

# **February 10, 2009 - Antrim Township Board of Supervisors**

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

### **REGULAR MEETING**

**February 10, 2009 7:00 p.m.**

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, February 10, 2009 in the Antrim Township Municipal Building, 10655 Antrim Church Road, with the following present: Chairman Curtis Myers, Vice Chairman Rick Baer, Fred Young III, and James Byers. Others attending included Peter Oppliger, Board of Supervisors Student Representative; John Lisko, Solicitor; Brad Graham; Township Administrator, and Sylvia House, Zoning Officer. Supervisor Sam Miller was absent from the meeting.

Visitors: See attached sign-in sheet and two members from the Antrim Township Municipal Authority.

Chairman Myers called the meeting to order at 7:00 p.m. The meeting opened with prayer followed by the Pledge of Allegiance. Chairman Myers called for Public Comment. Dan Hockman, an Antrim Township resident, who attended the Conservation by Design work session on February 3, 2009 commented about Home Owner's Associations. He stated that Home Owner's Associations were the main reason for not being in favor of CBD. He stated that he belongs to a Home Owner's Association and his works for him and he likes it.

Resolution #117: A Young/Baer motion passed 4-0 (Miller was absent) to approve the regular meeting minutes of January 27, 2009; and the work session meeting minutes of February 3, 2009.

Resolution #118: A Baer/Young motion passed 4-0 (Miller was absent) to approve the bills on the Treasurer's reports dated February 10, 2009.

Chairman Myers introduced Brad Graham, new Township Administrator, to those present.

Chairman Myers introduced the visitors that were present from the Antrim Township Municipal Authority; Chairman Elwood Myers and Vice Chairman Bob Coladonato.

Vice Chairman Bob Coladonato addressed the Board of Supervisors regarding copies of a Non-Binding Letter of Intent that was presented to the Board. The Non-Binding Letter of Intent and background information that was provided to the Board addressed the fact that the Greencastle-Antrim Franklin County Water Authority wants to purchase the Antrim Township Municipal Authority. This would allow a single consolidated water system to serve the whole Greencastle-Antrim area. GAFWCA is going to submit information for a grant to purchase the Antrim Township Municipal Authority. They would like to proceed within 30 days to create a regionalized water system. No motions were made by the Supervisors at this time.

Resolution #119: A Baer/Byers motion passed 4-0 (Miller was absent) to approve a phasing schedule for 2009 for the Molly Pitcher Planned Residential Development.

Representatives for the Molly Pitcher Planned Residential Development addressed the Supervisors regarding the intersections that Penn-Dot is requiring traffic signals to be installed. They asked that the Supervisors approve Eminent Domain at a property that is located at Rt. 11 & Mason Dixon Road because the signal pole would be placed up against the property owner's porch and they have refused to allow the placement of the pole. The representatives for the Molly Pitcher PRD explained that the traffic signal is not required at this time but they need a letter from the Supervisors stating that they have exhausted every option to install the traffic signal to submit to Penn-Dot. The Supervisors decided to table this item at this time to investigate the matter further. The State Line square intersection was

also discussed and the Supervisors stated they were not in favor of installing a traffic signal here. The Supervisors decided to allow 1-2 Supervisors to meet with an engineer to discuss the traffic light matters further before making any decisions.

A driveway setback modification request for Kennedy, a one-lot residential addition on Katie Lane was discussed to leave the driveway as is but the Planning Commission recommended that the setback for the driveway be at least 12" from the side property line.

Resolution #120: A Byers/Baer motion passed 4-0 (Miller was absent) to approve a driveway setback for the driveway to be no less than 12" from the side property line for Kennedy, a one-lot residential addition on Katie Lane.

Resolution #121: A Byers/Baer motion passed 4-0 (Miller was absent) to approve a letter to be sent for the Greencastle Borough H2O Sewer Grant application request since the improvements are consistent with our current zoning and Comprehensive Plan.

Resolution #122: A Young/Byers motion passed 4-0 (Miller was absent) to approve a letter to be sent for the Greencastle Area Franklin County Water Authority H2O Grant application request.

Resolution #123: A Young/Baer motion passed 4-0 (Miller was absent) to amend the previous motion so that the letter to the Commonwealth Financing Authority regarding the H2O Grant application is approved with revisions before being signed by Chairman Myers.

Resolution #124: A Baer/Young motion passed 4-0 (Miller was absent) to adjourn the regular meeting at 7:50 p.m. to conduct a Hearing for Chapter 150-13 "AR Conditional Uses."

### **Hearing for Chapter 150-13 "AR Conditional Uses"**

Residents and the public who attended the hearing were sworn in. Those attending the hearing and testifying were asked to state their name and address for the record.

A representative for Lighthouse to Life Inc., Julien Vinck testified first regarding the fact that they are a Non-Profit corporation in Pennsylvania that assists men and women ages 18-35 that were previous substance abusers to obtain employment and provide them with living quarters. It would be a Behavior Change Program for those that have been addicted for 14-20 years. He gave statistics from 2004-2005 that 11,445 persons over the age of 12 residing in Franklin and Fulton Counties have substance abuse disorders. In 2006, 3,519 needed treatment for substance abuse. Abusers will eventually turn to criminal behavior. He stated that the Behavior Change Program would improve the public safety of our community.

Supervisor Baer asked Mr. Vinck if a resident of the home tested positive to drugs, where would they go? Mr. Vinck stated that they would be sent back to a drug treatment facility. He stated that it takes roughly 2 years for the brain to return to normal activity after substance abuse. He just wants to make them a good citizen again. The criteria that the substance abuser must pass to leave the home would be their ability to hold a job and manage their money.

Chairman Myers asked Mr. Vinck if those that would be staying in the home if they have been through a drug treatment facility and been off drugs? What kind of training is given to them when they get to your facility? Connie Vinck responded and said yes they have been through a drug treatment facility and once they get to the home, they would be assisted with training to help them gain employment and manage their money.

Julien Vinck stated they are applying for grants from the Department of Justice, HUD and the city of Chambersburg to fund this project.

Supervisor Byers asked if most of the clients are on probation. Julien Vinck responded and said that

some are and some are not, it depends on the situation. The program has been instituted in 8 other states for 5+ years. Supervisor Byers commented that townships through conditions limit the number of clients and you want 25-30. Julien Vinck responded that yes they want that many clients but they are not a drug treatment facility. Supervisor Byers reminded the Board that we are looking at the whole AG district. Zoning Officer, Sylvia House noted that group homes are allowed in the R2 district, not the AG district.

Solicitor John Lisko commented about those who would violate their probation and they would get 3 more months of probation. He asked if they would report probation violations. Mr. Vinck replied that probation violations would be reported to the authorities immediately.

Chairman Myers asked if they have any form of security was going to be provided at the facility? Mr. Vinck stated that security was not in their budget right now but there has been discussion about mixing men and women.

Solicitor John Lisko stated that there are violent and non-violent drug offenders and whether there was a screening process that the clients have to go through. Mr. Vinck responded that yes they are going to screen them and they will only select non-violent offenders.

Connie Vinck spoke about why they wanted to open a facility for substance abusers. She stated that their son was a pot user at age 14 and became addicted to cocaine at age 21. He was sent to Teen Challenge for 14 months at age 27. He is 30 now and is still sober. Their son was rehabilitated and that is why they want to do this.

Supervisor Young commented that the Conditional Use and the Vinck's request are two separate things.

Sylvia House, Zoning Officer stated that the Conditional Use would be inserted in a section of Ordinance 150-13 and when someone wants to be a conditional use, they would need to make an application and there would be a hearing in front of the board. They would be adding a section to our current ordinance for group homes, mentally-impaired, recovery homes, etc. She contacted other townships regarding other group homes and she found that a group home is a broad definition. Looking at our entire AG district, do we want to allow any other type of group homes, not just a drug rehabilitation home. The AG district is a rural area with low density, public utilities are limited and it is not close to stores. Sylvia went over a list of Pro's and Con's of adding group homes to the AR district and gave a list of current AR Conditional Uses.

Solicitor Lisko commented that since it is a Conditional Use, we could impose reasonable conditions.

Supervisor Young commented that even if we entertain the notion that the Board approves the Conditional Use, it does not mean that Lighthouse to Life Inc. would be approved. He also asked if the board could specify reasons as to why they cannot locate at a specific location in the township. The AR zoning district is a large district. The house where Lighthouse to Life Inc. wants to locate is the Wishard House on Angle Road across from the Manito School Campus.

The Supervisors now heard from the residents and public who attended the hearing.

Robert Smith – 7498 Angle Road testified:

He bought his home 30 years ago in an AR district for a reason. There is currently a school for troubled youth across the street from his home and they have summers off. He might as well live in an R2 district if they are going to allow this type of group home. It dilutes AR zoning across the board. We might as well allow apartment complexes. Why couldn't he rent out rooms in his home? They won't have open space anymore. Since December 12<sup>th</sup>, he has done a lot of research on this subject. We would be taking away his rights to make a deal to sell their home. Why should group homes be allowed in a district where apartments are not allowed? Lack of public water and no police protection in that

area are some of his concerns. What if they would sell this house to another group?

Dianne Smith – 7498 Angle Road testified:

She read the pledge of the Board of Supervisors. Does PA license group homes? No prior experience is needed and the home would be 24 hours a day, 7 days a week. Countryside and the preservation of farmland were some of her concerns. Presently there is other zoning that allows group homes.

Cindy Custer – 7375 Angle Road testified:

She agrees that there is a need to have group homes. A major concern for her is the fact that a lot of people want to get into the home. Water is another serious issue since there is no public water. She did not like the idea of greenhouses being run on the property because then it would be a more commercial use of the area. It is not a good location and she would like to find a good use for the area.

Bob Coladonato - 184 Rocky Fountain Drive testified:

He thinks that group homes are good but not in favor of expanding them to the AR district.

Leroy Bowman – 295 Kauffman Street testified:

Will they allow smoking at the facility? If so, they are a small community and they already have enough to deal with Manito because their employees and students smoke outside and throw cigarette butts all over the ground.

Mr. Vinck replied no in response to Mr. Bowman's question.

Kathleen Robinson – 7500 Friendship Village Road testified:

She works for the Franklin County Adult Probation. There are a tremendous amount of offenders that she deals with at work every day and she does not want to deal with it at home. She is afraid that the value of her property will go down and will not be able to sell her home. She does not want the criminal element in her neighborhood. Would you want it across the street from you?

Gary Bruner – 7262 Ruritan Drive testified:

There are two areas already where this is a Conditional Use. He applauds the Board and Mr Vinck's intentions but asks that they consider the greater good of the township. He thinks it sets a bad precedent to change the AR zoning.

Dan Pellicano – 2775 Buchanan Trail East testified:

He moved to an AR area and believes that group homes are needed but does not want it in the AR district. He suggested that since it is provided elsewhere that we should maintain the character of the township.

John Witter – 7415 Browns Mill Road testified:

He came to the Planning Commission meeting and he does not agree with the amendment to AR. He has a problem with a church putting a business on the property. They should be church business group homes if that is the case.

Henry Carbaugh – 7202 Ruritan Drive testified:

There was a bomb scare at the juvenile home across the street and does not approve of this in our area.

Robert Smith – 7498 Angle Road testified:

He called the State Police two times and the best response time was 45 minutes. There is no police coverage in this area.

Connie Vinck testified:

They had a children's home in their area but the community dealt with it. She mentioned apartments and Manito. She stated she worked for the Federal Government for 30 years and the behavior of the Supervisors was not professional.

Fred Young stated there are Pro's and Cons to this and he appreciates all of the citizens coming out.

Cindy Custer stated that she hopes the Vinck's find another place to put a group home of this sort.

Julien Vinck stated that people might think this is an Otterbien Church effort but it is not, they are just providing counseling.

Resolution #125: A Young/Byers motion passed 4-0 (Miller was absent) to adjourn the hearing at 9:14 p.m.

Supervisor Young addressed those present at the meeting and the rest of the Supervisors regarding the house that was discussed in the hearing that the Lighthouse for Life Inc. wants to buy for their Behavior Change Program. He made a comment about why this house was built and due to the size of the house, it does not fit in with the rest of the community. He stated that we are trying to find a use for this house but that is not our job.

Resolution #126: A Byers/Baer motion passed 4-0 (Miller was absent) to deny the request to amend Ordinance 150-13 to allow "residential care establishments, including but not limited to group homes and personal care boarding homes" to subsection C for Conditional Use in the AR District.

Resolution #127: A Baer/Young motion passed 4-0 (Miller was absent) to approve a 180-day extension request for Moss Spring Estates Phase IIB & C, a 90-unit residential subdivision, to allow us time to set up a meeting with their attorney to find out who is going to be in the PRD and the HOA.

Resolution #128: A Baer/Young motion passed 4-0 (Miller was absent) to approve a 180-day extension request for Stonebridge Farm, a 64-lot residential subdivision along Stonebridge Road, to allow them more time to address storm water comments.

Resolution #129: A Myers/Baer motion passed 4-0 (Miller was absent) to approve the signing of a Request from Planning Waiver – No Building Declaration for GAFCWA well # 4 on Leitersburg Street.

Resolution #130: A Myers/Baer motion passed 4-0 (Miller was absent) to approve the signing of a Request from Planning Waiver – No Building Declaration for Kennedy, a residential lot addition on Katie Lane.

Resolution #131: A Baer/Young motion passed 4-0 (Miller was absent) to approve the signing of a Sewer Facilities Planning Module for Meyers/Yaukey, a small flow treatment facility on Patton Bridge Road. The land owner is responsible for the cost of any repairs.

Interim Projects Coordinator, Fred Young addressed the Supervisors regarding an update for the Shared Use Trail. He is trying to find out if prior management promised some type of screening along the trail. He wants to confirm this and find out if the grant money we receive for the Shared Use Trail project can be used for providing screening along the trail. Young also addressed the Supervisors regarding the Antrim Township Community Park project Phases 3, 4 and 5. He commented that the weather has slowed down construction but seeding will begin in mid-May.

Resolution #132: A Baer/Young motion passed 4-0 (Miller was absent) to approve Paul Minnich, Roadmaster, to attend a COSTARS training class on March 10, 2009.

Resolution #133: A Baer/Young motion passed 4-0 (Miller was absent) to approve the shutting down of

the Township office on Wednesday, February 18, 2009 to allow personnel a day to do filing so a central filing system can be implemented.

Resolution #134: A Myers/Young motion passed 4-0 (Miller was absent) to approve the signing of new checking account signature cards to add Bradley Graham, new Township Administrator and Mary Klein, Secretary/Treasurer as authorized signers on the accounts.

Resolution #135: A Myers/Young motion passed 4-0 (Miller was absent) to approve that a 10-day notice by US Mail (subject to review by John Lisko, Township Solicitor ) be provided to property owners when tree-cutting is performed along township roads.

Bob Coladonato, ATMA Vice Chairman, addressed the Supervisors regarding the Non-Binding Letter of Intent and the fact that they want to sign it 30 days from tonight and they would like comments from the Board of Supervisors.

Antrim Township Resident Bob Smith apologized to the Board of Supervisors for his conduct at the Conditional Use Hearing for Ordinance 150-13. Chairman Myers accepted his apology and apologized to Mr. Smith for his comments during the hearing.

Solicitor John Lisko asked for an Executive Session to discuss the Todd litigation case and an Appeal under the Right-to-Know Act.

The meeting adjourned at 9:32 p.m. and went into Executive Session.

The Executive Session adjourned at 10:19 p.m. and Solicitor John Lisko announced that the Todd Litigation and an Appeal under the Right-to-Know Act were discussed in Executive Session.

Resolution #136: A Young/Byers motion passed 4-0 (Miller was absent) to authorize Chairman Myers to sign a letter for John Lisko to obtain township records from his old attorney.

Resolution #137: A Young/Myers motion passed 4-0 (Miller was absent) to authorize Chairman Myers to sign an affidavit stating the Board of Supervisor's opposition to the Appeal under the Right-to-Know Act submitted to the Office of Open Records by Pat Fridgen, reporter for the Echo Pilot newspaper.

Resolution #138: A Baer/Young motion passed 4-0 (Miller was absent) to adjourn the meeting at 10:23 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary/Treasurer