

EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
March 6, 2007

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Marie Beudet at 7:03 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, George Rish, and Tom Shutt.

Myles Kauffman, legal counsel; Roger Phillips, Engineer; Charles Longreen, Director of Public Works; Curt Cassel, WWTP Operator; and Deborah Casey, Secretary-Treasurer were also present.

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

An Executive Session was held prior to the meeting for an employee issue.

A Public Hearing will be held at 7:30 PM for Ordinance 2007-01, changing the zoning of 414 Firehouse Road from RA to Highway Commercial

APPROVAL OF THE MINUTES FROM FEBRUARY 20, 2007

Mr. Marshall made a motion to approve the February 20, 2007 minutes as written.

Mr. Rish seconded the motion. The motion was approved 5 in favor, 0 opposed.

Expenditures:

| | |
|----------------------------|---------------------|
| General Fund | \$ 48,718.97 |
| Operations and Maintenance | \$ 7,667.76 |
| Street Light | \$ 192.05 |
| Park and Rec | \$ 692.71 |
| Total | <u>\$ 57,271.49</u> |

Mr. Shutt made a motion to approve the expenditures as presented. Mr. Rish seconded the motion. The motion was approved 5 in favor, 0 opposed.

Receipts

| | |
|--------------------------|--------------|
| General Fund | \$ 87,951.07 |
| Operations & Maintenance | \$ 37,734.00 |
| State Fund | \$ 50.00 |
| Park & Rec Fund | \$ 1,673.15 |

Available Funds

| | |
|--------------------------|----------------------|
| General Fund | \$ 722,657.81 |
| Operations & Maintenance | \$ 394,155.08 |
| Street Light | \$ 5,022.99 |
| State Fund | \$ 337,738.05 |
| Public Sewer Fund | \$ 576,352.81 |
| Park and Rec Fund | <u>\$ 123,357.25</u> |
| TOTAL | \$2,159,283.99 |

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

REPORTS

PLANNING COMMISSION – DAVID CRAIG

The Planning Commission's Annual Report was given to the Board of Supervisors.

- Mr. Craig provided the report for the February meeting.
- Harounzadeh & Christianson – no new plan. A representative for the plan was present. Outstanding items were noted. The plan was returned for corrections.
- Grantville Volunteer Fire Co. – No revised plan or representation. The Planning Commission recommended rejection of the plan unless an extension of time is granted and accepted by the Board of Supervisors.
- Grantville Hilton Garden Inn – A letter was received requesting withdrawal of the plan.
- Triple Diamond/Arvind Patel – Discussion was held on the plan and a traffic study. The waiver request for a traffic study was tabled until after the Zoning Hearing Board. Approval was recommended for 2 additional waivers.
- The Preserve at Bow Creek Phase II & III – Discussion was held on the cul-de-sac lengths. The solution was to create an emergency turn around and relocate one of the houses. This solution was recommended by the Public Safety Advisory Council Chairman and the Director of Public Works. The Planning Commission recommended approval of the plan contingent upon addressing the outstanding items of the Zoning Officer and the Engineer.
- Rothgaber – the plan was reviewed and returned for corrections.

PUBLIC WORKS – CHARLES LONGREEN

Mr. Longreen presented his report for the month of February. The report is available for review at the Municipal Building.

- Mr. Longreen noted that a request was made to have "Blind Person Walking with Dog" signs placed along several roads in the Township. The Board was presented with a map of the roads where the signs would be put. The request was made for a blind person with a Seeing Eye dog. Two signs are available; "Blind Pedestrian Crossing" and the handicap signs that are commonly seen. To sign it properly, it would require 33 signs at a cost of \$100.00 per sign for a total cost of \$3,300.00. Mr. Longreen questioned the liability of the signs being placed along the roads, and a blind person walking those routes. Solicitor Kauffman will investigate the liability of placing the signs along the road.
- Mr. Longreen noted that he would have to contact PennDOT regarding putting signs on the State Roads on the route.
- Concerns were indicated regarding people actually obeying the signs. Mr. Espenshade noted that part of the route is in West Hanover Township, and questioned the residency of the individual.
- Mr. Shutt noted that the person could walk in the Township Park, which is safer than walking on the road.

- It is not known who the individual is. Mr. Longreen will attempt to find out who the person is so that a meeting can be held to discuss the issue.
- Mr. Longreen commented that he has received a notice from Federal Surplus requesting that the contact list be updated. It was noted that the Township would continue to participate in the Federal Surplus program. There is not cost. Mr. Longreen, Glenn Kriner, Curt Cassel, and Mrs. Casey will be the new contacts.
- A letter has been received from PA Percs noting that due to the daylight savings time change, it will be resetting the traffic lights and school lights. There will be a charge for this reprogramming.
- Mr. Longreen received a call from the contractor that will be working for Penn National at the I81 Interchange. The PennDOT HOP is in East Hanover Township's name since PennDOT will not put the permit in a private entity's name. The contractor would like the Township to put up the letter of credit that PennDOT is requesting. Discussion was held on the subject. The general consensus of the Board is that the Township should not be responsible for the letter of credit since it is not responsible for hiring the contractor. Mr. Longreen will contact the attorney for Penn National to discuss the situation and note that the Township would like Penn National to put up the letter of credit. Mr. Phillips noted that a "hold harmless" agreement should be entered into if it is not already in the Developers Agreement so that the Township does not have any liability for the construction.

PARKS AND RECREATION – JANET ESPENSHADE, CHAIRMAN

- Mrs. Espenshade requested permission to advertise for bids to have the basketball, tennis, and roller blade courts resurfaced. By consensus of the Board, permission was granted to advertise.
- A letter has been received from Karen Henry requesting appointment to the Park and Rec Board. The Park and Rec Board has approved the appointment.

GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT

- The 39er Newsletter will be mailed out this week.
- The Spaghetti Dinner will be held on March 9th and a Chinese Auction on March 16th. A sub sale will be held in April.

PUBLIC HEARING FOR ORDINANCE 2007-01 – ZONING CHANGE FOR PROPERTY AT 414 FIREHOUSE RD. FROM RA TO HIGHWAY COMMERCIAL

Solicitor Kauffman noted that it is the time and place advertised for the public hearing for Ordinance 2007-02 which will amend the 2003 Zoning Ordinance to change a tax parcel from Rural Agricultural to Highway Commercial. The public hearing has been properly advertised.

- There was no public comment.
- Solicitor Kauffman asked for comments from the Board of Supervisors. There were no comments.
- **Mr. Marshall made a motion to adopt Ordinance 2007-01. Mr. Rish seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- The Public Hearing ended at 7:32 PM.

CONTINUATION OF THE REGULAR MEETING – PARK AND REC REPORT – JANET ESPENSAHDE

It is noted that Karen Henry has submitted a request to be appointed as a member of the Park and Rec Board and that Board has approved her appointment.

- **Mr. Rish made a motion to appoint Karen Henry as a member of the Park and Rec Board. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- The Easter Bunny Breakfast will be held on March 31st.

PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

- The Council will meet on March 29th at 7:00 PM at the municipal building.

EMERGENCY MANAGEMENT – JOHN NELLIGAN

- Two Evacuation Plans for Day Care Centers within the Township are being reviewed. A review of the Lower Dauphin School District's Evacuation Plan relating to an emergency at TMI has been completed.
- A Storm standby and creek watches have been done. There were no major problems.
- Emergency Management personnel have participated in 2 plan reviews of the Preserve at Bow Creek.
- The Township's emergency communications issues were discussed with the appropriate agencies.
- Mr. Marshall suggested that the request of the sign posting for a blind person walking be discussed at the Public Safety Advisory Council meeting.

WWTP – CURT CASSEL

- Mr. Cassel presented his report. The report is on file at the Municipal Building.
- Mr. Rish asked about resetting the comunantor at the Jonestown location. Mr. Cassel noted that when something jams, resetting it involves reversing to reset. Having to do it 7 times is unusual, but there have been no problems since.
- Discussion was held on the Funck's land development plan that has been approved. There is currently a grinder pump at the location and it was questioned as to whether or not the pump would be changed. Mr. Philips noted that the plan would not be changing the character of the current operation. It was questioned as to whether or not the number of EDU's that were originally purchased would accommodate the operation and the possible increase of trailers in the area. It was noted that if the pump was changed, then it would still be owned by the Township.

ENGINEERS REPORT – ROGER PHILLIPS

- The engineer's report is on file at the Municipal Building for review.
- Bids will be accepted for the S. Meadow Lane Bridge on March 15th at 2:00 PM.
- The Stormwater Ordinance is still pending and comments need to be given to Mr. Phillips to incorporate into the draft. It was noted that meetings should be scheduled to address some of the issues.

Richard Schock noted that discussion was held on the grinder pump at Funck's property and suggested that a manhole be put in where the line comes under I81 and then run a line up through Funck's property which could enable the line to be put deep enough to drain Schiano's and other properties in the area. This would eliminate the pump station and the expense that comes with it.

UNFINISHED BUSINESS

STORMWATER MANAGEMENT - THOMPSON

No update.

LDARPG – INTERMUNICIPAL AGREEMENT

Rick Hoover, the Township's representative for LDARPG, noted that there had been concerns at previous meetings about the Intermunicipal Agreement. He commented that he was available to answer those questions.

- Mr. Rish had concerns about having the final agreement. Mr. Hoover noted that the final agreement was a work in progress. He has supplied the Board with the most recent version. The solicitors from Londonderry and Hummelstown have moved forward with revisions. The section on page 5 regarding withdrawal has been extended from 1 month to 3 months. The solicitors need to discuss the agreement before it is finalized. Once it is finalized, then the Board of Supervisors can address it.
- Solicitor Kauffman noted that he has reviewed the most recent document and did not see the original comments he had made on the document. There were items in the revised document that he would have comments on. Mr. Hoover noted that Solicitor Kauffman's comments were related to a document that originated in the summer of 2006. That document was prepared from an older version of the Municipal Planning Code and was wrong in certain areas. A revised document was submitted, and the one from the summer of 2006 was discarded.
- Solicitor Kauffman noted that in Section IX a., the role of the host municipality requires forwarding of plans to the other participants for consideration and comments. He was concerned about the costs. Zoning Hearing Boards actions are required to be consistent with the plan's goal and objectives. Those are things he felt that should be addressed.
- Mr. Hoover noted that it was his understanding Section IX part A is one of the requirements of the legislation. The relationship between the plan, Hearing Board and the MPC is only a requirement to be generally consistent with one another. Solicitor Kauffman had concerns about the definition of consistent relating to the LDARPG plan. Mr. Hoover noted that the benefit of having the Municipalities solicitors speak was to work out the legalities of the plan.
- Richard Schock noted that he has done some research on LDARPG. He presented his version of the background. He commented that one of the reasons to form a joint municipal plan is to coordinate the infrastructure between participating municipalities. East Hanover Township does not participate in any of the infrastructures in LDARPG so the advantage for the Township to participate is reduced. Mr. Schock continued his discussion on the history and

provided comments on the requirements on the plan. He felt that a joint intermunicipal agreement was just another layer of government and that the Township should withdraw from LDARPG. He would like to know the positive points of signing the agreement.

- Chairman Beudet noted that Mr. Hoover had submitted a list of reasons to join LDARPG. She presented those reasons. They are on file at the municipal building for review. Discussion was held on those reasons.
- Mr. Schock noted that the plan does provide for TDR's. He commented on environmental issues.
- Mr. Hoover noted that one of the points noted as to not being involved with LDARPG was infrastructure since there is no adjoining municipality. Infrastructure is not noted as one of the purpose of LDARPG. The purpose of the group is to recognize the cooperation of the group to be more beneficial to the residents and property owners of the area in planning and growth of the area.
- Discussion continued on the plan. Mr. Hoover noted that if someone would challenge the village overlay zone because we don't provide high enough density for use, they could go to court and seek a curative amendment. Being part of LDARPG would provide protection since there are other members of the group that do have high density. The Intermunicipal Agreement provides protection from challenges since East Hanover would have the back up of other zones in the other municipalities.
- Chairman Beudet felt that comprehensive planning among municipalities that are contiguous to East Hanover can be a solution to the challenges of fragmented local government. While participating in a regional group can promote smart growth, it can also be a way to implement poor planning on a regional scale. LDARPG's plan did little to redirect growth and a lot to justify the continuation of the status quo. All growth has been concentrated on one watershed within the Township.
- Mr. Rish would like the agreement to be reviewed by Solicitor Kauffman and then decide on it.
- Mr. Marshall had a problem with Section V of the agreement. The section indicates that we would no longer be East Hanover but a community of communities which will lead to a bigger government. There will be less opportunity for the people to get their voices to the people who make the laws. In order for this to work, the townships contiguous with East Hanover need to be involved.
- **Mr. Marshall made a motion to reject the agreement and pull out of LDARPG. Mr. Shutt seconded the motion.**
- Mr. Rish felt that if the Board approves the motion, then it appears that the Board has no interest in regional planning.
- Mr. Shutt felt that the rights of property owners are being restricted, and LDARPG would only restrict them more. The Board will have very little say in what is going to happen in the Township.
- Chairman Beudet did not feel that the Board would not be interested in discussing regional planning with contiguous Townships.

- Mr. Marshall clarified that he does not want to be part of the group because of the geographic location of the participants. He has no objections to participating in a group of townships that are located closer to East Hanover. Mr. Marshall expressed his concerns relating to changes that may be made in the zoning without the Township's full support.
- Mr. Rish noted that the zoning that is in the comprehensive plan is the zoning that was paid for by the Township to have done. The LDARPG plan zoning is no different than the Townships. He commented that nothing can be changed in the Township unless it agrees to it. The comprehensive plan is only a guideline.
- Discussion continued.
- Solicitor Kauffman felt that the motion needed to be revised since it was a 2 part motion. He suggested voting on whether or not to pull out of the LDARPG first.
- **Mr. Marshall amended his motion to just pull out of LDARPG. Mr. Shutt seconded the motion.** Richard Schock read Section V of the agreement. Part of the section relates to the Townships reviewing ordinances, sewage plans, etc and making revisions to be generally consistent with the comprehensive plan.
- Keith Oellig asked for a definition of generally consistent. He felt that the zoning map has been adopted by the comprehensive plan and if minor changes are made, there would not be a requirement to go to the group for approval. If there is a large area where the zoning would change, that would be different and he did not feel that it was an issue to have approval from LDARPG for the change. He discussed the changes that have happened in S. Hanover and how it would have been a benefit if other Townships could have had a say in what was happening.
- **The motion was approved 3 in favor, Chairman Beudet, Mr. Marshall and Mr. Shutt; 2 opposed, Mr. Espenshade and Mr. Rish.**
- Mr. Hoover requested that the Board send a letter to LDARPG indicating that the Township will be pulling out of the group.
- David Craig suggested that Mr. Hoover be thanked for his volunteer time and efforts with LDARPG. Chairman Beudet thanked Mr. Hoover on behalf of the Board.

DEFINITION OF FRONT YARD IN ZONING ORDINANCE

The definitions and information is currently with the Planning Commission. This needs to be put into a final form with an ordinance which will then be reviewed by the Townships Planning Commission and the Dauphin County Planning Commission.

BUILDING RENTAL AGREEMENT

Mr. Marshall noted that he had received comments from Mr. Rish. The change of the word citizen to resident was appropriate. The second comment on the policy regarding non-profit organizations not being charged; Mr. Marshall questioned as to whether or not there was an existing policy for non-profit organizations. It was noted that the understanding in the past was that non-profit organizations do not have to pay for use of the building.

- Mr. Marshall commented on Item 9, which is the inspection of the building after rentals. It was his intent that inspection of the building would happen before the

next rental would come in. If it was during the week, the staff would do the inspection. On weekends, the Supervisors would be responsible for the inspections. He would be willing to do the inspections if no other Supervisors were available. Mr. Rish noted that he is not in the building frequently enough to know whether damage was caused by the rental parties or someone else. Discussion was held on what constitutes damage.

- The removal of the recycles was also one of Mr. Rish's questions. It was noted that the proper procedure would be noted on the map or the rules that are listed on the bulletin board. A bigger bulletin board will also be provided to list other important information such as telephone contacts in case there is a problem with the building.
- It was noted that Mr. Rish's concerns will be added to the document and it will be forwarded to Solicitor Kauffman for his review before approval of the document.
- Mr. Marshall thanked Mrs. Eppinger for her help on the agreement.

NEW BUSINESS

THE PRESERVE AT BOW CREEK PHASE II & III LAND DEVELOPMENT PLAN – ACCEPT FOR REVIEW

- **Mr. Rish made a motion to accept the plan for review and possible action at the next meeting. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

CURATIVE AMENDMENT – ORDINANCE 2005-10, RESOLUTION 2007-07

Solicitor Kauffman noted that the Resolution would allow the preparation of a curative amendment which would correct the invalidity of Ordinance 2005-10. The resolution would declare the ordinance invalid and resolve to prepare a curative amendment.

- Mr. Rish asked why the Township feels that the curative amendment needs to be done. It was his understanding that the feeling was that the previous ordinance was not passed in an appropriate manner. If the new ordinance is not adopted, then where does that leave the Township? It was noted that if the ordinance is not passed, then the Township could go to court. Discussion was held on the reasoning why the amendment needed to be made. Mr. Rish asked if it was something that had to be done.
- Mr. Phillips noted that ordinances that have been adopted by an invalid procedure have no statute of limitations on a challenge. Chairman Beaudet noted that there are no buildings at the location at this time and it is better to correct the mistake than waiting 5 or 10 years down the road.
- **Mr. Espenshade made a motion to adopt Resolution 2007-07. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Richard Schock asked what the violation was with the procedure when the ordinance was passed. Solicitor Kauffman noted that it is Section 609D in the MPC which indicates that if the proposed amendment is changed substantially, it has to be reviewed again and another public hearing has to be held. The Resolution that was passed made the ordinance invalid and the new ordinance

will cure the invalidity of the ordinance. The zoning is now back to Commercial Highway. Mr. Schock questioned if that can be done without a public hearing.

GRANTVILLE VOLUNTEER FIRE CO. – EXTENSION OF TIME

- **Mr. Rish made a motion to accept the grant of extension for 90 days. Mr. Espenshade seconded the motion. The motion was approved 5 in favor, 0 opposed.**

PIANO IN MUNICIPAL BUILDING

Chairman Beaudet noted that a piano was donated to the Township many years ago. The donor is unknown. It was suggested that the piano be removed and an electronic keyboard be purchased to replace it. Discussion was held on the subject. It was noted that the piano is used by the Autumn Leaves for its monthly meeting.

- Mr. Longreen commented that the piano is not in good shape and is difficult to move. It was suggested that a keyboard be purchased for Autumn Leaves use and then it can be locked up when not in use, which would prevent damage to it by people renting the building.
- The piano will remain at the building.

VILLA ROSA – TRAFFIC STUDY

Chairman Beaudet noted that at the last Planning Commission meeting, Triple Diamond was asked to do a traffic study. A representative from Triple Diamond asked if the traffic studies from Fabio's and Villa Rosa's could be used. There were no studies done for those 2 locations.

- Mr. Espenshade has concerns about the area with all the traffic that is being created by new businesses.
- It was noted that David Smith will be contacted to talk to Villa Rosa about the increase in traffic and its effects on the area.
- Mr. Longreen noted that he had contacted PennDOT and a representative will be coming to the location to review the situation.
- John Nelligan noted that the Public Safety Advisory Council previously came to the Board and recommended that there be no left turn from Faith Rd. onto Bow Creek Rd. because of the blind spot of the hill. There are now 2 more businesses to create traffic in that area. The traffic study has been done for the Faith Rd. issue.
- Mr. Espenshade noted that the Township is going to have to deal with the issue whether the State participates or not. Discussion continued on the subject.
- Mr. Longreen noted that the first step might be to send a letter to Mr. Gate expressing the Township's concerns and also copy Representative Marsico and others. Action will begin on the area as soon as possible.
- Mr. Phillips noted that Act 209 would be of benefit to this situation.

NEWSLETTER

It was noted that the changes will be provided to Mrs. Eppinger.

- The newsletter was approved by the consensus of the Board.

INFRASTRUCTURE NEEDS ASSESSMENT FOR COUNTY GAMING ADVISORY BOARD

Chairman Beaudet noted that people will be appointed to the board in the very near future. The Township needs to provide an accurate list to provide to the board. She would like to have someone from Pickering, Corts & Summerson to work with Mr. Longreen to get the infrastructure needs identified and prioritized and have a monetary amount attached to it. Mr. Nelligan will also be included in the discussions. Mrs. Casey will be the point of contact for the information.

OTHER BUSINESS FROM THE BOARD

Chairman Beaudet noted that Mrs. Casey is being presented an Above and Beyond Award for her work during the past six months with the administrative work of the Township without support staff. The award is in the amount of \$100.00.

BUSINESS FROM THE PUBLIC

David Craig asked if the Township could be provided with a copy of Penn National proposed schedule for the interchange upgrades and any updates that would be available. Mr. Phillips noted that Penn National will be providing the Township with a schedule. Job conferences will be held with his staff.

Mr. Craig asked if the individual requesting the blind person signs could possibly be helped with transportation so that they can walk in the park vs. the roads. Solicitor Kauffman noted that he had concerns about the individual being transported to walk in the park. Mr. Nelligan noted that if the individual was scheduled to be transported by the Autumn Leaves Van, there would be no liability since it is a County vehicle. Once the individual is in the park, it is the Township's responsibility.

Mr. Craig asked if other contiguous townships have been contacted about their interest in working together. Chairman Beaudet noted that she has been in contact with other townships about working with each other with zoning and joint ventures regarding grants.

Rick Hoover noted that there are 2 issues that the Board needs to consider regarding LDARPG. The Intermunicipal Agreement, was not addressed by the Board and there may be some benefit for the other municipalities for this Board to clearly take a position. The Intermunicipal Agreement is between the municipalities and not LDARPG. He also suggested that Mr. Marshall amend his motion to include "effective in June". LDARPG was originally formed with a 5 member municipality. With the withdrawal of East Hanover Township, there is no longer a majority of the municipalities and LDARPG will need to review whether it is still a viable entity. It will not have enough members to vote to dissolve if it chose to do so. There is currently money in the treasury and disposition of the assets is unclear at this time. Those funds need to be returned to entities associated with LDARPG. LDARPG will need some time to make those decisions.

- Chairman Beaudet noted that since the vote was taken today, it is effective today.
- Mr. Marshall noted that he would not amend his motion.

- Solicitor Kauffman noted that since the Township voted to withdraw from LDARPG, then a vote would not be required on the agreement.

Mr. Rish made a motion to adjourn the meeting. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Deborah A. Casey

cc: Marie Beaudet
David Marshall
Keith Espenshade
George Rish
Thomas Shutt
Myles Kauffman
Curt Cassel

Charles Longreen
Planning Commission
Light-Heigel & Associates
Posted
Zoning Hearing Board
Pickering, Corts & Summerson