

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
May 16, 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 7:00 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, and Tom Shutt. Supervisor George Rish was absent.

Myles Kauffman, legal counsel; Roger Phillips, Engineer; Charles Longreen, Director of Public Works; 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.

**APPROVAL OF THE MINUTES FROM APRIL 17, 2007, AND MAY 1, 2007**

There was not a quorum of Supervisors who were present at the April 17<sup>th</sup> meeting to approve the Minutes at the May 1<sup>st</sup> meeting.

**Mr. Marshall made a motion to approve the April 17, 2007 minutes as written. Mr. Espenshade seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

**Mr. Shutt made a motion to approved the May 1, 2007 minutes as written. Mr. Marshall seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 3 in favor, Mr. Espenshade, Mr. Marshall and Mr. Shutt; 1 opposed; 1 abstention, Chairman Beudet. Chairman Beudet abstained from voting since she was not present at the meeting.**

Mr. Marshall noted that Vice Chairman Espenshade chaired the May 1<sup>st</sup> meeting and he did an outstanding job.

Expenditures:

General Fund	\$ 70,029.14
Operations and Maintenance	\$ 8,367.04
State Fund	\$ 6,462.10
Sewer Project	\$ 43,372.22
Park and Rec	<u>\$ 970.79</u>
Total	\$129,021.29

**Mr. Shutt made a motion to pay the bills. Mr. Marshall seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

Receipts

General Fund	\$ 52,780.84
Operations & Maintenance	\$ 13,736.00
Park & Recreation Fund	\$ 25.00

Available Funds

General Fund	\$ 618,676.21
Operations & Maintenance	\$ 406,553.70
Street Light	\$ 6,779.14
State Fund	\$ 510,042.97
Public Sewer Fund	\$ 536,841.70
Park and Rec Fund	<u>\$ 113,029.21</u>
TOTAL	\$2,191,922.93

**SIGNIFICANT CORRESPONDENCE**

The Correspondence is available for review during normal office hours.

**REPORTS**

**PARKS & RECREATION – JANET ESPENSHADE**

A copy of the minutes from the last meeting has been provided to the Board.

- A meeting was held with Tom Brenneman to discuss fixing the various courts in the park. Preparation will need to be done before the resurfacing. Trimming of trees and shrubs needs to be done and pipes need to be lifted to allow for proper draining. Other items were discussed. The park and Rec Board would like to do some of the work. The cost will be \$2,000.00 to \$3,000.00 more than the original proposals because of the repairs that need to be done before the resurfacing.
- Mr. Shutt asked how much of the work can be done by Township staff. Mr. Longreen noted that he would review the list and see if the time is available and what can be done by staff.
- Discussion was held on the foliage that would need to be removed or trimmed.
- Crist Espenshade noted that in past years, he has done some trimming of the areas outside the fence so that the foliage would not grow onto the courts. Some of the items have been removed. The foliage is planted to close to the fence.
- By consensus of the Board, the Park and Rec Board may use volunteers to help with the work.
- Mr. Espenshade wanted to ensure that the work in the park would not interfere with the road work. Mr. Longreen noted that it would not.

**APPROVAL OF AGREEMENT BETWEEN EHT AND LDSA**

Each year the Township signs an agreement with the Lower Dauphin Soccer Association for use of the Township’s fields for games and practice.

- **Mr. Espenshade made a motion to sign the agreement. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

**PUBLIC WORKS – CHARLES LONGREEN  
EH LEBANON COUNTY – WWTP OPERATOR**

- Mr. Longreen noted that he, Curt Cassel and Rick Baeshore met with Tom Donmoyer of EHT Lebanon County and its Engineer, Bradley Yost, regarding using our operators to do daily inspections on its pump station. EHT Lebanon

County would be billed by our Township for the use of the employees. Mr. Longreen presented his draft proposal of charges and hours required. Our staff would not be required to do repair work or testing. This would only be for approximately 6 months since EHT Lebanon is looking to train one of its employees to do the work.

- If this is acceptable to the Board, the solicitors will meet to work up an intermunicipal agreement.
- Discussion was held on the draft proposal, the cost per hour and the \$140.00 per month license fee. A license needs to be hung at the pump station to meet DEP requirements. It was noted that the Township needs to come close to the going rate that would be charged by a contractor to meet the state regulations. The rates include mileage.
- Mr. Marshall asked if overtime would need to be paid for the emergency calls. Mr. Longreen noted that those details need to be worked out. Discussion was held on overtime.
- Mr. Espenshade questioned the licenses and the \$140.00 per license that would be charged. Mr. Longreen noted that the \$140.00 per license collected would be paid to the individuals since they own the license. It was noted that payroll details will need to be worked out. Workers compensation would be covered by the Township. Mr. Phillips noted that the work could be considered professional services and the Township would invoice as that.
- Mr. Phillips noted that the Operators Certification Act provides that if a violation or spill occurs, the operator is liable along with the permittee. Operators are now being fined in some instances. He suggested that the Township ensure that our policy covers the employees if they are working at another plant. Mrs. Casey will check with the Township's insurance company to see if the individuals are covered.
- Mr. Marshall would like to see the workers compensation cost added in to the hourly rate.
- The need for both licenses to be hung was discussed. Mr. Longreen noted that East Hanover Lebanon is checking as to whether both licenses would be needed.
- Mr. Shutt asked if the time was available without hindering our operation. Mr. Longreen noted that our part-time employee would be doing most of the work and did not feel that it would affect our operation.
- Mr. Espenshade felt that it was good public relations to work with Lebanon County and this could benefit both Townships in the future.
- **Mr. Marshall made a motion to allow Mr. Longreen to pursue having our sewer plant operators work with Lebanon County with the draft proposal presented. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

#### **FINAL INSPECTION OF WWTP BY DEP**

Mr. Longreen spoke with Mr. Cassel and he would like to wait a week until the repairs are completed at the plant before DEP does its final inspection.

- Mr. Longreen discussed the problems with the flex joints at the plant and the repairs that were done. There should not be any future problems. Aqua-Aerobics has agreed to pay for the parts, time, etc.

### **ROAD MATERIAL AND FUEL**

Mr. Longreen requested permission to advertise for road materials and fuel.

- **Mr. Marshall made a motion to allow Mr. Longreen to advertise for road materials and fuel. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

Mr. Espenshade asked if any word was received from the State as to whether or not the Township would be reimbursed for the damage done to the traffic lights by the State trucks. Mr. Longreen noted that one check has already been received for the light that was hit. He has submitted bills for the removal of the loops when the State milled.

### **PARK AND REC**

Mr. Shutt suggested that if trees are removed from the court areas that those trees be replaced somewhere else in the park. It was noted that what is removed needs to be evaluated as to whether or not they are viable trees.

### **CODES AND ZONING – ACT 537 PLAN WATER TESTING**

Mrs. Casey noted that Mr. Smith informed her that the testing that is required from DEP is fecal, total coliform and nitrate. 25% of the 105 sites will need to be tested. Mr. Smith wanted direction as to whether he needs to test for anything else.

- Mr. Phillips noted that he thought it was the wish of the Board that every house who agreed to be tested would be.
- Mr. Marshall noted that Mr. Espenshade indicated that there is a small contributory that runs through the center of the development and runoff goes into it. He would like to see what the water tested in the stream and tests done for chlorides and bleaches which could put more of a positive link of domestic waste in the water.
- **Mr. Marshall made a motion to take some of the samplings and test for chlorides and bleaches. There was no second to the motion.**
- Mr. Marshall noted that if Englewood and Partridge Hills are sewered, he would like to make sure that it is legitimate.
- Discussion was held on the testing. Mr. Phillips noted that if tests are done for chlorides and bleaches and those are not in the water, that does not mean that there is no problem.
- The Board would like to have further discussion with Mr. Smith before doing additional testing and also discuss the costs.

### **ENGINEERS REPORT – ROGER PHILLIPS**

- The shop drawings for the beams on the S. Meadow Ln. Bridge have been approved. The drawings have been returned to the contractor and the manufacturer. The manufacturer will contact Mr. Phillips prior to pouring the

beams so that a representative from his office can be present to inspect. Shipping will take place 7 to 10 days after the beams are poured. It is hoped that within the next 3 to 4 weeks the beams will be ready.

- DEP is fine with the additional testing that is going to be done and there should be no problem with the Consent Order.
- Letters have been mailed to the residents of Englewood and Partridge Hills noting that additional testing would be done on their properties.
- Mr. Marshall noted that he spoke with a resident of Englewood who was outspoken and against the revised Act 537 plan, but after receiving the letter, has accepted that the Township is doing the testing and whatever the results are, he is fine with that.

## **UNFINISHED BUSINESS**

### **SUBDIVISION LAND DEVELOPMENT PLAN SUBMISSION DATE CHANGE – ORDINANCE 2007-03**

DCPC is in favor of the proposed ordinance. The ordinance changes the submission date of plans from 14 to 21 days to allow more time for review. The Township's Planning Commission has recommended approval of the ordinance.

- **Mr. Marshall made a motion to advertise the subdivision/land development plan submission date change for the first meeting in June (June 5<sup>th</sup>) at 7:30 PM. Mr. Espenshade seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**
- Mrs. Casey will advertise the public hearing.

### **STORMWATER MANAGEMENT - THOMPSON**

All 3 property owners have been identified. Chairman Beaudet would like to meet with Solicitor Kauffman to draft letters to the property owners.

- Solicitor Kauffman and Chairman Beaudet will meet to draft the letters.

### **DEFINITION OF FRONT YARD IN ZONING ORDINANCE**

- Mrs. Casey will provide a draft for review by next week.

### **NOISE ORDINANCE**

Sample ordinances have been provided to Board members and the Solicitor. The ordinances need to be reviewed and combined to provide a draft ordinance.

- Chairman Beaudet noted that she was concerned about enforcement. She wanted a simple ordinance.
- Discussion was held on the ordinance.
- Mr. Shutt felt that there should be something that could be done since the problem is in a developed area.
- Mr. Phillips noted that definite criteria would need to be put in the ordinance to make it enforceable. Time limits were discussed.
- Mr. Espenshade asked who would be enforcing the ordinance. Mr. Phillips noted that it would be a zoning issue. It was noted that the State Police would be able

to answer calls if an ordinance is in place. There were concerns about the ordinance causing problems between neighbors.

- The Board will provide items to be included in the ordinance and Mr. Phillips will draft an ordinance.
- It was noted that a noise level and time restrictions would have to be put into the ordinance. Discussion continued on the ordinance.

### **CURATIVE AMENDMENT – ORDINANCE 2007-02 CHECK NUMBER**

Ordinance 2005-10 was submitted with 3 zoning changes. Two of the changes were not accepted by the Board of Supervisors and at the public hearing, those changes were crossed off the ordinance and the ordinance was passed with the 1 change.

Ordinance 2007-02 is to rectify the ordinance.

- DCPC recommended that the curative amendment be enacted. Chairman Beaudet discussed DCPC's comments. The comments are available at the Municipal Building for review.
- Ordinance 2007-02 contains only the portion of 2005-10 that was approved.
- Mrs. Casey suggested that the public hearing be held on June 19<sup>th</sup>.
- **Mr. Espenshade made a motion to proceed with the process to adopt Ordinance 2007-02 which rectifies the errors committed by the passing of Ordinance 2005-10 and to advertise for a public hearing on June 19<sup>th</sup>. Mr. Marshall seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

### **VILLA ROSA**

Mr. Longreen noted that the study has been completed but the results have not yet been received.

### **ACT 209**

There still needs to be a real estate agent for the committee. The individual does not need to be a resident of the Township, but does need to have an interest in the Township.

### **BLIND PERSON WALKING SIGNS**

Mr. Shutt noted that he called the person and left a message but has not received a response. It was noted that it would now be the responsibility of the individual to contact the Township. This will no longer be an agenda item.

### **NEW BUSINESS**

#### **PAYMENT OF FULTON LOAN \$2,000,000.00 – BOND FINANCING**

Chairman Beaudet noted that the Township recently learned that the new sewer plant went over budget.

- Mrs. Casey commented that in December of 2004, the Township took out a line of credit with Fulton Bank for \$2,000,000.00 to cover the start up cost of construction of the wastewater treatment plant. A \$5.3 million loan was also applied for and granted by PENNVEST. The concept was that as construction

progress and bills were paid, those bills would be submitted to PENNVEST for reimbursement. The \$2,000,000.00 would be a wash with the reimbursements. The Fulton loan matured in December and an extension was granted for 6 months since PENNVEST payments were outstanding. Benatec, who handled the PENNVEST submissions, submitted the final draw and then PENNVEST contacted the Township informing us that the last submission was over budget.

- The Township will be around \$225,000.00 short to pay off the Fulton loan after all the funds are received from PENNVEST.
- Mrs. Casey has met with PFM (Public Financial Management) Group several times. A proposal was submitted to the Township whereby the Township could refinance the \$2,000,000.00 through an Emmaus Bond Pool Loan. The Fulton loan would be paid off and the Township would retain its cash in the event that Partridge Hills and Englewood would need to be hooked up to the treatment plant.
- The average rate for the loan is 3.89%; the current PLGIT invest rate is 4.96%. If the cash is not needed, the loan can be repaid without any penalties. 15 and 20 year proposals were provided. Mrs. Casey recommended the 20 year proposal to keep the monthly costs of the payment down. There will be no bond insurance premium, loan origination costs, local fees, or miscellaneous fees charged to the Township. The funds are available to cover the monthly cost of the loan without having to increase sewer rates.
- Chairman Beaudet noted that Mrs. Casey was not involved in the previous financing or the PENNVEST submissions.
- Chairman Beaudet commented that Richard Schock previously indicated that he was told it would take nothing to increase the capacity of the plant by increasing the levels of the SBR tanks and receiving approval of permit limits. Chairman Beaudet noted that he was correct.
- It is not known at this time how far over budget the project was. Mrs. Casey will be reviewing the numbers and provide the costs to the Board of Supervisors.
- Chairman Beaudet read excerpts of previous newsletters which provided costs of the construction. It was noted in a newsletter that the decommissioning of the old plant would cost \$600,000.00. The actual cost was \$848,000.00, plus \$36,000.00 for reed removal.
- Discussion continued on the treatment plant and the capacity.
- The proposals were before the Board of Supervisors. The suggested option was a 20 year bond. Mrs. Casey noted that a public hearing will also need to be scheduled for an ordinance to authorize the debt. She suggested that the hearing be held on June 5<sup>th</sup>. PFM will be handling all the advertising and the bond attorney.
- Mr. Espenshade commented that a variable rate changes and asked if Mrs. Casey had the specifications of the rates. Mrs. Casey noted that the variable rate over the past 20 years has averaged around 3.89%. Mr. Phillips noted that typically with municipal bonds it is an annual adjustment and is usually capped.
- **Mr. Marshall made a motion to accept option 2 of the Emmaus Bond Loan to satisfy the Fulton loan and use the available cash to sewer Partridge Hills and Englewood if necessary, and if not, pay it back as soon as**

**possible, and to advertise for a public hearing June 5<sup>th</sup>. Mr. Espenshade seconded the motion.** Mr. Espenshade asked if Mrs. Casey knew what the final draw was for PENNVEST. Mrs. Casey noted that the final draw is known and that the costs that were submitted were over the budget. The final bill from Hamersley has not been received. Mrs. Casey did not have the information with her at the meeting. Mr. Espenshade noted that he was somewhat confused since the Board had been informed that the project was on budget and a close watch was being kept on the change orders. Discussion continued on the subject. Once the numbers are available, the Board will review them. Mr. Marshall noted that anything that deals with the financial aspects of the Township must go through the Treasurer so that the Township does not go through this again. **The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

- Discussion was held on concerns about the project in the past.

#### **PRESERVE AT BOW CREEK – DEVELOPERS AGREEMENT**

The agreement has been reviewed by the Solicitor.

- **Mr. Marshall made a motion to approve the developers agreement for the Preserve at Bow Creek. Mr. Espenshade seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed.**

Chairman Beaudet noted that a brochure was provided to the Township which came from Higgins Township. It relates to someone moving to the country and its considerations and conflicts. She would like to have copies for the Township.

#### **CHICKENS CROSSING THE ROAD**

The Zoning Officer has asked the Board to review a situation that has occurred a few times. He has received many calls from a resident who has a problem with his neighbors chickens crossing the road and coming into his yard.

- Mr. Marshall noted that he has also spoken with the resident. Apparently there are 1 to 3 chickens that cross the road into his yard. The chickens are coming from the Farmette that was put in for cerebral palsy individuals. There is nothing in the Zoning ordinance to prevent this from happening. David Smith has visited the property many times. A letter needs to be sent to the resident indicating that there is nothing the Township can do regarding the matter. The letter should include what the Zoning Ordinance allows in a RA zone and that the Township cannot do anything about the chickens.
- It was noted that Solicitor Kauffman and David Smith, Codes and Zoning will discuss the situation and Solicitor Kauffman will forward a letter to the resident.
- Discussion continued on the subject.

#### **HEROES GROVE – REQUEST FOR CONTRIBUTION**

Heroes Grove thanked the Township for endorsement of Heroes Grove through its passing of a resolution. It would now like to have donations towards the construction costs of the project.

- Mr. Espenshade did not feel that they were asking for contributions from the Township, but for businesses and residents within the Township.
- Wayne Isett noted that Heroes Grove wants the Township's support but the contributions are being requested from businesses and residents.
- Mr. Marshall suggested that an article be put in the next newsletter and that it be put on the website. Mrs. Casey will ensure that it is published.

#### **CAR TOWED FROM MUNICIPAL PARKING LOT**

A car was left in the parking lot over the weekend and Mr. Marshall contacted the State Police regarding it. The vehicle was out of inspection; the State Police tried to contact the owner and received no response. The vehicle was then towed. An e-mail was received from a gentleman explaining that the car was only in the lot for an hour and that it was having mechanical problems, which is why it was left in the lot. It was noted that Mr. Marshall waited at least 2 hours for the tow truck to arrive. The individual is requesting reimbursement for the towing costs.

- Solicitor Kauffman noted that there are no legal responsibilities for the Township since the lot is posted and the proper channels were followed.

#### **OTHER BUSINESS FROM THE BOARD**

Mrs. Casey noted that Triple Diamond has asked for a letter from the Board of Supervisors indicating that no tapping fees will be required when they hook up to the sewer plant since it is putting in a line. Discussion was held on the subject. Solicitor Kauffman noted that he would have to review the agreement and speak with his attorney.

Mr. Espenshade noted that a flyer was distributed to many homes in the Township prior to the election. He received phone calls regarding it questioning him as to some of the statements made in the flyer. Mr. Espenshade will not defend Mr. Rish but noted that there are a couple items that his name could be put to. He does not agree to the facts that are on the flyer. If anyone wants the rest of the story, they can contact him.

Mr. Marshall noted that he has a problem with one Zoning Ordinance that was approved; the one on forestry. He discussed the ordinance and noted that the Township is asking for a copy of an E&S plan and a minimal fee. The ordinance also requires that the Zoning Officer inspect the tract of timber. The ordinance does not support itself with the fee since the cost for the Zoning Officer to inspect the property is far more than the fee paid. Mr. Marshall felt that the ordinance should be abolished since the concern is stormwater management and the County already requires that.

- Mr. Espenshade noted that it seems that the ordinance is redundant since the County already requires what the Township ordinance requires. If the ordinance is to be kept, then it needs to be revised.

#### **BUSINESS FROM THE PUBLIC**

Crist Espenshade questioned the proposed noise ordinance and asked if studies would be done. One example he gave was the noise from I81 and people that have dogs. Mr. Phillips noted that there is ambient noise which is current background noise that you

hear. If that noise exceeds a certain level, then a second set of standards is applied. Noise may be higher than the ordinance allows but no one else can hear it because there is more background noise. Those issues are factored into the standards.

**Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 9:16 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