

January 25, 2011 - Antrim Township Board of Supervisors

MINUTES OF THE ANTRIM TOWNSHIP SUPERVISORS

REGULAR MEETING

January 25, 2011 7:00 p.m.

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, January 25, 2011 in the Antrim Township Municipal Building, 10655 Antrim Church Road, with the following present: Chairman Sam Miller, Vice Chairman James Byers, Supervisors Rick Baer, Fred Young III and Curtis Myers. Others attending the meeting included Solicitor John Lisko, Brad Graham, Township Administrator and Tom Davis, Public Works Director.

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

Chairman Miller called for Public Comment.

Ken Izer addressed the Supervisors regarding the vote on the water sale and questioned why some of the Supervisors have changed their mind. Chairman Miller responded that he did not think the Hess Development was included in this since it was in the Borough of Greencastle's hands to exempt them from connecting to the water system.

Michael Stevens, 11648 Kimberly Drive, also addressed the Supervisors regarding the water sale and the Hess Development. Mr. Stevens also commented on the diesel idling laws and the fact that Norfolk Southern had a truck parked near his house that ran for three days straight. He wanted to know if the Township had an Ordinance for this. Chairman Miller responded that Norfolk Southern will be at one of the upcoming public meetings to address the residents concerns. Administrator Brad Graham added that Norfolk Southern will be here at the next regular meeting on February 8th to address public questions and concerns.

A Baer/Byers motion passed with unanimous vote to approve as written the regular meeting minutes from January 11, 2011.

A Baer/Miller motion passed with unanimous vote to approve the bills on the Treasurer's reports dated January 25, 2011.

Brad Graham, Township Administrator addressed the Supervisors regarding a plan amendment request for Nottingham Meadows. Mr. Kornfield was here to address this and they are requesting that a note/condition #33 be removed from the plan that reads "Developer agrees to construct all buildings on a lot prior to the sale of the lot to an individual." Mr. Kornfield asked the Supervisors to decide if they will allow Creative Homes to sell lots without first building houses on them. Mr. Kornfield noted that soils testing would be done at the time of the permit process and the note is no longer applicable because stormwater improvements have been made. Supervisor Byers questioned how many lots are remaining and they responded that there are 52 lots. Solicitor Lisko mentioned that note #20 and 33 would need to be eliminated because they read the same. There was discussion about whether we could require these notes to be included in the deeds. Solicitor Lisko responded that we must get all of the lot owners to agree to the amendment but we could find a legal way to do it if the Supervisors wish to grant the plan amendment. Mr. Kornfield noted that 70 compaction tests were done and they have all passed.

A Myers motion died for lack of a second to leave the plan the way it is.

Supervisor Young commented that he understands where Supervisor Myers is coming from on this issue.

A Myers/Byers motion passed with unanimous vote to leave the Nottingham Meadows plan as is.

A Young/Baer motion passed with unanimous vote to grant a 180 day extension to Darrell Gible to allow additional time to pay the Recreation Fee and Repair & Improvement Charge.

Solicitor Lisko announced that he will need an Executive Session to discuss a legal matter.

Brad Graham, Township Administrator addressed the Supervisors regarding the refinancing of the Sewer Revenue bonds. Greg McLanahan from PFM and Scott Mehok from Eckert Seamans gave the Supervisors a handout and presented information regarding what they recommend to refinance the debt based on the proposals they received. They explained that the original bond issue was like getting a mortgage on a house and a years worth of interest was put into a Debt Service Reserve Fund. The \$1.2M that was sitting in the Debt Service Reserve Fund was earning less interest than the interest rate we were paying on the bonds and it created what is called negative arbitrage. Based on the Request for Proposals that were received from banks for a bank loan, Bank of America had the best proposal. They reviewed the benefit information that was listed on page 6 of the handout that showed a present value savings of \$580,878.58 and the bond length was reduced by five years. The total net benefit to pay off the bonds and do a bank loan was \$1,093,884.31 because of the funds that would be used in the Debt Service Reserve Fund that totaled \$1,182,070.55. Based on the fees for the bond issue and the interest rates, doing the bank loan is going to save the taxpayers a lot of money and we would be spending approximately \$140,000.00 less in costs than doing a bond issue. Scott Mehok addressed the Supervisors and noted that the Local Unit Government Debt Act requires us to enact an Ordinance before we can incur the debt for the bank loan. Mr. Mehok has prepared an Ordinance to meet all of the requirements of the Local Unit Government Debt Act so we could accept the proposal from Bank of America. The bank loan would be a General Obligation Loan with a no prepayment/call period of five years meaning that the Township could not prepay the debt before May 21, 2015. Mr. Mehok added that Bank of America looked solely at the taxing power of the Township for the General Obligation Loan. Mr. Mehok noted that there would be a change in the structure of the debt and by paying off all the bonds of the Antrim Township Municipal Authority would cause the current lease agreement between the Township and the ATMA to be terminated and the Township would need to enter into a new lease agreement with the ATMA. March 3rd is the proposed closing date for the bank loan from Bank of America so the Township would have to decide by then what type of lease arrangement they would want with the ATMA. The ATMA will be requesting a termination of the current lease agreement and ask to enter into a new lease agreement with the Township and they will be taking action on these items at their meeting on January 31, 2011. Solicitor Lisko stated he has talked with ATMA Solicitor Linus Fenicle and we should have a meeting with the ATMA to discuss this further.

A Young/Myers motion passed with unanimous vote to accept the proposal from Bank of America to do the bank loan at a rate of 2.72% to pay off the Sewer Revenue Bonds and to shorten the length of the debt by five years.

Ordinance #320 – A Young/Myers motion passed with unanimous vote to pass the Ordinance for the Township to authorize and direct the issuance of a General Obligation Note, Series of 2011, in the principal amount not to exceed \$9,010,000.00 in compliance with the Local Government Unit Debt Act for the purpose of providing funds to refund the Antrim Township Municipal Authority's Guaranteed Sewer Revenue Bonds, Series of 2005 & 2006.

The Supervisors took a short recess at this time – 7:53 p.m.

Solicitor Lisko commented on discussing the lease issue with the ATMA and thinks it would be a good

idea for two Supervisors to meet with two Authority members at 5:30 p.m. on Monday to meet with Scott Mehok and see if Linus Fenicle is available to meet also. Administrator Graham stated that he would coordinate this meeting.

Administrator Graham addressed the Supervisors regarding the ATAPCO Grant/Cooperation Letter that Solicitor Lisko sent to the Supervisors and he is looking to see if the Township needs to sign it. Mr. Graham stated in the meantime he has received a letter from Penn-Dot stating that they would like to combine the Exit 3 Project with the replacing of the bridge deck and the Township would be released from some of the requirements of the project. Penn-Dot would administer the grant funds for the Exit 3 Project so that they would not be run through the Township. Mr. Graham is going to obtain more information from Penn-Dot on this to present back to the Supervisors.

Administrator Graham also addressed the Supervisors regarding the Funding Request Letter that he prepared to send to Governor Tom Corbett and he hasn't received any feedback from the Supervisors. The Supervisors directed Mr. Graham to send the letter since it seems that there were no changes needed to the letter he prepared. Mr. Graham also mentioned that he has tentatively set up a meeting on February 1st at 3:30 p.m. with Norfolk Southern, Rich Alloway, who could only be here for a ½ hour and he has not heard back from Todd Rock or ATAPCO yet. He noted that February 15th would have been the alternate meeting date but this date does not work for any of the parties. Supervisor Young questioned Chairman Miller about what he wants this meeting for and what he wants to accomplish with the meeting. Chairman Miller stated he would like to once again ask for funding for the Williamsport Pike/Hykes Road intersection. Supervisor Young responded that we have tried several times and they have already said they are not going to give us funding. It was mentioned that Penn-Dot has said they would support a blinking traffic light at this intersection but it would be the Township's expense to install it and maintain it.

Administrator Graham also addressed the Supervisors regarding the list of property owners for exemption for the sale of the water system. Mr. Graham provided the Supervisors with a list of property owners on Hykes Road west of Sherwood; Bemisderfer Road from the Water Tower to Corporal Rihl Drive and the Hess Development, where only 1 person is connected to water. Mr. Graham wants to know if these are the lists that they want him to submit to the GAFCWA to exempt from connection to the water system.

A Myers/Miller motion passed with unanimous vote to authorize Brad Graham, Township Administrator to provide the GAFCWA with the list of property owners (see the attached lists) to include the property owners on Hykes Road west of Sherwood; Bemisderfer Road from the Water Tower to Corporal Rihl Drive and the Hess Development.

Chairman Miller commented that he thinks part of being exempt is that the original owners should have to connect before the house is sold. Miller thinks the connection to the water system is a Township Ordinance and we should have an agreement with the current owners that if they sell the property they should connect prior to the sale. Solicitor Lisko noted that we could file a notice with the courthouse and have it indexed by the property owner's name. Miller thinks we should have a notice filed at the courthouse letting the new property owners know they must connect to water.

A Miller motion to amend his previous motion died for a lack of a second and was later rescinded by Miller to have the agreement revised between the Township and the Water Authority and come up with a reasonable agreement that the new property owners be notified prior to purchase that they must connect to water.

A Baer/Miller motion passed 4-1-0 (Young abstained) that the existing property owners (36 people on the list provided above) are exempt from connection to water providing that there is some type of

notice given to the new property owners that they would be required to connect to water.

Administrator Graham addressed the Supervisors regarding the purchase of emergency radios. Mr. Graham stated that the County is ready to implement the new emergency radio system. Mr. Graham would like authorization to proceed with purchasing the new emergency radios from the Capital Reserve Fund within the next two months with a discount.

A Myers/Baer motion passed with unanimous vote to authorize Brad Graham, Township Administrator to proceed with purchasing the new emergency radios from the Capital Reserve Fund within the next two months with a discount.

Administrator Graham gave the Supervisors an update on the ATCP concession stand and noted that staff has been in contact with the Vo-Tech to see if they would be interested in helping to build the concession stand.

Administrator Graham addressed the public and press that were present at tonight's meeting and said that Norfolk Southern has provided the Township with a full environmental report and a link to the report has been posted on the Township website. The full report that is contained in six binders is also available for public inspection at the Township building during normal business hours.

Administrator Graham addressed the Supervisors regarding a request we received from Summit Health for a bike event they are holding where they would utilize Township roads and Martin's Mill Bridge for a tour and use Martin's Mill Bridge Park for lunch. They are not asking for any road closures but they wanted the Township to be aware of the event and authorize the tour along Township roads and the use of Martin's Mill Bridge and the park. Mr. Graham also noted we received a request from the Operation God Bless America ride requesting the closure of Grindstone Hill Road at Rt 16 to Leitersburg Road including closure of Corporal Rihl Drive onto Grindstone, from 8:00 a.m. – 12:00 p.m. on Sunday, June 5, 2011.

A Baer/Miller motion passed with unanimous vote to allow the Summit Health Bike Event to utilize Township roads and Martin's Mill Bridge for a tour and use Martin's Mill Bridge Park for lunch; and approve the use of the Greencastle Fire police and the closure of Grindstone Hill Road at Rt 16 to Leitersburg Road including closure of Corporal Rihl Drive onto Grindstone, from 8:00 a.m. – 12:00 p.m. on Sunday, June 5, 2011 for the Operation God Bless America Ride.

Administrator Graham addressed the Supervisors regarding approval of the wage increases for Township employees that were discussed in Executive Session at the last meeting. The wage increases were never officially approved and now we need the Supervisors to approve them retroactive back to January 1, 2011.

A Myers/Byers motion passed with unanimous vote to approve the wage increases for Township employees (see the attached list) retroactive back to January 1, 2011.

Administrator Graham addressed the Supervisors regarding a request we received from the PA Heat Girls Fastpitch Organization, a non-profit organization, to obtain a Small Games of Chance license to hold a bingo fundraiser on February 5, 2011 and they need the Township to recognize their non-profit status.

Resolution #229: A Miller/Byers motion passed with unanimous vote to recognize PA Heat Girls Fastpitch Organization as a non-profit organization in order to obtain a Small Games of Chance license to hold a bingo fundraiser on February 5, 2011.

Administrator Graham addressed the Supervisors regarding a request from the Park Committee to hold an Open House Grand Opening event at the Antrim Township Community Park on Saturday, June 4, 2011.

A Myers/Miller motion passed with unanimous vote to approve holding an Open House Grand Opening event at the Antrim Township Community Park on Saturday, June 4, 2011.

Mary Klein, Township Secretary addressed the Supervisors regarding malfunction work fee reimbursements from SEO work performed by JWP Environmental, Inc. that was discussed at a previous meeting. Ms. Klein stated she has checked with Ami at JWP and clarified that the malfunction work would be billed back to the person who had the malfunction work done, not to the person who may have reported the malfunction. Ms. Klein is asking the Supervisors if we want to start billing these fees back to the person who had the malfunction work done since they are no longer being reimbursed by DEP.

A Myers/Baer motion passed with unanimous vote to approve billing the malfunction SEO work performed by JWP Environmental, Inc. back to the person who had the malfunction work done since these fees are no longer being reimbursed by DEP.

Secretary Klein also stated that JWP Environmental, Inc. has asked if we would like to implement a Per Septic Tank Pumping Fee to help defray the costs of the on-lot program since we are probably no longer going to get reimbursements from DEP. The Supervisors all agreed that they are not in favor of implementing this fee.

Secretary Klein also addressed the Supervisors regarding an Extended Enterprise Support Program that is being offered by Freedom Systems, Inc. The extended support program would allow us to add the Land Management System that is comprised of the Permits – Codes Compliance Program and the Service Requests Program to our existing software package at no additional cost (a savings of \$10,000.00) except for an additional annual support fee of \$2,195.00. Ms. Klein noted that these programs would be beneficial to the Planning/Zoning department but she had presented this information to Sylvia House, Zoning Officer some time ago and she stated we needed to get ArcView and GIS up and running to work in conjunction with these programs. Ms. Klein wanted to know if the Supervisors wanted her to check into this again with Mrs. House to see if this is something they would be interested in implementing. The Supervisors were ok with getting more information on this to see if it would be beneficial to the Planning/Zoning department.

Secretary Klein also addressed the Supervisors regarding a notice she received from the Public Rural Water Association offering collection services for wastewater bills. Ms. Klein wanted to know if this was something they would like her to check into further since we are experiencing a high volume of sewer bill delinquencies due to the economy. The Supervisors directed Ms. Klein to obtain more information on this and bring it back to them for further review.

Secretary Klein also addressed the Supervisors regarding the By-laws amendment that we received from the Franklin County Area Tax Board to change the voting structure of the board to go from the current voting structure, where Chambersburg Boro and Chambersburg School District have 3 and 2 votes, to a voting structure of one entity gets one vote. Ms. Klein will be attending the next meeting of the FCATB on Thursday, January 27th and she wants to know how they would like her to vote on this matter. She is recommending that we vote in favor of the By-laws amendment. The Supervisors were in agreement with Ms. Klein and directed her to vote in favor of the By-laws amendment at Thursday night's meeting.

Chairman Miller addressed the rest of the Supervisors regarding something that was discussed during the reorganization meeting about scheduling worksessions. He wanted to know if they would like to do worksessions and what would be the topics that we could discuss. Supervisor Baer stated he thinks we need to do one on roads. Chairman Miller stated he would like to do one on Ordinances and Zoning. Miller is suggesting that we do one worksession a month and thinks we need to look at road

infrastructure. It was discussed that we would possibly start the worksessions at 4:00 p.m.

Administrator Graham addressed the Supervisors regarding the Rescue Hose Fire Company banquet that he attended this past weekend and he presented the Supervisors with a plaque from the Rescue Hose Company recognizing the Township for all we do for them.

Chairman Miller called for public comment.

Robert Wertime addressed the Supervisors regarding Norfolk Southern's attendance at a regular meeting. Chairman Miller stated that they will be attending the February 8th regular meeting. Mr. Wertime asked if the other meeting would be a worksession and Mr. Miller responded that yes it was and it would be a public meeting. Mr. Wertime thinks the Chairman has a good idea about setting up these meetings with Norfolk Southern to address the residents concerns.

Ken Izer also commented and said he agrees with what we are doing.

A Young/Baer motion passed with unanimous vote to adjourn into Executive Session at 9:01 p.m.

A Baer/Young motion passed with unanimous vote to adjourn the Executive Session and resume the regular meeting at 9:06 p.m.

Solicitor Lisko announced that during the Executive Session we discussed the Brett Crown litigation regarding a stormwater compliance issue.

A Baer/Young motion passed with unanimous vote to adjourn the regular meeting at 9:06 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary