

September 14, 2010 - Antrim Township Board of Supervisors

MINUTES OF THE ANTRIM TOWNSHIP SUPERVISORS

REGULAR MEETING

September 14, 2010 7:00 p.m.

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, September 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 John Lisko, Solicitor Sylvia House, Zoning Officer and Brad Graham, Township Administrator.

Visitors: See the attached list.

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

A Young/Miller motion passed 3-2-0 (Baer & Byers abstained) to approve as written the regular meeting minutes from July 27, 2010.

A Miller/Byers motion passed 4-0 (Myers abstained) to approve as written the regular meeting minutes from August 24, 2010.

A Byers/Young motion passed with unanimous vote to approve the bills on the Treasurer's reports dated September 14, 2010.

Chairman Baer called for public comment – there was none.

A modification request for Heritage Estates West was tabled until Solicitor John Lisko arrived at the meeting.

Sylvia House, Zoning Officer addressed the Supervisors regarding a plan amendment for Jerr-Dan. The plan amendment is due to the fact that they no longer need the paved parking areas that were proposed in the original plan because Jerr-Dan is leaving the Township and closing this plant facility. They would like to make these areas a gravel area for storage and be released from their bond for these improvements.

A Myers/Young motion passed with unanimous vote to approve the plan amendment for Jerr-Dan to remove the parking areas and show them as gravel storage areas.

Sylvia House, Zoning Officer addressed the Supervisors regarding a modification request from §125-48 for Heritage Estates West. They are requesting a waiver from Bonding or a Letter of Credit and instead would like to enter into an agreement for a second mortgage because they cannot get a \$3M bond for the improvements. They have a permit with DEP for stream crossing and have deadlines to meet or they will lose their approval from DEP. They are also willing to pay \$39,000.00 in Recreation Fees and \$161,304.00 in Repair and Improvement Charges and want to start the work but would only be able to start selling the lots once they provide the bonding. Solicitor Lisko commented on the wording in the MPC and stated that it reads "without limitations of other financial security" they must post with a bonding company or lending institution and a Letter of Credit is to draw on if the developer does not complete the project. Solicitor Lisko questioned the representatives from Heritage Estates West on what the amount of the first mortgage is and how much equity is in the property. Solicitor Lisko does not think this fits within the MPC. Attorney for Heritage Estates West, Bryan Salzmann replied that the first loan they hold is for the improvements to the property. Solicitor Lisko is concerned

about them selling the property to another developer or if a sales agreement is entered into on the side. Representatives from Heritage Estates West recommended that we not record the plan at the courthouse to prevent this from happening. Attorney Bryan Salzman responded that he has sent over the mortgage agreement to Solicitor Lisko and just needs to make some modifications to the agreement and add language about the inability to sell the lots.

A Myers/Young motion passed 4-1-0 (Byers opposed) to approve the modification request from §125-48 for Heritage Estates West with the conditions to instruct Solicitor Lisko to review the agreement with Attorney Bryan Salzman with the second mortgage language and add language for the inability to sell the lots until bonding or financial security is provided and the Township will not record the plan at the courthouse and Heritage Estates West must pay the Recreation Fee and Repair & Improvement Charge.

Sylvia House, Zoning Officer addressed the Supervisors regarding the re-signing of the plan for Waste Management. When the plan came thru Antrim Township plans were sent to Montgomery Township for signatures and this was recorded at the courthouse. However, the plan from Montgomery Township was never sent to the Township for our signature. Mrs. House is asking the Supervisors for permission to re-sign the plan from Montgomery Township so it can be recorded.

A Byers/Baer motion passed with unanimous vote to approve re-signing the plan for Waste Management from Montgomery Township so it can be recorded.

A Miller/Byers motion passed with unanimous vote to approve a final plan for David and Lucille Carson, a 1 lot addition on Worleytown Road.

Sylvia House, Zoning Officer addressed the Supervisors about the proposed updated Zoning Map that she had prepared with the newest subdivisions added to it but not all of them are on here. She noted that the proposed developments are shown with broken lines and the existing developments are shown with solid lines. She also has made a list of the proposed Zoning changes and she would like the Supervisors to take this list and compare it to the proposed map.

At the next meeting she would like to set a date for the Supervisors to bring concerns back at either a special meeting or a regular meeting. The Supervisors would like Sylvia to e-mail this map to the other engineers. The Supervisors questioned Joe McDowell from Martin & Martin, who was present at tonight's meeting, what he thought about the new proposed map. Mr. McDowell stated that he thinks the new proposed map clarifies things and simplifies them. Mrs. House noted that this new proposed Zoning map is only to finish the comprehensive plan and that the actual ordinances will only be re-written once the comprehensive plan is done. The Supervisors stated they could talk about the official map at the Joint Meeting with the Borough of Greencastle and the GASD on October 5th.

A request from Jerr-Dan to release their bond was tabled until we get the agreement signed for the plan amendment.

Brad Graham, Township Administrator addressed the Supervisors regarding a meeting that was held a couple weeks ago regarding the Assumption/Traffic Lights Agreements with ATAPCO. Pat Coggins from ATAPCO addressed the Supervisors regarding a new concept that they came up with for the two traffic lights. The one time payment of \$100,000.00 for the maintenance of the traffic light for the traffic light at the Comfort Inn is still okay with ATAPCO but now there are two options to consider for the traffic light at the Mason-Dixon Auto Auction. The first option A would be for ATAPCO to reimburse the Township annually for the maintenance of this light and the second option B would be for ATAPCO to pay a one-time payment of \$100,000.00 for the maintenance of this traffic light. Mr. Coggins stated that since there is a lien on the property, he cannot sell the property but from a legal standpoint it will cost him more with option A. Mr. Coggins also stated that he has agreed to add

language that if the light needs replaced or another developer comes in then ATAPCO would be off the hook for this light. Supervisors Young questioned that the amounts we discussed for the maintenance if it includes electric, maintenance and insurance costs. Secretary Klein replied that it does include all of these costs. Mr. Coggins added that state of the art LED lights are being installed at both of these locations so there shouldn't be many maintenance issues. Solicitor Lisko added that the Assumption Agreement would pass to the successors and assigns and they would be able to sell the lots free and clear if 25% of the developable land is owned by ATAPCO. Supervisor Young stated he is in favor of option B.

A Miller/Byers motion passed 3-2-0 (Myers & Young opposed) to go with option A to accept the one-time payment of \$100,000.00 for maintenance costs of the traffic light at Comfort Inn and the Township to maintain the light at Mason-Dixon Auto Auction and bill ATAPCO each year for these maintenance costs.

The Supervisors reviewed a request at this time for a Sewer Tap Fee Waiver for John Helman. Mr. Helman was issued a permit in September 2005 to put a trailer on his lot but he never followed through with it and now the permit has expired. In order to renew the permit he must pay the permit fees and the Sewer Tap fee again according to our ordinance. Mr. Helman is asking for the Sewer Tap Fee to be waived. This same request was taken to the ATMA and they recommended denying this waiver.

A Baer/Miller motion passed with unanimous vote to deny the waiver from the Sewer Tap Fee for John Helman per the recommendation from the ATMA.

The Supervisors also reviewed a request from Mr. Helman regarding a request to hook up to a sewer line that is on his property instead of hooking up to the main lateral across the newly paved Ridge Road. The ATMA also recommended denying this request.

A Byers/Baer motion passed with unanimous vote to deny the request from John Helman to hook up to a sewer line that is on his property instead of hooking up to the main lateral across the newly paved Ridge Road per the recommendation from the ATMA.

Brad Graham, Township Administrator addressed the Supervisors regarding the Melrose Meadows Spare Lot. Denise McDowell, the Melrose Meadows Phase I Home Owner's Association president, attended tonight's meeting and explained that the HOA is ready to take over the property since the Township did not want to maintain it. Mrs. McDowell mentioned that the HOA would like to move forward with what was in the original plan for this space. Mr. Shook has offered to grade and level the 230' x 360' area and plant the seed that is indicated in the original plan. The rest of the 10 acres the HOA plans to do some sort of ground cover and make it a nice open area. The majority of the HOA voted not to take over the area and they would like to pull back this motion from 2003.

A Myers/Miller motion passed with unanimous vote to allow the Home Owner's Association for Melrose Meadows Phase I to take over ownership of the Melrose Meadows spare lot.

The Supervisors reviewed the Sewer Service Area Map again and a letter that was received from Deb Hoff, Solicitor for the AT Planning Commission addressing concerns that the AT Planning Commission has with the updated map. The Planning Commission is concerned that the new sewer service area does not following the zoning map districts and the additions to the map would provide service to portions of the agricultural district and would not provide service to some areas in which the Township wishes to encourage development. Supervisor Miller stated that he would like to clarify something from the last meeting with the ATMA Board member that he thought had a conflict of interest. Miller stated that he was not so much concerned with the rezoned areas but he believes that ATMA Board member should have abstained from the vote since it affected his property. Miller stated he understands that they are trying to eliminate lift stations so we don't have to maintain them but he is concerned that if 200

feet of someone's property is added then according to Solicitor Lisko, we would have to take in the whole property if they wish to develop it. Miller stated this would then have 2 acre lots serviced by sewer in a proposed agricultural area and then we would wind up maintaining another lift station. He agrees with the letter from the Planning Commission that the sewer service area should follow the property lines. Miller wondered if the Act 537 plan is amended and the rest of the property would be added to the sewer service area then how we would service that area. Chairman Baer commented that we would have to service that area by grinder pumps. Administrator Graham added that the ATMA members used the current sewer service area map with a topographical map to make the recommended changes. Administrator Graham recommended that we could take the proposed sewer map and layer it over the zoning map. The next step after we agree on the sewer service area map is to approve the Act 537 plan. It was decided that we would have the Planning Commission attend one of the BOS worksessions to discuss the sewer service area map further.

Brad Graham, Township Administrator addressed the Supervisors regarding the Shared Use Trail. Joe McDowell from Martin & Martin prepared a spreadsheet showing the original grant money less the original contract and change orders to show the remaining grant monies that are available. Mr. Graham would like to know if the Supervisors want to proceed with the overlay of the Shared Use Trail. They could also consider doing the overlay, doing plantings and screenings and address stormwater issues but there would be a credit for the paving of the trail across Conococheague Lane. If the Supervisors select this option, the non-reimbursed monies would be the Township's responsibility and would total \$9,000.00. This would include inspection fees of \$2,500.00; however Joe McDowell stated he could ask Penn-Dot to assign someone from the District office for inspections. Supervisor Byers asked how much of an overlay would be put on the trail and Mr. McDowell responded that it would be a 2" overlay. The total amount of money that would be reimbursed for this option from the grant monies would be \$86,245.00.

A Myers/Young motion passed 4-1-0 (Byers opposed) to approve the second option to overlay the Shared Use Trail along with planting trees and addressing stormwater issues and put the project out to public bid for an estimated cost of \$86,245.00.

Brad Graham, Township Administrator addressed the Supervisors regarding the bids that were received for the Izer property repairs. The lowest bid was received from Fayetteville Contractors, Inc. for a total cost of \$17,725.00 and Mr. Graham recommends accepting this bid.

A Baer/Young motion passed with unanimous vote to award the bid for the Izer property repairs to Fayetteville Contractors, Inc. for a cost of \$17,725.00 and sign the Notice of Intent to Award.

Brad Graham, Township Administrator addressed the Supervisors regarding the ATCP concession stand project. Mr. Graham noted that the search for volunteers to build the concession stand was unsuccessful and we need to determine whether to re-bid the project or not with the new specifications. Supervisor Young stated that he looked back at the history of this project and the meeting minutes from 2/24/09 a Baer/Miller motion passed to prepare bids for add alternates and it was a unanimous vote. Supervisor Byers commented that the bids came in a lot higher than they anticipated. Supervisor Miller stated that he is all for doing a concession stand, however when you take out the plumbing and electric costs, \$112,000.00 for a 30 x 30 block building is too much. Supervisor Miller also commented that he looked at the bid book and prevailing wage doesn't add that much to the project. Supervisor Miller was also concerned

with the fact that some of the contractors only bid on the electric and plumbing and did not bid on the construction and excavation. He thinks these bids should have been disqualified. There was also a question about how the building would be rented out and how much would the cost be to rent it out. Chairman Baer stated he would be addressing that with the Park Committee at their next meeting.

A Baer/Miller motion passed with unanimous vote to approve spending approximately \$983.00 to re-bid the ATCP concession stand project.

The Supervisors reviewed a sewer waiver request that was received from PMC Enterprises for properties at 606, 608 & 624 Brookview Drive since the three properties has been disconnected from GAFCWA's water and there has been no water usage since 2007. The ATMA recommended granting this waiver.

A Baer/Young motion passed with unanimous vote to approve a sewer waiver request from PMC Enterprises for properties at 606, 608 & 624 Brookview Drive since the three properties have been disconnected from GAFCWA's water per the recommendation from the ATMA.

Secretary Mary Klein addressed the Supervisors regarding quotes we received for short-term disability, accidental death & dismemberment and life insurance. She noted that we received quotes from two other companies and their quotes were slightly less but the coverage was not as good as what we currently have with MetLife. Also, MetLife agreed to come down with their rates once they realized we were shopping the rates. Ms. Klein also noted that we have received information from our health insurance broker, Benecon about products that they will be offering beginning in October and they have stated they could save us at least 22% off the rates we are paying now for this coverage. Ms. Klein recommended that the Supervisors stay with MetLife at this time until we get more information from Benecon about the products they will be offering.

Secretary Klein addressed the Supervisors regarding the audit report we received from the Auditor General's office for the G-A Fire Relief Association. She noted that a copy was e-mailed to the Supervisors and told the press they could have a copy of the report if they would like.

Secretary Klein also addressed the Supervisors regarding changes that will be coming with our Health Plan due to health care reform. The changes will only take affect in January 2011 but will include removing lifetime limits on essential health benefits such as ambulatory patient services, emergency services and hospitalization. She also noted that there will be a new W-2 reporting requirement for 2011. We will be required to report to employees the total cost that is being paid for their health care coverage.

Secretary Klein also addressed the Supervisors regarding a change that was made to the Family Medical Leave Act for the definition of a son and daughter. The new definition defines a son or daughter as a biological, adopted or foster child, a stepchild, a legal ward; or a child of a person standing in loco parentis (in place of a parent), who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability. The new change is to ensure employees receive job-protected leave for a child regardless of their legal or biological relationship.

Secretary Klein also addressed the Supervisors regarding a tax appeal that was received for David Cleaver for a property located at 861 Buchanan Trail East. She asked if the Supervisors had any questions or if they had any objections to allowing the County and School District to

negotiate this tax appeal. The Supervisors agreed they would allow the County and School District to negotiate on our behalf.

Chairman Baer addressed the rest of the Supervisors regarding quotes we received for road repairs to Allison Street. These repairs would be on the North and South ends of Allison Street. Supervisor Byers questioned this and wasn't aware there were any issues on this street. Chairman Baer explained that there is an overlay strip on the edge of the road that needs to be repaired. Mr. Baer stated that the lowest quote we received was from Ganoe Paving for a total cost of \$4,486.51.

A Myers motion was not seconded and was later stricken to approve the quote from Ganoe Paving for

the Allison Street repairs for a total cost of \$4,486.51. It was decided that this would be tabled until the next meeting so the Supervisors could obtain more information.

Supervisor Miller commented that he noticed a bad pot hole on Coseytown Road that he thinks needs to be fixed. Chairman and Interim Roadmaster Rick Baer responded that he would have the road crew check it out.

Secretary Klein addressed the Supervisors about whether anyone was going to attend the G-A Chamber of Commerce Annual Banquet or the Franklin County Township Officials meeting. Supervisor Young responded that he would attend the G-A Chamber of Commerce Annual Banquet and Chairman Baer responded that he and Supervisor Young would attend the Franklin County Township Officials meeting.

Chairman Baer called for public comment. Resident Bob Smith commented that he thinks the topographical map that was used for the updated sewer service area map should follow the property line and exclude the whole tract.

A Young/Miller motion passed with unanimous vote to adjourn the regular meeting at 9:36 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary