

# **December 14, 2010 - Antrim Township Board of Supervisors**

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

### **REGULAR MEETING**

**December 14, 2010 7:00 p.m.**

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, December 14, 2010 in the Antrim Township Municipal Building, 10655 Antrim Church Road, with the following present:, Chairman Rick Baer, 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.

Visitors: See the attached list.

Chairman Baer called the meeting to order at 7:01 p.m. The meeting opened with a word of prayer followed by the Pledge of Allegiance.

Chairman Baer called for public comment.

Brenda McQuait of 755 South Allison Street addressed the Supervisors regarding air quality in regards to the Norfolk Southern Intermodal project. Mrs. McQuait stated she has done some research with the EPA and she has found that the community has the right to establish higher policies for air quality. She is going to find out what the current air quality standards are and find out if we can ask for changes. Mrs. McQuait has also found that in other locations, Norfolk Southern has planted numerous trees to deal with air quality issues. She noted that there are other intermodal facilities in Virginia and she thinks it would be smart for us to visit one of them. She stated that her and her husband would be willing to visit one of these facilities sometime after the holidays on behalf of the community.

Robert Wertime of Leitersburg Street in Greencastle also addressed the Supervisors regarding the Norfolk Southern project in regards to air quality, land use aspects and sewer modules. Mr. Wertime questioned why Norfolk Southern lacks a requirement to comply with these items. Mr. Wertime noted that the Second Class Township code Section 103 sub-part 11 deals with land use module requirements. He thinks Norfolk Southern should be required to comply with filing a land development plan and if the Supervisors chose not to require them to file one then we are setting precedence for other developers. He also mentioned that at a worksession on March 4<sup>th</sup> the Supervisors said they would require them to file a land development plan.

A Miller/Byers motion passed 4-1-0 (Baer abstained) to approve as written the regular meeting minutes from November 23, 2010.

A Miller/Myers motion passed with unanimous vote to approve the bills on the Treasurer's reports dated December 14, 2010.

Sylvia House, Zoning Officer addressed the Supervisors regarding a modification request from the Greens at Greencastle for §508(4) (v) of the MPC. Mrs. House explained this request is dealing with time frames of a plan and the MPC requires preliminary plans are only valid for five years. However, due to the economy they are asking to place a phasing schedule in the plan for Phase I and then they will show subsequent phases later. The subsequent phases would be proposed to be submitted for final approval past the 5 year protection period. The schedule would need to be reviewed annually and the Planning Commission has recommended granting the modification request.

A Young/Myers motion passed with unanimous vote to approve a modification from §508(4)(v) of the

MPC for the Greens at Greencastle to allow them to add a phasing schedule to their plan for Phase I and then show subsequent phases later. The subsequent phases would be proposed to be submitted for final approval past the 5 year protection period.

A Byers/Myers motion passed with unanimous vote to approve changing a plan from final back to preliminary per the recommendation by the Planning Commission for Cedar Grove Mennonite Church because they cannot move forward with the project due to the economy.

A Baer/Byers motion passed with unanimous vote to approve a Stormwater exemption request for Raymond and Anna Wishard.

Sylvia House, Zoning Officer addressed the Supervisors regarding the request to amend §150-29(B) for Fireworks Sales Establishments with the changes that were suggested at the last meeting. Supervisor Byers stated he does not want to reduce the size of the lot and the setbacks. Supervisor Miller stated he wants to leave the Ordinance the way it is and wanted to know when the Ordinance was changed previously. Mrs. House replied that it was changed and written on

September 26, 2006. Tom Burke addressed the Supervisors and stated that he owns property along Molly Pitcher Highway. Mr. Burke noted that his property would be an ideal candidate for a fireworks store and that it is legal to sell fireworks in the state of PA. Mr. Burke also commented that he has owned the land for five years and has no prospects to develop it. Mrs. House added that the 250' setback away from a gas station is a state requirement. Bob Coladonato commented that if we allow a fireworks store to locate somewhere that there would be a chance that a gas station would be allowed to locate there too. Mrs. House responded that a fireworks store is a conditional use and a gas station is a permitted use.

A Miller/Byers motion failed 2-3-0 (Young, Myers & Baer opposed) to keep the Ordinance §150-29(B) for Fireworks Sales Establishments the way it is.

A Young/Myers motion passed 3-2-0 (Miller & Byers opposed) to change the Ordinance §150-29(B) for Fireworks Sales Establishments as specified by Sylvia and to proceed with the advertisement and the hearing.

A Myers/Baer motion passed 4-0 (Miller left the room) to approve a 180 day extension request for the Greens of Greencastle C by D formerly know as Preserve at Greencastle.

A Baer/Myers motion passed 4-0 (Miller left the room) to approve a 180 day extension request for South Dakota East.

A Baer/Myers motion passed 4-0 (Miller left the room) to approve a final plan for Raymond and Anna Wishard, a 1 lot residential subdivision on Clayhill Road.

A Baer/Young motion passed 4-0 (Miller left the room) to approve a Sewer Facilities Planning Exemption be sent to DEP for Lot 9, Antrim Commons Business Park.

A Baer/Byers motion passed 4-0 (Miller left the room) to approve a Sewer Facilities Planning Exemption be sent to DEP for Darrel Gible.

A Young/Myers motion passed 4-0 (Miller left the room) to approve the release of a bond in the amount of \$250,580.00 for Jerr-Dan.

Brad Graham, Township Administrator addressed the Supervisors regarding the sewer bond refinancing and a couple of options we have. Scott Mehok is here representing the Bond Counsel and Greg McLanahan is here from PFM to answer any questions the Supervisors may have. Mr. McLanahan handed out a Financing Analysis to explain the different options that we have to refinance the bonds. The Antrim Township Municipal Authority has looked at this and they would like to reduce the debt.

The ATMA is collecting the funds but the Township is standing behind the Authority for the bonds. \$1.2M is in the Debt Service Reserve Fund and we have negative arbitrage because we are paying 3.75 basis points on the Debt Service Reserve Fund and we can't earn this much on these funds. Mr. McLanahan explained that the Township could issue General Obligation Bonds. The way it was done initially as a Guaranteed Sewer Revenue Bond the security goes from the residents utilizing the sewer system to the Debt Service Reserve Fund then to the Township and then to the insurance company. By going outside of the indenture, we could combine the two bond issues into one and pay off the debt with present value savings of \$2,198,233.00 with a total net benefit of \$1,153,000.00. Mr. Mehok explained that all the bonds are coming to an optional redemption period. We have to determine if the Township or the Authority will issue the debt or do a bank loan through the Authority. The Supervisors decided that the ATMA would be out of the issuance of the debt. Mr. McLanahan confirmed with the Supervisors that the Township would issue the debt as a General Obligation Bond or as a General Obligation Pledge through a bank and they would take the savings at the end. Mr. McLanahan said it would be late January or early February for the results to come in and the savings would include the costs to issue the debt.

The Supervisors took a short recess at this time 8:50 p.m.

The Supervisors resumed the meeting at 8:55 p.m.

Brad Graham, Township Administrator addressed the Supervisors regarding the bids that were received for the Antrim Township Community Park Concession Stand, Tennis/Basketball Courts and Pavilion. The first bid was for the basketball/tennis court installation at the ATCP. Mr. Graham stated that the lowest bid was from GRC General Contractor in the amount of \$29,300.00 and he recommends accepting this bid.

A Baer/Miller motion passed with unanimous vote to accept the lowest bid of \$29,300.00 from GRC General Contractor for the installation of the basketball/tennis courts at the Antrim Township Community Park.

Mr. Graham addressed the Supervisors regarding the bids that were received for the construction of the pavilion at the Antrim Township Community Park. Mr. Graham stated that the lowest bid was received from David H. Martin in the amount of \$172,178.77 but the bid was missing the Bidder's Qualifications sheet and the next lowest bidder was P & W Excavating in the amount of \$206,485.55 with a difference between the two bids of \$34,306.78. Mr. Graham is recommending that we reject all of the bids and rebid the project.

A Myers/Miller motion passed with unanimous vote to reject all the bids for the pavilion construction at the Antrim Township Community Park because they are not in the best interest of the Township.

Mr. Graham addressed the Supervisors regarding the bids that were received for the Antrim Township Community Park Comfort Facility/Concession Stand that was broken down into three categories: General Construction, Plumbing Construction and Electrical Construction. Mr. Graham stated that the lowest bid for the General Construction was received from Palmer Construction in the amount of \$79,967.00 but the bid was missing the Workmen's Comp affidavit and the next lowest bidder was East Coast Contracting in the amount of \$89,000.00 with a difference between the two bids of \$9,033.00. Mr. Graham is recommending that we accept the bid from East Coast Contracting for the General Construction. Mr. Graham stated that the lowest bid for the Plumbing Construction was received from M & H Construction in the amount of \$21,500.00 but the bid was missing the Workmen's Comp affidavit and the Bidder's Qualifications sheet and the next lowest bidder was Rodney B. Smith in the amount of \$24,900.00 with a difference between the two bids of \$3,400.00. Mr. Graham is recommending that we accept the bid from Rodney B. Smith for the Plumbing Construction. Mr.

Graham stated that the lowest bids that were received for the Electrical Construction did not supply all of the necessary paperwork with their bids and the highest bidder was Roy C. Kline Contractors in the amount of \$37,180.00 with a difference between the four bids of \$21,505.00. Mr. Graham is recommending that we reject all of the electrical construction bids and re-bid the work. The Supervisors questioned how much it cost to bid the Concession Stand project the first and the second time. Mr. Graham responded that it cost \$4,700.00 the first time and \$650.00 the second time.

A Miller/Byers motion passed with unanimous vote to reject all the bids for the Antrim Township Community Park Comfort Facility/Concession Stand for the General Construction, Plumbing Construction and Electrical Construction because they were not in the best interests of the Township.

Brad Graham, Township Administrator addressed the Supervisors regarding the sale of the ATMA water system. Mr. Graham noted that the GAFCWA is asking the Board of Supervisors to transfer the loan from the ATMA to the GAFCWA for \$651,938.11. Supervisor Miller noted that he is ok with the sale of the water system and loaning the money to them. Solicitor Lisko mentioned one item in the agreement referring to the option period being in effect 30 days from the completion of the Sherwood Plant Project.

A Miller motion died for lack of a second to extend the Township loan to the Borough of Greencastle. It was decided that this would be discussed later in the meeting once Administrator Graham is able to make copies of the e-mail that was sent to the Supervisors earlier today by Supervisor Young with changes to the agreement that he is recommending.

Administrator Graham addressed the Supervisors regarding the loan that the Supervisors gave to the ATMA for the Water Plant Renovation Project that was supposed to be paid by December 31, 2010. Due to the delay in receiving grant monies, Mr. Graham is asking that the Supervisors extend the repayment of this loan to the ATMA.

A Baer/Myers motion passed with unanimous vote to extend the loan given to the ATMA for the Water Plant Renovation Project until the end of March 2011 to allow additional time for grant monies to be received.

Administrator Graham addressed the Supervisors regarding a fire police mutual aid agreement that we received from Greene Township.

A Baer/Myers motion passed with unanimous vote to approve the fire police mutual aid agreement with Greene Township.

A Baer/Myers motion passed with unanimous vote to amend the previous motion to approve the fire police mutual aid agreement with Greene Township for the emergency use of fire police.

Administrator Graham addressed the Supervisors regarding an electric supplier proposal we received from On Demand Energy for a rate of 6.35 cents per kilowatt hour for 29 months.

A Young/Baer motion passed with unanimous vote to accept the electric supplier proposal from On Demand Energy for a rate of 6.35 cents per kilowatt hour for 29 months.

Administrator Graham addressed the Supervisors regarding a change order request for the Antrim Township Community Park for batting cages in the amount of \$9,823.53. Mr. Graham stated that the batting cages were not included in the original park project but they have already been installed and he is asking that the Supervisors approve this change order.

A Baer/Myers motion passed with unanimous vote to approve the change order request for the Antrim Township Community Park for batting cages in the amount of \$9,823.53.

Administrator Graham addressed the Supervisors regarding purchasing new radios for the Township

vehicles. Mr. Graham explained that Franklin County is implementing a new radio system and he has been told by County officials that the change is happening by the end of March. Mr. Graham would like approval to purchase the new radios before the end of the year.

A Baer/Miller motion passed with unanimous vote to approve the purchase of new radios for the Township vehicles to comply with the new radio system being implemented by Franklin County.

Item J on the agenda to discuss establishing work sessions was tabled at this time.

A Baer/Miller motion passed with unanimous vote to adjourn into Executive Session at 9:59 p.m.

A Miller/Myers motion passed with unanimous vote to adjourn the Executive Session and resume the regular meeting at 10:30 p.m.

Solicitor Lisko announced that during the Executive Session we discussed the Green Castle Land appeal regarding denying a waiver request.

A Miller/Myers motion passed with unanimous vote to authorize Sylvia House, Brad Graham and Mary Klein to sign any documents relating to the Green Castle Land appeal.

Solicitor Lisko also announced that during the Executive Session we discussed Norfolk Southern and their requirements for the filing of a land development plan.

A Miller/Byers motion passed with unanimous vote to ask for funding for the Williamsport Pike and Hykes Road intersection from Norfolk Southern, Tom Corbett, Governor-Elect, Rich Alloway, Todd Rock, Penn-Dot and Governor Rendell.

Administrator Graham addressed the Supervisors regarding the lease-back agreement with the Antrim Township Municipal Authority. Chairman Baer stated that he thinks the Township should take over the sewer system and keep the ATMA as a recommending Board.

Mary Klein, Township Secretary addressed the Supervisors regarding a revised Fifth Supplemental Agreement that we received from the Chambersburg Area Wage Tax Board. Ms. Klein stated that she attended the first meeting of the Chambersburg Area Wage Tax Board on December 6<sup>th</sup> and the original Fifth Supplemental Agreement that was signed previously included wording regarding the voting structure. The solicitor for the Chambersburg Area Wage Tax Board advised that the voting structure could not be changed by the original Fifth Supplemental Agreement because the whole board did not sign the agreement. The solicitor also noted that the voting structure can only be done by a by-laws change which requires a 30 day notice to all of the Board members. Ms. Klein asked the Supervisors to approve the new revised Fifth Supplemental Agreement that only addresses the changing of the name from the Chambersburg Area Wage Tax Board to the Franklin County Area Tax Board and adds the new members to the Board from the GASD, Antrim Township, Borough of Greencastle, Mont Alto Borough, Quincy Township, Washington Township, WASD and the Borough of Waynesboro.

A Miller/Myers motion passed with unanimous vote to approve the revised Fifth Supplemental Agreement to change the name from the Chambersburg Area Wage Tax Board to the Franklin County Area Tax Board and adds the new members to the Board from the GASD, Antrim Township, Borough of Greencastle, Mont Alto Borough, Quincy Township, Washington Township, WASD and the Borough of Waynesboro.

Mary Klein, Township Secretary addressed the Supervisors regarding a new agreement that we received for the collection of Local Services Tax by the new Franklin County Area Tax Board. Ms. Klein explained that previously the taxes were collected by the Chambersburg Area Wage Tax Bureau and since the name will be changing January 1, 2011 and the County-wide collection of Earned Income Taxes will take effect, we need to sign this new agreement for the collection of the Local Services

Taxes.

A Baer/Young motion passed with unanimous vote to approve the new agreement for the collection of the Local Services Tax by the Franklin County Area Tax Board.

Item C on the agenda to discuss the 2011 PSATS dues renewal was tabled.

Secretary Klein also addressed the Supervisors regarding new requirements for pension plans due to Act 44. Ms. Klein explained that she attended a webinar and learned that we are now required to send out a disclosure notice to anyone who provides pension services and collects fees from the Township to provide those services. During the webinar she learned that PMRS is taking the position that they do not need to comply with the requirements of Act 44 and the attorney who presented the webinar thinks they are wrong. Ms. Klein noted that she has sent out a disclosure notice to both PMRS and Security Benefit who service the Township's pension plans. The disclosure notice must be completed by them and returned to us no later than December 17, 2010. Ms. Klein noted that if PMRS does not complete the disclosure notice and sends us a letter explaining why they do not need to comply with the requirements of Act 44, someone could challenge the Township's pension plan and we would be required to bid out our pension services. Ms. Klein explained if this happens, we would have to develop a whole bidding and selection process as required by Act 44.

Secretary Klein also addressed the Supervisors regarding subdivision fee reimbursements from SEO work that was performed by JWP Environmental dating back to 2008 when the Township reorganization was done. Ms. Klein explained that she was not aware that these fees should have been billed back to the developers and this has not been done since 2008 when the previous Secretary was here. Ms. Klein asked the Supervisors if they would like her to go back and try to bill these back out. The Supervisors asked how much is owed back to the Township and she replied that there is a total of \$740.00 from 2008, \$1,800.00 from 2009 and \$1,000.00 so far this year. The Supervisors directed Ms. Klein to try billing them back out to see if we can get paid for the fees.

Secretary Klein also addressed the Supervisors regarding malfunction work fee reimbursements from SEO work that is performed by JWP Environmental. Ms. Klein explained that these fees were previously reimbursed by DEP but according to Ami Myers from JWP, there may not be any further reimbursements for SEO work from DEP. Ms. Klein asked if the Supervisors would want to start billing these items back to the person who had the malfunction work performed. The Supervisors directed Ms. Klein to check into this further.

Secretary Klein addressed the Supervisors regarding two thank you letters we received from Jerome R. King playground thanking them for the 2010 park facilities grant they received from the Township this year.

Secretary Klein also addressed the Supervisors regarding the 2011 meeting schedule. Ms. Klein noted that the only two dates that may need to be changed would be the second Tuesday meeting date in May and November because May 10<sup>th</sup> is the primary election date and November 8<sup>th</sup> is Election Day. The Supervisors decided that these meeting dates would be changed to Thursday, May 12<sup>th</sup> and Thursday, November 10<sup>th</sup>. Ms. Klein also noted that this schedule also includes the reorganization meeting date which is scheduled for Monday, January 3, 2011 at 7:00 p.m.

A Miller/Baer motion passed with unanimous vote to approve advertising the 2011 meeting schedule with changing the meeting dates in May and November to Thursday, May 12<sup>th</sup> and Thursday, November 10<sup>th</sup> and including the reorganization meeting date of Monday, January 3, 2011. All meetings will begin at 7:00 p.m.

Secretary Klein also addressed the Supervisors regarding the 2011 holiday schedule.

A Miller/Baer motion passed with unanimous vote to approve the 2011 holiday schedule.

Secretary Klein also addressed the Supervisors regarding the interest in appointments to Boards and Committees for 2011 and potential rate increases for engineers and the SEO for 2011. Ms. Klein noted that she has forwarded this information to the Supervisors for their review in preparation for the reorganization meeting.

The Supervisors reviewed at this time the Option Agreement for the sale of the ATMA water system with the recommended changes from Supervisor Young.

A Miller/Myers motion passed with unanimous vote to send the Option Agreement for the sale of the ATMA water system back to the GAFCWA with the changes made by Solicitor Lisko and agreed upon by the Supervisors (see attached Option Agreement with changes) and to extend the loan to the GAFCWA per the terms set forth in the revised agreement.

Chairman Baer called for public comment.

Robert Wertime addressed the Supervisors again regarding the issue with Norfolk Southern to file a land development plan.

A Miller/Myers motion passed with unanimous vote to adjourn the regular meeting at 11:30 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary