Estates West Financial Agreement and Mortgage that was approved at the September 28, 2010 meeting.

A Miller/Byers motion passed 3-0 (Baer was absent & Young left the room) to approve a revised plan for Heritage Estates West for a sewer line to be relocated 10' from the stream as approved by the ATMA and Brinjac.

Sylvia House, Zoning Officer addressed the Supervisors regarding a revised phasing schedule for Molly Pitcher PRD. She would like the Supervisors to approve the revised phasing schedule thru May 2012 since the anniversary date of the plan is May 2011 so it would not have to be addressed again at that time. Vice Chairman Myers stated that he does not want to extend this because he is not in favor of the plan.

A Myers/Miller motion passed 4-0 (Baer was absent) to accept the revised phasing schedule for Molly Pitcher PRD but only extend it through May 2011, the anniversary date of the plan.

A Miller/Young motion passed 4-0 (Baer was absent) to acknowledge the withdrawal of Phase 2B and 2C of the Moss Springs Plan.

A Myers/Young motion passed 4-0 (Baer was absent) to authorize a Sewer Facilities Planning Module to be sent to DEP for Clara Buchanan.

A Miller/Young motion passed 4-0 (Baer was absent) to authorize Daley Sons Septic Service to be added to the list of Authorized Pumpers in Antrim Township for the OLDS program.

A Byers/Miller motion passed 4-0 (Baer was absent) to authorize State Line Ruritan to install a holding tank for a concession stand.

Resolution #227: A Miller/Byers motion passed 4-0 (Baer was absent) to approve Shadow Creek Phase IV deeds of dedication for Dallas Drive, Briarbend Way, East Pebblebrook Drive and a portion of Jason Drive and the forms will be signed upon receipt of the maintenance bond.

Resolution #228: A Miller/Young motion passed 4-0 (Baer was absent) to approve Nottingham Meadows deeds of dedication for Bristol Drive, Camden Drive, Cobble Drive, Dresden Circle, Essex Circle, Rutherford Drive and a portion of Wedgwood Drive.

Brad Graham, Township Administrator addressed the Supervisors regarding obtaining permission to send a request to Penn-Dot to perform a traffic study by District 8 at the Hykes Road and Williamsport Pike intersection.

A Myers/Miller motion passed 4-0 (Baer was absent) to authorize Brad Graham, Township Administrator to send a request to Penn-Dot to perform a traffic study by District 8 at the Hykes Road and Williamsport Pike intersection.

The Supervisors reviewed the preliminary 2011 budget at this time. A worksession was held prior to the meeting but only two Supervisors were in attendance. There were discussions in the worksession to make the following changes to the preliminary budget:

1. Fund code 01-409-600 – took out the garage door replacement and pole shed items. The Township building renovations were moved to the Capital Reserve fund.
2. Fund code 01-430-700 – took out the emergency capital purchase of \$15K.
3. Fund code 01-439-600 – cut the Lehman Road Box Culvert back to \$150K, eliminate the Lehman Road paving and only pave Coseytown Rd, estimated at \$636K; Maryland Line Road, estimated at \$125K and Ridge Road, estimated at \$500K

Supervisor Miller stated he would like to take \$200K out of the budget for the Township building renovations and only include amounts to hook-up the sewer and get the DJ office done and he would rather see Lehman Road get done rather than doing renovations to this building. Brad Graham, Township Administrator asked the Supervisors if they would like to piece mail the renovations to the building and do projects here and there. After some discussion, the Supervisors decided that the budget amounts under fund code 01-439-600 and 35-439-600 would only include \$150K for the Lehman Road Box Culvert, \$100K for the paving of Lehman Road, \$636K for the paving of Coseytown Road and \$125K for the paving of Maryland Line Road. They also decided that the Township building renovations budget would be cut to \$150K and would include items such as renovations to the bathrooms, DJ office, connecting the Township building to sewer, painting, replacing ceiling tiles and new carpet.

A Myers/Young motion passed 4-0 (Baer was absent) to approve advertising the preliminary 2011 budget with the cuts that were decided.

The Supervisors also discussed setting the date for the last meeting of the year to approve the final budget. They decided on December 29, 2010 at 11:00 a.m. for the final meeting of the year.

A Myers/Miller motion passed 4-0 (Baer was absent) to approve hiring Tom Davis as Public Works Director with a salary of \$50,000.00 per year.

Mary Klein, Township Secretary addressed the Supervisors regarding appointing new trustees to the Security Benefit 457 Pension Plan. She stated that the current trustees are past employees.

A Young/Miller motion passed 4-0 (Baer was absent) to appoint Brad Graham, Township Administrator and Mary Klein, Township Secretary as the new trustees for the Security Benefit 457 Pension Plan.

A Young/Miller motion passed 4-0 (Baer was absent) to deny a sewer waiver request for 3683 Rolling Hills Drive per the recommendation from the ATMA.

A Young/Miller motion passed 4-0 (Baer was absent) to abide by the Sewer ordinance and deny a sewer bill adjustment request for 1089 Webling Circle per the recommendation from the ATMA.

Mary Klein, Township Secretary addressed the Supervisors regarding making a change to the 2010 holiday schedule since the legal holiday for New Year's Day is on Saturday, January 1st and Monday, January 3<sup>rd</sup> is the reorganization meeting. She said we would like to have a ½ day on December 30<sup>th</sup> for the New Year's Eve holiday and be off all day on December 31<sup>st</sup> for the New Year's Day holiday.

A Myers/Young motion passed 4-0 (Baer was absent) to approve making the holiday changes recommended by Mary Klein, Township Secretary to have a ½ day on December 30<sup>th</sup> for the New Year's Eve holiday and be off all day on December 31<sup>st</sup> for the New Year's Day holiday.

Mary Klein, Township Secretary addressed the Supervisors regarding reaffirming the 2010 Christmas Bonuses that were approved at the reorganizational meeting and when to pay them out.

A Myers/Miller motion passed 4-0 (Baer was absent) to reaffirm the 2010 Christmas Bonus of \$125.00 for full-time employees and \$65.00 for permanent part-time employees and for Mary Klein, Township Secretary to pay them out at her discretion.

Mary Klein, Township Secretary addressed the Supervisors regarding a ballot that we received for the Franklin County Farm Service Agency Committee. We are asked to reply by December 6, 2010 and there is a candidate on the ballot by the name of Dennis C. Brechbill and she would like to know if the Supervisors would like to endorse him.

A Miller/Myers motion passed 4-0 (Baer was absent) to endorse Dennis C. Brechbill as the candidate for the Franklin County Farm Service Agency Committee.

Vice Chairman Myers called for public comment.

Robert Wertime addressed the Supervisors regarding a letter we received from the Besore Library and he wanted to know when their presentation was going to be. Brad Graham, Township Administrator replied that it wouldn't be until after the 1<sup>st</sup> of the year. Mr. Wertime also commented that they are going to spend \$3M on a bridge deck and they are not going to widen it in reference to the Norfolk Southern project.

A Young/Miller motion passed 4-0 (Baer was absent) to adjourn the regular meeting at 9:51 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary