

# **September 13, 2011 - Antrim Township Board of Supervisors**

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

### **REGULAR MEETING**

**September 13, 2011 7:00 p.m.**

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, September 13, 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, Curtis Myers and Fred Young III. Others attending the meeting included, Brad Graham, Township Administrator, Solicitor John Lisko, and Sylvia House, Zoning Officer. Carl Rundquist, Public Works Director was absent from the meeting.

Visitors: Representatives from ATAPCO, Paul Schemel and the Yaukey's and see the attached list for a list of other visitors.

Chairman Miller called the meeting to order at 7:03 p.m. The meeting opened with a word of prayer followed by the Pledge of Allegiance.

Chairman Miller called for Public Comment. There was none at this time.

Solicitor John Lisko announced that an Executive Session was held at 6:00 p.m. before the meeting to discuss the Greenspring Valley PRD litigation and the possible acquisition of real estate.

A Baer/Young motion passed 3-2-0 (Byers and Miller abstained) to approve as written the regular meeting minutes from August 23, 2011.

A Byers/Baer motion passed with unanimous vote to approve the bills on the Treasurer's reports dated September 13, 2011.

Representatives from ATAPCO addressed the Supervisors regarding dedication of roads. Pat Coggins from ATAPCO stated that he has gone back and forth with Township staff about what was agreed to at a previous meeting. Chairman Miller stated his big concern is that we gave ATAPCO a road waiver and the review engineer said it's only a 10 year road. Sylvia House, Zoning Officer said this was based on the estimated number of trips. Miller responded that 6" of base is what it is based on not how many trips there would be. Miller would like to know if this is going to be included in the bonding. Tim Hogan from ATAPCO addressed Mr. Miller and stated that their engineer and geotech disagrees that it's a 10 year road and it was built within the specifications that Penn-Dot recommends. Chairman Miller responded that you are asking us to accept dedication of these roads. Mrs. House added that construction trucks coming in and out on the road would be covered under the bonding. Mr. Hogan added that there was already a section of road existing that was in bad shape and we on our nickel replaced it and he thinks they put a very good road in. Solicitor Lisko commented that in a standard road situation, we would get a maintenance bond that would be good for 18 months that would cover the structural and functioning of the improvements. Mr. Lisko added that ATAPCO is asking to put up a maintenance bond until 75% of the development is built out and then after that Antrim Business Park would be responsible for construction damage until 100% of the development is built out so these roads would be covered. It was added that the stormwater ponds and archaeological site is already at 5% completion so they would have 70% more to complete under the maintenance bond. This would be for the road and Phase II of the roads for Armada Drive and Antrim Commons Drive. Mrs. House added that the 75% build out would be by acreage. Mr. Coggins stated that the reason they are asking for this is because they have an agreement with Food Lion addressing the portion that Food Lion owns and needs to dedicate.

A Young/Baer motion passed 4-1-0 (Miller opposed) to accept the roads, Armada Drive and a portion of Antrim Commons Drive, with conditional criteria that a 10% maintenance bond be put up by ATAPCO until 75% of the development is built out and then after that it would be based on construction damage until 100% of the development is built out to be set forth in an agreement with the Township and Antrim Business LP. The percentage shall be calculated based on the acreage built out; not percent of total lots.

Paul Schemel addressed the Supervisors on behalf of the Yaukey's regarding Patton Bridge Road. Mr. Schemel stated that Heidi Yaukey was in attendance tonight and they are here to discuss the stretch of road that passes along in front of the Yaukey's residence. Mr. Schemel mentioned that there is illegal trespassing being done across their property to get to the Concocheague Creek, people are doing illegal dumping, having beer parties, doing drugs, having sex, etc. Mr. Schemel said his clients are proposing to close that section of the road and they will provide a gate and turn around. He also mentioned that there are people down there shooting and they are worried about themselves and their kids getting hit. Mr. Schemel said people cannot walk over their property to go to the crick as this is trespassing. Vice Chairman Byers responded that he does not agree with this. Supervisor Young stated that he and Supervisor Myers drove down there a month ago and the Right-of-Way that we have off that road is 16 ½ feet and they measured it and it's only 15 ½ feet to the creek. Solicitor Lisko mentioned that the Right-of-Way is only for road purposes for pedestrians and bicyclists.

A Byers/Young motion failed 2-3-0 (Myers, Baer & Miller opposed) to not give up section of the road (Patton Bridge Road) in front of the Yaukey's residence.

After this motion was made, Glen Dice, Heidi Yaukey's father, addressed the Supervisors and stated that he has picked up a half a pickup load of junk from down there several times and he has been hauling it away at his expense. Mr. Dice was very emotional at this point and told the Supervisors they were not concerned about anyone's safety. Heidi Yaukey addressed the Supervisors and said that they have been dealing with this for over four years and have been waiting for the Township to do something. She also mentioned that at a meeting on 11/24/09 the Supervisors suggested that they would put up signage. She stated that they did put up signage but it all either has holes in it from being shot at or have been torn down. She also stated they have called the State Police on several occasions and the police want to know why the Township is not doing anything about it. Solicitor Lisko stated that the Supervisors don't want to give up the rights of the few good people who want to go down there to fish and canoe.

A Miller motion died for lack of a second to move the gate and start the procedure to close down the road as long as people can have access to walk down to the creek.

Mrs. Yaukey said if we provide access for people to the creek that it won't solve the problems. Solicitor Lisko also mentioned that the neighbors must sign off on the road being closed. Mrs. Yaukey mentioned that she has spoken to the neighbors who live right next door to them and they are okay with where the new gate would be.

A Miller/Baer motion passed 3-2-0 (Young & Byers opposed) to move the gate on Patton Bridge Road, start the proceedings to close that section of the road in front of the Yaukey residence and the Yaukey's will put up the gate at their own expense and will also cover all the costs associated with closing the road.

Solicitor Lisko stated that an Ordinance will have to be passed to abandon that section of Patton Bridge Road and we will have to wait 30 days to allow time if anyone chooses to appeal it and then the gate can be installed. Mr. Dice and Mrs. Yaukey said they understood this and thanked the three Supervisors for making the right decision.

Sylvia House, Zoning Officer addressed the Supervisors regarding a modification request from §110-49 (B) for 2437 Shinham Road since the Ordinance requires a well depth of 100 feet but they only hit water at 60 feet. The residents at this address were in the audience tonight and they said that water was actually hit at 80 feet. Mrs. House stated that Negley's Well Drilling stated they hit water at 60 feet, but whatever the depth is they are asking for a modification so that it can be less than 100 feet.

A Young/Miller motion passed with unanimous vote to grant the modification from §110-49 (B) for 2437 Shinham Road to allow the well depth to be less than 100 feet.

A resident at 315 Hykes Road East addressed the Supervisors regarding the installation of a sidewalk. He stated there is a deep swale and it would be a liability to build the sidewalk here. He is proposing to build it straight out to the road with what is already existing there.

A Miller/Myers motion was never fully voted on and was later rescinded to allow the resident at 315 Hykes Road East to amend his plan to have relief from installing the sidewalk.

Sylvia House, Zoning Officer stated that she's not even sure according to the plan documents that she viewed that he's even required to install the sidewalk. There is a note addressing maintenance of sidewalks, but the sidewalk is not shown on the plan. The resident stated that the Home Owner's Association wanted him to go to the Township to get the plan changed. Solicitor Lisko mentioned that he would have to get all the property owners in the development to sign off on the plan amendment. The resident stated he bought the property two years ago as a foreclosed property and he has put a significant amount of money into it and he was not aware of the sidewalk issue until the HOA brought it to his attention. The Supervisors decided that they would table this until the next meeting and do some more research on the issue. Miller and Myers both agreed to rescind their previous motion until the next Supervisor's meeting on 9/27/11.

A Baer/Young motion passed with unanimous vote to approve signing a Standard Stormwater Maintenance and Monitoring Agreement for I-81 Equipment Sales.

A Baer/Miller motion passed with unanimous vote to conditionally approve a final plan for I-81 Equipment Sales, a Commercial Land Development on Antrim Church Road, with the condition that bonding be in place prior to construction.

A Miller/Young motion passed with unanimous vote to approve final plans for Rolling Hills lots #26, 46 & 47, three separate duplex subdivisions on Rolling Hills Drive.

A Young/Baer motion passed with unanimous vote to conditionally approve a final plan for Augusta Partners LLC, a Commercial subdivision on Molly Pitcher Highway, with the condition that bonding be in place prior to construction.

A Miller/Young motion passed with unanimous vote to approve a Request from Planning Waiver Non-Building Declaration to be sent to DEP for Paulmark lots 30 and 31.

Brad Graham, Township Administrator addressed the Supervisors and stated that Carl Rundquist, Public Works Director was not in attendance tonight because he was attending the annual PMAA Conference.

Mr. Graham also addressed the Supervisors regarding the Norfolk Southern Bridge and Overpass, specifically the bridge beams and bearing pads. Mr. Graham wants to know if we want to have the concrete beams tested independently or accept the certification from the manufacturer who is certified by Penn-Dot to perform the certifications.

A Baer/Miller motion passed with unanimous vote to accept the certification from the manufacturer for the bridge beams and bearing pads for the Norfolk Southern Bridge and Overpass.

Mr. Graham also addressed the Supervisors and wanted to know if we wanted to have the Township's own independent engineers do additional inspections of the Norfolk Southern bridge construction since we will be responsible for the maintenance of the bridge deck.

A Young/Byers motion passed with unanimous vote to have the Township's own independent engineers perform a secondary inspection of the bridge construction for the Norfolk Southern Bridge and Overpass.

Mr. Graham also addressed the Supervisors regarding the road plans for the 2012 budget year that he would like them to start thinking about. He noted the following items are roads that are priorities at this point:

1. Wingerton/State Line Road for reconstruction and paving.
2. Sportsmen Road for widening, basecoat and paving.
3. Hollowell Church Road for leveling and an overlay.
4. Colonial Road for a mill and overlay.
5. Antrim Church Road – North for an overlay as there is FB modified already there.
6. Lehman Road for paving since we will be finishing the box culvert.
7. Trolley Road for a patch and tar/chip since there is only one farm located on this road.
8. Rogers/Roberts Road for an overlay. This is off of East Weaver Road.

Mr. Graham also addressed the Supervisors regarding the vehicle purchases for the 2012 budget year that he would like them to start thinking about. He noted the following items that he would like to have considered in the budget for next year:

1. Truck #2 is the oldest of the big trucks but they would like to keep it for now since a new bed was put on it recently.
2. Replace truck #17 (1999 F-350, 1 ton) with a new F550 with snowplow equipment with an estimated cost of \$73,000.00.
3. Add one additional truck – same as above due to additional roads that have been dedicated and added to the Township. This will allow us to plow roads in the same amount of time.
4. Replace truck #23 (pickup truck used for mowers, etc.) with a used truck with an estimated cost of \$20,000.00.
5. Purchase a new bat-wing mowing deck to be used on the park fields.

The Supervisors discussed the addition a new truck for the additional roads that have been added to the Township. Chairman Miller asked if we could contract snowplowing out to someone instead of purchasing a whole new truck. Supervisor Baer stated that we

have tried to do this in the past with no success. The Supervisors said they will re-visit this when we start talking about the budget for next year.

Mr. Graham also addressed the Supervisors regarding the tentative Joint meeting that is set for next Tuesday, September 20<sup>th</sup> between the Township, Borough and School District. Mr. Graham noted that no one has brought up any specific topics for the meeting and he wanted to know if the Supervisors had any they wanted to address. Supervisor Baer stated he would like to discuss stormwater issues. There was also discussion about starting to work on a committee with the school board to provide tax relief or other incentives for new developers that want to come to the Township. Mr. Graham stated that we don't want to talk about the Comprehensive Plan yet as there are still details being finalized. The Supervisors decided they would give both entities our list of items and give them the option to cancel the meeting if they wish to. Vice Chairman Byers mentioned the Joint Ventures Committee and said he would like to start this up again because he thought those discussions were very valuable in getting all of the entities to work together on various issues.

Mr. Graham also addressed the Supervisors and gave them an update on the storm damage that occurred over the weekend. He noted that the Township damages were mostly from wash outs and damages to the road edges. He also noted that we are getting information from residents on their damages but Franklin County has not yet been included in the Emergency Declaration by FEMA. He stated that the Township's Emergency Management Coordinator, Craig Myers is still working on gathering information from our residents in case we are named in the Emergency Declaration by FEMA.

Mr. Graham also addressed the Supervisors regarding a change order for the Lehman Road Box Culvert Project. He stated that the contractor has requested a 30 day extension due to being delayed one week on the start-up due to the weather however, the Township's engineer and staff recommends a two week extension to November 1<sup>st</sup>.

A Baer/Young motion passed with unanimous vote to approve a change order for the Lehman Road Box Culvert Project to allow the contractor to extend the deadline by two weeks to November 1, 2011.

Mr. Graham also addressed the Supervisors regarding two change orders for the Comfort Facility/Concession Stand at the ATCP for Rodney B. Smith Plumbing. The first change order is to install metered faucets instead of standard ones to be more cost efficient. There will be an additional cost of \$491.46 for the metered faucets. The second change order is due to relocation of piping due to a change necessary to accommodate ADA requirements as per the building inspector. The additional cost for this change order will be \$1,004.70. The Supervisors all questioned why this was not caught by our engineers for the project. Mr. Graham responded that this was actually found and required by the building inspector.

A Baer/Young motion passed with unanimous vote to reluctantly accept the change orders for the Comfort Facility/Concession Stand at the ATCP for Rodney B. Smith Plumbing to install metered faucets for an additional cost of \$491.46 and to relocate piping to accommodate ADA requirements for an additional cost of \$1,004.70.

Mr. Graham also announced he will need an Executive Session to discuss personnel.

Mr. Graham also addressed the Supervisors regarding the ATMA Lease Agreement. He noted there was a meeting with two of the Supervisors, two ATMA members, Linus Fenicle and John Lisko regarding the Lease Agreement. Mr. Graham noted that Bob Coladonato, ATMA Chairman, wanted the Township to come up with a plan of changes, if any, that we would like to have made to the current Lease Agreement. The proposed changes to the lease by the Township were highlighted as follows:

1. No change to the Reserve Fund Amount of \$250,000.00 per section 5.03 as we are covering this with another change to the Lease Agreement in Section 6.02.
2. Specifically identify in the lease how the current Capital Additions Debt will be repaid to the Township's landfill fund.
3. Revise Section 6.02 in the lease to provide that we may retain money in the Sewer Revenue Account and not transfer to the Capital Improvement Fund if we believe we may need it for operating expenses.
4. Eliminate an item in the lease for ATMA Administrative Expenses and continue to pay the auditor's fees from the Sewer Revenue Account.
5. Based on the new lease, we are required to have an annual audit done based on the lease fiscal year, which is currently set at May 1<sup>st</sup> to April 30<sup>th</sup> but the Township and Authority audits are based on a calendar year. We are proposing to make a revision to extend the lease from April 30, 2012 to December 31, 2012 so we can eliminate the need for a May 1<sup>st</sup> to April 30<sup>th</sup> audit.
6. Need to establish percentages for employee salaries, specifically Brad Graham, Mary Klein and

Carl Rundquist to be paid out of the Sewer Revenue Fund as part of the operating expenses. A spreadsheet was provided to the Supervisors for this and they were all okay with the percentage breakdowns.

A Byers/Miller motion passed with unanimous vote to submit the above proposed changes to the ATMA Lease Agreement to the ATMA to be presented at their next meeting on Monday, September 26, 2011.

Mary Klein, Township Secretary addressed the Supervisors regarding a revision to the Township's Health Plan Documents to comply with the Health Care Reform changes. She noted the specific changes to the document include:

1. Extension of Dependent Coverage up to Age 26.
2. Elimination of Rescissions (except in the case of fraud or intentional misrepresentation).
3. Elimination of pre-existing condition exclusions.
4. Elimination of lifetime benefit limits for essential health benefits.
5. Expansion of covered preventative care services without cost-sharing.
6. Elimination of prior authorization/in-network requirements for emergency services.
7. Permission for participant to designate a primary care provider who is available to accept such participant. Also participant may designate a pediatrician as the primary care provider for a child. (HMO plans)
8. Removal of any requirements to obtain authorization or referral for an OB-GYN. (HMO plans).

Ms. Klein noted that Solicitor John Lisko has not yet had a chance to review all of the documents but she wanted the Supervisors to have them ahead of time to review in preparation for our next meeting on September 27<sup>th</sup> since we have to get the signed plan documents back to Benecon by October 1<sup>st</sup>.

Item C on the agenda to discuss the use of park pavilions by Township employees was tabled until we can obtain additional information from our auditors.

A Baer/Byers motion passed with unanimous vote to approve the use of the Rescue Hose Fire Police at Rhodes Grove Camp & Conference Center for the Smoketoberfest BBQ Challenge event to be held on Saturday, October 15, 2011.

A Young/Miller motion passed with unanimous vote to sign the Statement of Support for the American soldiers serving in the National Guard and Reserve to pledge that the Township will fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA); our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve; and we will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

Mary Klein, Township Secretary addressed the Supervisors regarding the Minimum Municipal Obligation (MMO) Pension Plan calculation for the 2012 plan year. She noted that the pension obligation amount for the Township for next year will be \$40,617.00.

A Miller/Young motion passed with unanimous vote to approve the Minimum Municipal Obligation (MMO) Pension Plan calculation for the 2012 plan year in the amount of \$40,617.00.

Chairman Miller called for public comment.

Robert Wertime addressed the Supervisors regarding T-705 and the fact that there is a large crack in the center of it from Leitersburg Road thru to John Wayne Drive & Route 16. Administrator Graham said

he will have someone check this out.

A Baer/Young motion passed with unanimous vote to adjourn into Executive Session at 9:02 p.m.

A Myers/Young motion passed with unanimous vote to adjourn the Executive Session and resume the regular meeting at 9:20 p.m.

Solicitor Lisko announced that we discussed personnel in the Executive Session.

A Miller/Young motion passed with unanimous vote to adjourn the regular meeting at 9:20 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary