

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
September 15, 2009**

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Keith Espenshade at 7:00 P.M. Present were Supervisors, Marie Beudet, Dave Marshall, and Tom Shutt. John Nelligan was absent.

Katherine Lovette, Solicitor; Norman Ulrich, Engineer; David Smith, Codes and Zoning; Charles Longreen, Director of Public Works; and Deborah Casey Secretary/Treasurer were also present.

The meeting was audio taped. The tapes are strictly for the use of the Secretary-Treasurer for clarification during preparation of the minutes.

There was an Executive Session held at 6:00 PM to discuss legal issues.

APPROVAL OF THE MEETING MINUTES FROM SEPTEMBER 1, 2009

Ms. Beudet made a motion to approve the minutes as written. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.

TREASURER’S REPORT

Expenditures:

General Fund	\$159,010.82
Operations and Maintenance	\$ 13,687.30
Street Light Fund	\$ 329.81
Park and Rec	<u>\$ 2,420.91</u>
Total	\$175,448.84

Ms. Beudet made a motion to pay the expenses as presented. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.

Receipts

General Fund	\$123,557.34
Operations & Maintenance	\$ 2,644.04
Park and Rec	\$ 75.00

Available Funds

General Fund	\$1,108,740.23
Operations & Maintenance	\$ 259,495.36
Street Light	\$ 5,786.80
State Fund	\$ 338,066.07
Public Sewer Fund	\$ 3,983.80
Park and Rec Fund	<u>\$ 71,402.35</u>
TOTAL	\$1,787,474.61

CORRESPONDENCE

The correspondence is listed as a hand out and is available for review during regular office hours.

REPORTS

PARK AND RECREATION – STEVE ESPENSHADE, CHAIRPERSON

- Sunday, September 20th is Park Day at the Park.
- A memo was presented to the Board regarding the Youth Sports Complex. Final plans have been received for the upgrade. LTL has provided information for the various phases. The estimated cost is \$1,475,000.00. Mr. Espenshade asked the Board to review the information and provide approval to move ahead with the project. There is a possibility the PA National Guard may do some of the excavating. Grants will be investigated and funding will be needed from the Township. A funding request will be put in for the 2010 budget.
- Mrs. Casey asked about the base and the alternate. Mr. Ulrich noted the base is what is needed to get the Complex to function; the alternate is what the Township may want to do beyond the base. Also the alternates can be done at another time.
- Mr. Marshall noted cash is an issue. He asked if the Park and Rec Board will provide numbers for the budget. He also noted if the National Guard could do some of the work it would reduce the cost. Mr. Espenshade noted it would be 6 months to a year before they would know if the Guard could do the work and then another 1 to 2 years before they could start.
- This will be discussed at the next meeting.

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

No report.

CODES AND ZONING – DAVID SMITH

- Copies of the SEO, UCC and Zoning reports were presented to the Board. They are available for review at the municipal building.

ENGINEERS REPORT – NORM ULRICH

- The engineers report will be distributed shortly.
- The Groy property – this was discussed with David Smith and is heading in the right direction.
- Triple Diamond – an on-site meeting has been set up with management from Triple Diamond to discuss the damage to Kelly Court and Herr Drive.

EFMR MONITORNG GROUP – ERIC EPSTEIN

- Verizon cancelled for tonight's meeting due to legal matters elsewhere. The re-scheduled date is October 6th.
- House Bill 21 vs. Senate Bill 1033 Table Games– there was an article published in the paper which stated East Hanover's view and also the view of some of the other communities in the area. Solicitor Wyland and Mr. Epstein have contacted

other host municipalities about the issue and many were not aware of the local share issue. The one community that is up-to-date and has offered testimony is Mt. Airy. The House bill includes a local share and the Senate bill does not. If the House bill prevails, the Township would receive around 50% of its 2007 budget. The gaming legislature would occur after the State budget is passed. Under Act 71 which just deals with slots, the Township is locked in at 50% of its 2003, 2004 revenue. The MOU is only for 4 years and there are 2 years left.

- House Bill 1500 State Police – On September 10th the sponsor of the bill placed it on the table which means it is now not being actively considered. However, since the State is in the budget process, the bill could be picked up and slipped through. PSATS and other communities are in firm opposition to the bill. The bill would assess communities that use the State Police around \$150.00 per resident for coverage.
- The Township needs to look at electric costs. Prices right now are low and if the Township wants to lock into a price, it needs to be discussed.
- Pension Issue – this will hit in 2012. Mr. Epstein has a colleague who is willing to come to the Township at no charge to provide an update.

WATER COMMITTEE MEETING – DAVE MARSHALL

- Mr. Marshall noted the design for Partridge Hills and Englewood is moving forward. A grant chart will be provided after each meeting to show the progress with the grants for these issues. This will be posted at the municipal building for review by the Board members and residents.
- At the last Board of Supervisors meeting, the Water Committee was asked to do some research on the problems with the grinder pump at Funck's EXXON. There are 4 options right now and a couple more that will come in within the next couple weeks. These will be presented to the Board. The options now will require replacing the grinder pump and also an option of adding a grinder before the grinder pump. The cost would range from around \$38,000.00 for replacing the grinder pump to a cost of around \$120,000.00 for a grinder and then 2 grinder pumps, one being a backup.

UNFINISHED BUSINESS

CHANGES TO SALDO – PUBLIC HEARING OCTOBER 6TH

The Public Hearing is scheduled for October 6th. The ordinance will be posted on the website.

HALBLEIB - WAIVERS

Chairman Espenshade noted there are 4 waivers left to act on.

Section 403.6.10 – Improvement Guarantee

- **Ms. Beaudet made a motion to deny the waiver for Section 403.6.10. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

Section 403.6.13 – Developers Agreement

- **Ms. Beaudet made a motion to deny the waiver for Section 403.6.13. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**

Section 502.1 – Financial Security

- **Ms. Beaudet made a motion to deny the waiver for Section 502.1, Financial Security. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

Section 506 – Inspection of Public Improvements During Construction

- **Ms. Beaudet made a motion to deny the waiver for Section 506 Inspection of Public Improvements during construction. Mr. Marshall seconded the motion.** Mr. Marshall asked if there is a public improvement that is already completed, would that be included. Mr. Ulrich noted it would not be. Discussion continued. **The motion was approved 4 in favor, 0 opposed.**

ORDINANCE 2009-06 – GRADING EROSION AND SEDIMENT CONTROL PUBLIC HEARING OCTOBER 20TH

The public hearing for Ordinance 2009-06 is scheduled for October 20th at 7:30 PM.

NEW BUSINESS

AMENDED MOU

Mr. Epstein noted as a result of a ruling that occurred last year regarding the Casino's property and buildings directly related to the Casino all being in Dauphin County, there were some changes that impacted the Township. The changes are the County vs. the IDA will be issuing grants from gaming funds. The County drew up a revised MOU. The substance remains the same but there are some changes in tense. Solicitor Wyland and Mr. Epstein have reviewed the MOU and they recommend a conditional approval of the revised MOU which changes nothing for the Township but cleans up the document so that it complies with the new Gaming Commission Panel regulations.

- Solicitor Lovette noted conditional approval is recommended in case the Board has additional questions for Solicitor Wyland.
- **Ms. Beaudet made a motion to approve the first amended and restated Memorandum of Understanding. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

KETTERLINE BUILDERS SUBDIVISION – SPEED LIMIT STUDY

Dave Bitner of Robert Gable Associates was present to represent the Ketterline Builders Subdivision.

- Mr. Bitner noted the subdivision is on Devonshire Heights Road and his client wants to subdivide a one acre lot from the property. The issue is the speed limit distance. Around .2 miles down the road in West Hanover Township, the speed limit is posted at 35 MPH. There is no speed limit posted in East Hanover which means the speed limit is 55 MPH. The sight distance for the proposed subdivision is not adequate for 55 MPH but is adequate for 35 MPH. Mr. Bitner's client would like to do a speed limit study on the road in the area of the proposed

subdivision to determine what the actual speed limit is. There is an embankment on the property which will be cut down.

- Chairman Espenshade asked if there is a dwelling on the property at this time. Mr. Bitner noted there was one further down the road.
- Mr. Longreen noted the client's engineer can do the study and it would have to be submitted to the Township for review. Then an ordinance would have to be adopted to post the speed limit.
- Mr. Ulrich noted LTL has reviewed the issue and did a site visit. The speed study should be signed and sealed by a professional engineer before reviewed by the Township. If Mr. Longreen is comfortable with the study and the Township is agreeable to the posting, then perhaps the applicant could cover the cost of the signs since the Township has no need to post at this time.
- By consensus of the Board, the applicant has permission to proceed with the study.

PENSION MINIMUM MUNICIPAL OBLIGATION - MMO

Mrs. Casey noted the Township has its pension fund with the Pennsylvania Retirement System (PMRS). We are obligated to submit to PMRS the 2010 pension needs. The cost is based on the 2009 salaries. The MMO is projected to be \$33,274.00. The money is granted to the Township by the State to satisfy the legal requirements of Act 205.

- **Ms. Beaudet made a motion to approve the Minimum Municipal Obligation as described by Mrs. Casey. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

CONDITIONAL USE APPLICATION – BROADWAY CLASSICS DINNER THEATER

Mr. Smith noted Broadway Classics asked for an official determination back on March 4, 2009. On March 18th he submitted the determination. Mr. Smith's determination was a dinner theater is a use not provided for in the Industrial Zone and should follow the requirements in Section 107 of the Zoning Ordinance. The applicant should request a Conditional Use hearing before the Board of Supervisors. The applicant wanted the Board of Supervisors to clarify its definition of a restaurant to include associated entertainment, but this is a change in definition and would require a change in the ordinance. Any determination by the Zoning Officer can be appealed before the Zoning Hearing Board within 30 days of the determination. That time period has passed. Mr. Smith commented the Conditional Use application, under the requested use, the section cited is the Industrial Zone, Section 220, and what is being asked is the section of the Industrial Zone be amended to include a restaurant dinner theater. A variance request is also before the Zoning Hearing Board. What is requested in the Conditional Use is not what Mr. Smith recommended which was Section 107. Discussion continued. The variance requests before the Zoning Hearing Board are of Section 310.1.2 which deals with an access drive, and Section 320, traffic impact reports. A hearing needs to be held within 60 days from the date of submission.

- **Ms. Beaudet made a motion to set a public hearing.** Discussion continued.
- **Ms. Beaudet rescinded her motion to set a public hearing.**

- **Ms. Beaudet made a motion to forward the conditional use application to the Planning Commission. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**
- Discussion was held on the advertising requirements and the posting of the land. It was noted there would be time to post and advertise if the Board voted at the October 6th meeting to set a hearing.

COMPUTER SYSTEM UPDATE – OLD COMPUTERS – DEB CASEY

Mrs. Casey reported the new computer system has been installed, one server for Township storage of documents and the other for the Laserfiche which is the document management system. All the PC's have been installed and everyone is hooked up to a central network. Full Circle Solutions will be at the Township on September 21st to discuss the setup of the document management system. Some of the staff wants to purchase some of the old computers.

- Ms. Beaudet noted she had no problem with staff purchasing the old computers but would like to have Full Circle Solutions get all the Township information off the hard drives before turning over the computers to employees.
- Mr. Marshall commented if there is a fee that is involved with having the contractor clean up the computers; the staff could pay that fee if they wanted a computer.
- Mrs. Casey will check into the cost.

FULTON SUB-ACCOUNT FOR ESCROWS

Mrs. Casey reported escrows accounts are being put into a savings account with the Jonestown Bank. Escrows have to be put into an interest bearing account. This is currently being tracked through an Excel spreadsheet and she has to figure out the interest when returning monies. She will be meeting with representatives of Fulton Bank tomorrow to discuss sub-accounts for escrow funds. A Sub-Account is an account where a checking account is opened and you can add multiple interest bearing accounts under the checking account. This would make the tracking of the escrow funds much easier. Mrs. Casey asked for permission to open up the account if after the meeting, she feels it would benefit the Township.

- **Ms. Beaudet made a motion to allow Mrs. Casey, if it suits the Township's needs, to obtain the Fulton sub-account for escrows that are given to the Township. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

BUDGET WORKSHOP

Mrs. Casey noted she would like to set up a budget workshop during October.

- **Mr. Marshall made a motion to advertise the budget workshop for October 15th at 7:00 PM. Ms. Beaudet seconded the motion. The motion was approved 4 in favor, 0 opposed.**
- It was noted the CEEHAGS meeting for that evening would be held at the old Park and Rec building.

OPEN RECORDS – ONE YEAR LATER – TRAINING

Mrs. Casey noted there is a training class scheduled for Thursday, November 12th at the PSATS building in Enola, from 8:30 AM until 12:00 on Open Records One Year Later. The cost is \$50.00 per person. Mrs. Casey would like Mrs. Eppinger to attend the class since she is the Open Records Officer and she would also like to attend the class. In order for both of them to attend, the office would need to be closed for the morning.

- **Mr. Shutt made a motion to close the office for the morning to allow Mrs. Eppinger and Mrs. Casey to attend the seminar. Ms. Beaudet seconded the motion. The motion was approved 4 in favor, 0 opposed.**

JIM HARTMAN – FLOOD PLAIN MANAGEMENT OFFICIAL

Jim Hartman of D.L. Reiber Associates was present to discuss the issue. Mr. Hartman noted the issue was a LOMA application to FEMA for a resident in the Township. The Gundy property is located on Ridge Road and the property adjoins Manada Creek; however, the Gundy's are looking to have their structure removed from the NFIP 100 year flood plain which is mapped by FEMA. All the paperwork was produced and sent into FEMA and FEMA returned it looking for additional information. The additional information needs to come from the Township community official who is responsible for flood plain management. He has spoken with Mrs. Casey, Mr. Ulrich and Mr. Smith and he is looking for guidance from the Board as to who the official is. There is a time limit.

- Ms. Beaudet asked if the flood plain management is under Zoning. Mr. Smith noted it was. It would come to him first and then go to the Township engineer for review. The Township Zoning Officer would have 30 days to review it and then the Engineer would have 30 days to review it. It was noted there would be sufficient time to review it.

PUBLIC WORKS

- Mr. Longreen noted the bridge on Manada Bottom Road is open.
- The guard rails will start to be replaced on Fire House Road on September 16th.
- There has been another issue with the grinder pump at Funck's EXXON. He will be working with Gumpher Electricians to try to solve the light problem.
- A letter was sent to PennDOT regarding the traffic signal at Rt. 22 and Rt. 743. An official response will be sent but an e-mail response was received indicating the municipality is responsible for the operation and maintenance of the traffic signal. The first step would be to have the Township's engineer propose possible timing solutions; the next would be to have the signal contractor make the proposed changes in the field; once that is done, the Township would have to contact the County's traffic signal specialist. Between the Township's electrician, contractor, and the County's specialist, they may be able to tweak the timing to reduce the congestion. Mr. Longreen did not think this would work. He felt the Township is not responsible for the study since it is State Roads. Chairman Espenshade noted that any upgrade made to the lights would be the Township's responsibility.
- Mr. Longreen noted he would contact PA Percs to see if the controller would handle any changes. Then the Township engineer would have to be contacted to do a study for the intersection.

- Mr. Smith noted it was his understanding that there are monies available for upgrading signalized intersections through PennDOT. He suggested this be checked into.
- Mr. Marshall asked if LTL could provide a cost estimate to do the study. It was noted it would be done after Mr. Longreen does his research.

ENGINEERS REPORT

- Mr. Ulrich commented PennDOT was recently involved in a lawsuit that has caused it to revamp its handicap ramps regarding accessibility. The important part for the Township is where there is a public dedicated road; there will be a check for all the existing ramps. If the Township wants to do an overlay, there will be a check for the ramps and if the Township wants to use Liquid Fuels money for the overlay, all the ramps will need to be fixed before the overlay is done. It will cost the Township more to upgrade the ramps to ADA requirements than it will to do the overlay. The Preserve at Bow Creek will be an issue for the Township if it takes over the roads. LTL will keep this issue upfront.
- Thompson Subdivision – One of the lots has been taken care of. Three are in various stages of completion. A field meeting was held with the outstanding property owners and it appears they are agreeable to resolving the issues.
- The Township Master Site Plan has been forwarded to Dave DeLuce for review and finalization so the Township can get the plan recorded.

OTHER BUSINESS FROM THE BOARD

There was no further business from the Board.

BUSINESS FROM THE PUBLIC

There was no business from the public

Ms. Beaudet made a motion to adjourn the meeting. The meeting was adjourned at 8:17 PM.

Respectfully submitted,

Deborah A. Casey

cc:	Marie Beaudet	Charles Longreen
	David Marshall	Planning Commission
	Keith Espenshade	Light-Heigel & Associates
	Thomas Shutt	Posted
	John Nelligan	Zoning Hearing Board
	Hawke, McKeon & Sniscak	LTL Consultants
	Curt Cassel	Eric Epstein