

# **January 24, 2012 - Antrim Township Board of Supervisors**

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

### **REGULAR MEETING**

**January 24, 2012 7:00 P.M.**

The Antrim Township Board of Supervisors met Tuesday, January 24, 2012 in the Antrim Township Municipal Building, 10655 Antrim Church Road, with the following present: Fred Young III, Chairman; Rick Baer, Vice Chairman; Pat Heraty, John Alleman and James Byers. Others attending included Brad Graham, Administrator; Sylvia House, Zoning/Code Enforcement Officer; John Lisko, Solicitor; and Carl Rundquist, Public Works Director.

Visitors: Attached – There were more visitors during the evening but some did not sign in.

Chairman Young called the meeting to order at 7:02 p.m.

The meeting opened with prayer followed by the Pledge of Allegiance.

Tim Hogan, of ATAPCO, asked if their (ATAPCOs) item on the agenda was going to be addressed to which. Chairman Young responded “yes.”

A Baer/Byers motion passed 3-0-2 (Heraty and Alleman abstained) to approve the November 10, 2011; the December 13, 2011; and the December 28, 2011 regular meeting minutes. Byers and Baer stated that they had listened to the tape recordings of these meetings.

A Heraty/Alleman motion passed with unanimous vote to approve the January 3, 2012 regular meeting minutes.

A Byers/Heraty motion passed with unanimous vote to authorize the payment of all bills as listed on the Treasurer’s Report of January 20, 2012.

Kay Witmer, President, Besore Library Board; Bill Needy; and William O’Mara, Treasurer, Besore Library Capital Campaign Fund were in attendance to present an update on the Capital Campaign. O’Mara reported that with cash in the bank and pledges totaling \$165,500.00 the campaign has raised \$480,724.98, of the \$1.2 million campaign goal. The group requested the release of \$80,000.00 in matching funds pledged by the Antrim Township Board of Supervisors during their May 31, 2011 meeting. A \$20,000.00 contribution was already donated to the campaign. The trio thanked the Board of Supervisors for their support.

A Baer/Young motion passed 4-1 (Byers voted nay) to release the \$80,000.00 matching funds following a 30-day written notice requesting the funds from the Besore Library Capital Campaign.

Susan Stepnik of Spirit Golf Management, representing Farhad Memarsadeghi, owner of the Greens at Greencastle Golf Course, addressed Supervisors concerning the desires of the Greens at Greencastle Golf Course to obtain a liquor license for the golf course. Stepnik reported that she had applied to the Pennsylvania Liquor Control Board (LCB) for a license to sell liquor at a privately owned public golf course on November 15, 2011 and wanted to inform the Supervisors of their application. In obtaining a liquor license, the owners would do away with the BYOB (bring your own bottle) approach and would have more control over patrons drinking if they had a liquor license.

Chairman Young stated that Antrim Township is a “dry township” (no liquor licenses permitted) and that the voters of Antrim Township, through a referendum, would be the ones to determine if their status as a “dry township” should be changed.

Solicitor Lisko advised Stepnik to speak to an attorney concerning this matter and Chairman Young advised Stepnik to speak with Jean Byers of the Franklin County Election Board concerning the referendum.

A Baer/Byers motion passed with unanimous vote to adjourn the regular meeting at 7:34 p.m. and call the Public Hearing to order at 7:35 p.m for the proposed changes to Chapter 150 of the Code of the Township of Antrim, specifically Article II subsection 8 entitled Definitions and Article XVII, entitled Flood Hazard District. Joel Wenger, Antrim Township Planning Commission Vice- Chair and Sylvia House, Antrim Township Zoning/Code Enforcement Officer, were sworn in to testify.

House testified that FEMA (Federal Emergency Management Agency) has updated the flood map and Antrim Township is required to change the Flood Hazard District regulations in accordance with new FEMA regulations. House continued that the Franklin County Planning Commission supported the change and the Antrim Township Planning Commission recommended adopting the Flood Hazard District as written.

A Byers/Baer motion passed with unanimous vote to adjourn the public hearing and a Heraty/Byers motion passed with unanimous vote to reconvene the regular meeting at 7:39 p.m.

A Byers/Alleman motion passed with unanimous vote to approve/adopt the Flood Hazard District changes as required by FEMA.

Vice Chairman Baer left the room at this time.

An Alleman/Heraty motion passed with unanimous vote to approve a stormwater amendment for Greens of Greencastle Phase IV and authorize Chairman Young to sign the amendment. Homeowners in the development could amend their lot from a specific stormwater system for an alternate system. The owner of Lot 400 wishes to put in the alternate system instead of the system that was recorded on the plan. Baer returned at the end of the presentation in time to vote.

Tim Hogan of ATAPCO, along with Attorney Scott Wyland, requested the release of a \$2,000,000 Letter of Credit (LOC), Wyland claimed that the Pennsylvania Department of Transportation (PaDOT) has fully relieved the Township from the project and PaDOT will take over the project when it is ready to bid. Hogan explained that the LOC is costing his company money and the sooner it is released the better. Administrator Graham said that an official confirmation was forthcoming from PaDOT in a few days and that ATAPCO would have to wait until the next meeting for clarification from PaDOT. Wyland stated that there was no reason for the Township to hold the LOC and specifically requested the Board pass a motion to release the LOC.

Attorney Lisko explained to Wyland that the last written communication the Township received from PaDOT dated January 14, 2011 specifically stated that PaDOT would not assume control of the project until it is successfully bid. Attorney Lisko also advised Wyland that the Letter of Intent signed by the Township required the Township to pay for numerous pre-bid costs for the project, such as preliminary engineering, final design, right-of-way acquisition and utility clearances and relocation. These pre-bid costs were estimated to be \$850,000.00 or 20% of the overall project cost. Attorney Lisko further advised Mr. Wyland that the January 14, 2011 written communication from PaDOT stated that an abbreviated agreement would need to be signed between the Township and PaDOT.

Due to the uncertainty surrounding the Township obligations concerning this matter, the Board passed the following motion: A Young/Baer motion passed 4-1 (Byers voted nay) to release the Letter of Credit contingent upon receipt of a written letter from PaDOT releasing the Township from the letter of intent and following a satisfactory review of this written letter by Solicitor Lisko.

A Heraty/Baer motion passed with unanimous vote to schedule a hearing date of Tuesday, February 28,

2012 at 7:30 p.m. in the Antrim Township Board room, for an amendment to the phasing of the Rolling Hills Planned Residential Development (PRD). Heraty/Baer amended the motion to include the advertising of this public hearing.

A Heraty/Baer motion passed with unanimous vote to recess the regular meeting at 7:58 p.m. and call the public hearing to amend the Greencastle Land LLC, developer of Green Spring Valley PRD subdivision, to order at 7:59 p.m. Green Spring Valley developers are asking to amend their PRD to allow a private water system for the property.

Approximately 25 people stood to be sworn in to testify during the hearing.

Attorney Paul Minnich, representing Greencastle Land LLC, Green Spring Valley PRD, began testimony by stating that in hopes of being able to have a private water system, developers would comply with the following voluntary conditions: Greencastle Land LLC will supply proof that there are enough wells to provide adequate water supplies; will design the system to Department of Environmental Protection (DEP) guidelines; will design the system to be compliant with Greencastle Area Franklin County Water Authority (GAFCWA) standards if more stringent than DEP guidelines; and Homeowners Association documents or similar entity will be responsible for operating, upkeep and maintenance of the system.

Minnich offered three witnesses for testimony including Humberto Ho, owner/developer, who testified that in submitting an application to the GAFCWA for public water he received a letter from GAFCWA stating there was not enough water to serve this development. Ho was told that he needed to upgrade the infrastructure for this development and provide an elevated water tower, which would have the capability to service three other proposed developments in the area at a cost of an estimated \$3.5 million. The purpose of the hearing was to ask for an amendment to the PRD to allow a private water system as the development is located in Antrim Township.

After approximately one-half hour of testimony Supervisor Byers suggested that the developer take the proposal for water for 500 lots, for Green Spring Valley, back to GAFCWA as Byers felt it was not fair for one developer to take the load for possibly three other developers.

A Young/Heraty motion passed with unanimous vote to recess the hearing at 8:31 p.m. to allow Attorney Minnich to confer with his clients on Supervisors Byers' suggestion.

A Baer/Alleman motion passed with unanimous vote to reconvene the regular meeting at 8:32 p.m.

A Baer/Alleman motion passed with unanimous vote to sign a tax assessment appeal already signed by the Greencastle-Antrim School District for the David Cleaver property at 861 Buchanan Trail East.

A Baer/Byers motion passed with unanimous vote to authorize Administrator Graham to sign an agreement with Global Data to renew the contract for IT (Information Technology) services for one year. Supervisors agreed to send out an RFP (Request for Proposals) next year to other firms to which House explained that Global Data had been chosen as they were local and had very competitive pricing.

A Heraty/Byers motion passed with unanimous vote to approve a change order for Fayetteville Contractors for an asphalt price adjustment in the Lehman/Feaster roads project.

A Heraty/Baer motion passed with unanimous vote to approve the Antrim Township Park Committee's recommendation for a trail layout and standards for a multi-use/bicycle trail at the Antrim Township Community Park. The work is to be done by volunteers.

A Heraty/Baer motion passed with unanimous vote to authorize Administrator Graham to send "letters of admonishment" to organizations that received Park Facilities Grant Funds and who did not follow

the guidelines for submission of receipts and use of their funds.

A Heraty/Baer motion passed with unanimous vote to approve field reservation requests from the AYSO (American Youth Soccer Organization) and the Fastpitch Softball Association of Greencastle as these requests did not fall within the established blocks of reservation times.

A Baer/Byers motion passed with unanimous vote to adjourn the regular meeting at 8:44 p.m. and continue the recessed hearing for Greencastle Lands LLC.

Attorney Minnich said that his client was agreeable to go back to the GAFCA and requested that this hearing be tabled until they can come back to the Board with a resolution or come back and continue their hearing/presentation.

A Young/Byers motion was defeated 0-5 to continue the hearing March 20, 2012 at 7:30 p.m. as Supervisors decided to continue and allow testimony from the public who were sworn in at the beginning of the hearing.

Seven members of the audience, along with an engineer from Advantage Engineering representing Green Spring Valley PRD, offered testimony concerning the size and location of the water towers; how this private water system would affect existing residents' private wells; and if they would be required to connect to sewer and water.

A Young/Baer motion passed with unanimous vote to continue the public hearing March 20, 2012 at 7:30 p.m. in the Antrim Township Municipal Building and to adjourn this part of the hearing at 9:14 p.m.

A Heraty/Alleman motion passed with unanimous vote to reconvene the regular meeting at 9:15 p.m.

David Zehrung of 633 Williamson Avenue, addressed the Board of Supervisors concerning a flooding problem in the area, especially from the September 2011 flooding. Zehrung said he submitted paperwork and met with the Township's EMA coordinator for assistance for himself and knew that some of his neighbors had done the same, but he never heard anything more from the Township.

Administrator Graham said that he had heard from FEMA and that Franklin County was not in line for any assistance as the dollar amount of damage was not enough to meet the criteria for assistance.

Zehrung said that he must be at the bottom of the pond for all groundwater and stormwater runoff. Zehrung said that he thought money was appropriated in 2008 to restore the swale which was to carry stormwater runoff away. Other residents of the area, who also had flooding, agreed and reported that other residents put all their grass clippings and other debris in the swale at Colonial Drive, which then hinders some of the runoff. Zehrung thought that it is about time the Township did the right thing in alleviating this situation.

A Baer/Heraty motion passed with unanimous vote to adjourn the meeting into an executive session at 9:33 p.m.

Administrator Graham reported, as Recording Secretary Nowell was excused from the meeting and the executive session, that the Board came out of executive session at 10:05 p.m. and announced that personnel matters and a potential real estate purchase was discussed. According to Graham, the Board adjourned at 10:06 p.m.

Respectfully submitted,

Joyce A. Nowell

Recording Secretary