

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
July 3, 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, George Rish, and Tom Shutt.

Myles Kauffman, legal counsel; Roger Phillips, Engineer; Curt Cassel, Wastewater Treatment Plant 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.

Public Hearings will be held at 7:30 PM for Ordinance 2007-02, Curative Amendment for Ordinance 2005-10; Ordinance 2007-04, Definition of Yard in the Zoning Ordinance; and Ordinance 2007-05, Municipal Bond.

APPROVAL OF THE MINUTES FROM JUNE 19, 2007

Mr. Marshall made a motion to approve the June 19, 2007 minutes as written. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 4 in favor, 0 opposed, 1 abstention. Chairman Beudet abstained from voting since she was not at the last meeting.

Expenditures:

General Fund	\$ 29,696.91
Operations and Maintenance	\$ 36,255.84
State Fund	\$ 710.41
Park and Rec	\$ 2,735.10
Total	\$ 69,398.26

Mr. Rish questioned Chairman Beudet about her Gettysburg trip. He noted that Mr. Espenshade and he requested that she inform them of her trips and asked if the trip was before that request was made. She indicated that the Gettysburg trip was to collect information on Act 209 and she thought she informed them of the trip.

Mr. Marshall made a motion to pay the bills. Mr. Espenshade seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.

Receipts

General Fund	\$ 9,686.79
Operations & Maintenance	\$ 17,420.00
Park & Recreation Fund	\$ 1,536.00

Available Funds

General Fund	\$ 718,940.81
--------------	---------------

Operations & Maintenance	\$ 410,084.70
Street Light	\$ 6,558.53
State Fund	\$ 458,757.27
Public Sewer Fund	\$1,525,160.95
Park and Rec Fund	<u>\$ 100,982.85</u>
TOTAL	\$3,220,485.04

FULTON LOAN

Mrs. Casey noted that at the last meeting, approval was given to pay off the Fulton Loan with available funds from the Sewer Project Fund and Tapping Fees and Reserve Capacity Fees from the O&M Fund. She commented that she has been in contact with PENNVEST and DEP and it appears that the final inspection has not been scheduled and completed which would release that final \$265,000.00. The final payment from PENNVEST is not expected for a couple months. Mrs. Casey spoke with Scott McManamon from Fulton and the final date to payoff the loan would be July 14th without incurring any interest fees. The funds to pay back the loan will be short \$132,404.70. The loan can be extended or the money could be borrowed from the General Fund and then when the final payment is received, the General Fund would be reimbursed. The General Fund currently has a balance of \$718,940.00 and this would not affect the operating capital of the General Fund.

- **Mr. Marshall made a motion that it be paid out of the General Fund and if the PENNVEST money does not come within 3 months that it be reviewed and the decision made to either keep the money out of the General Fund or make a draw on the line of credit. Mr. Rish seconded the motion. The Chairman asked for public comment; there was none. He motion was approved 5 in favor, 0 opposed.**

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

REPORTS

PARKS & RECREATION – JANET ESPENSHADE

- The Outdoor Yard Sale is scheduled for July 7th.
- The Summer Rec program has around 55 children signed up at this time.
- The Peach Festival is August 11th.
- The Park and Rec Board want to install a block building with electric and water at the ball field. It is expected that the cost will be \$10,000.00 and will require the project to be bidded out. The building will be used for Soccer and Baseball and possibly a concession stand in the future.
- Mr. Shutt noted that he approved of the proposal but would like to see some numbers and the size of the building before he votes on it. He suggested that if a concession stand is being considered for the future, that it should be done now while the initial instruction is being done.
- Mr. Shutt asked about dugouts. Mrs. Espenshade noted that they were considering putting gravel in the area and possibly putting in block dugouts in the

future. Mr. Espenshade suggested that the dugouts be considered at the same time as the construction of the building to reduce the cost in the future.

PLANNING COMMISSION

David Craig noted that there were only 2 new plans that came before the Planning Commission and both were returned for corrections.

PUBLIC WORKS – CHARLES LONGREEN AWARD OF ROAD MATERIAL BIDS

Mr. Longreen was not present at the meeting but had provided the Board with his recommendation for approval of the low bids.

2000 Tons #8 Washed Limestone	Hempt Bros.
2000 Tons #57 Washed Limestone	Pennsy Supply
1500 Tons #3 Clean Limestone	Pennsy Supply
1000 Tons 2A Aggregate	Pennsy Supply
300 Tons 9.5 MM Super Pave Wearing	Hempt Bros.
4000 Gallons 87 Oct. Unleaded Gas	Leffler Fuels
8000 Gallons Ultra Low Sulfur Diesel Fuel	Leffler Fuels
500 Gallons Kerosene	Leffler Fuels
75,000 Gallons CRS-2 Emulsion	Hammaker East

- **Mr. Shutt made a motion to accept the bids as presented. Mr. Espenshade seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT

- During the first 6 months of the year there were 191 Fire Calls and 180 QRS (medical) calls.
- The Annual Carnival is at the end of the month.
- The Fire Company Book will be mailed this month.

PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

- Chairman Beudet apologized for missing the last meeting.
- The Council met on June 25th at the municipal building. Reports were given and open action items were discussed. There was no public input regarding concerns at the meeting. The next meeting will be in September.
- Mr. Rish asked about the gas service to Meadow Creek. Mr. Nelligan noted that many things were happening with the laying of lines, etc., but there is no projected date as to when the area will receive service.

EMERGENCY MANAGEMENT – JOHN NELLIGAN

- Mr. Nelligan and Deputy Johnson have been busy with the dry hydrant program. The 1st installation of the 8 new hydrants is expected to take place this week. When all installations are complete, there will be 11 dry hydrants in the Township.

PUBLIC HEARINGS

Solicitor Kauffman noted that it was 7:30 PM and the time and place for the properly advertised public hearings for the adoption of several ordinances.

ORDINANCE 2007-02 – CURATIVE AMENDMENT TO ORDINANCE 2005-10

Solicitor Kauffman noted that Ordinance 2007-02 is a Township self-imposed Curative Amendment dealing with a correction of a procedural error in the original adoption of a zoning ordinance 2005-10. The hearing was properly advertised for the June 19th meeting, discussion was held and the hearing was continued to this meeting. There was discussion at the previous public hearing as to text errors, however, the new ordinance is focused on procedure and not content of the ordinance. A Township resident raised the issue of an error in the text. The text error has been recognized and brought forth and Solicitor Kauffman suggested that the procedural error be addressed and the correction of the substantive error be corrected at a continuation of the hearing at another meeting. Mr. Craig's comments from the last meeting have been noted.

- Mr. Craig noted that his comment at the last hearing was in error regarding the coordinates of the ordinance. He let Mr. Marshall know immediately upon discovering his error. He asked exactly what the ordinance was curing.
- Solicitor Kauffman noted that the ordinance is eliminating the option of procedural challenge which can take place at any time since there is no statute of limitations anymore. It is a completely different matter than the substance of the ordinance. Initially, the ordinance was to correct the procedural error, however, if the substance of the ordinance is wrong, then both should be addressed at the same time.
- Mr. Craig noted that this ordinance would replace Ordinance 2005-10, although it has not been repealed or found invalid at this point. Mr. Craig asked what the error was in the previous ordinance. Solicitor Kauffman noted that the error was in the form that it was adopted, the question as to whether it was properly advertised. Mr. Craig questioned that if Ordinance 2007-02 is not approved, then Ordinance 2005-10 will stand since it has not been repealed. Solicitor Kauffman noted that by Resolution, invalidity was declared and the Township is taking action to correct the procedural error.
- Chairman Beaudet noted that there are a lot of Townships redoing ordinances because of the chance that they have been done improperly. Even if an ordinance that has been written to correct an existing ordinance does not pass, that does not invalidate the old ordinance. It is still open to procedural challenge. The challenge is not 30 days anymore, it is forever.
- Solicitor Kauffman reiterated Chairman Beaudet's comments that a challenge is no longer 30 days, it is open indefinitely.
- Mr. Craig asked if procedurally affected due process for comments. The procedural error has not been identified and he is assuming that it was that it was not properly advertised. If you don't continue that before the vote, advertise it so that people can come in and comment on the new ordinance, and then not allowing people make comments on the substantive part of the ordinance, then how does that help with due process. Solicitor Kauffman noted that the substantive part was not the issue, the question was whether it was properly

advertise. To eliminate the challenge, the ordinance would be properly advertised and it would no longer be an issue. The idea of changing any of the text can be done, but does not have anything to do with the current ordinance. Mr. Craig thought that the idea of continuing a hearing would be so that you could continue the due process and have comments on something that has been changed.

- Chairman Beaudet noted that the text has not been changed. Mr. Craig noted that the reason for the ordinance was that portions of the original ordinance were X-ed out. Chairman Beaudet commented that the part that was passed is what the current ordinance contains.
- Mr. Craig noted that he is now focusing on Ordinance 2005-10. When it was not re-advertised before the vote so that the hearing could be continued and further public comment offered on the substance of the ordinance, this would be the due process point and he felt that would go hand in hand with the new ordinance.
- Mr. Phillips noted that the substance of the part of the ordinance passed did not change from the original hearing where the parts of the ordinance were X-ed out. The part that was passed and applies now, the text has not been changed.
- Mr. Craig noted that the ordinance did change in the aspect that 3 parts of it were taken out and now only one portion is being looked at.
- Mr. Phillips noted that there was a procedural error in the method that those parts were stricken from the ordinance, there was not substantive change. Mr. Craig commented that it would still constitute a change. Mr. Phillips commented that it was advertised and went through the public hearing process and was approved. It was the procedural error of striking parts of the ordinance that was not approved.
- Chairman Beaudet questioned Mr. Craig about his comments about due process and asked if it was because had it gone back through the Planning Commission there would have been an entirely different board looking at. Mr. Craig noted that there has been no further comment on the substance of the ordinance and how it affects the individuals. He took a survey for the original ordinance and there were people against it. As he views it, he does not have that due process to do the same thing again because that portion is not being looked at, only the procedure. He feels that the due process part is not being given to him.
- Mr. Espenshade noted that is why a public hearing is being held on the change so that you can go through the due process. The Board has the ability to wipe the ordinance off the books. The public hearing, in his opinion, is Mr. Craig's opportunity to go out do whatever he wants to do to comment on Ordinance 2007-02. In Mr. Espenshade's mind, that is why a public hearing is conducted so that the public can comment on the ordinance. That is the due process. The Board is saying a mistake was made in the procedure that it was adopted and this is the opportunity for the public to say why it does not agree with the ordinance.
- Mr. Craig commented that what he was interpreting from the Solicitor was not the case. If Mr. Espenshade is correct, then perhaps he misunderstood the Solicitor. Mr. Espenshade noted that conducting another public hearing was the due

process which gives the public the opportunity to express its comments. The due process was offered by having the public hearing.

- Mr. Craig felt that at the first public hearing the Board was purely looking at the procedural portion. Solicitor Kauffman noted that the public was welcome to comment on the procedural portion and that was the due process. The focus on the ordinance was simply on the process that took place with the adoption of the first ordinance and not the content of the ordinance.
- Mr. Espenshade noted that with having the public hearing an individual has the opportunity to comment on the ordinance. He commented that Mr. Craig made the same comment in 2005 with the original ordinance. The Board has the responsibility to listen to the comments even though it is on the substance of the ordinance vs. the procedure. Mr. Craig noted that if the Board was open to all aspects of the ordinance, then he was fine with it and he knows what he is able to do and present to the Board. If the hearing is going to be continued, then it will allow him time to prepare other items.
- Mr. Marshall noted that he had spoken with Solicitor Kauffman regarding the zoning lines in the description. He also spoke with Mr. Phillips who had the property surveyed. After the survey, the map was as it should be. It is questionable as to whether or not the ordinance was written properly, but the coordinates are accurate. He is satisfied that if in 10 years from now, if someone looks for where the zones are at, they can find them. His concern was with the description, it did not appear to fall into the zones; if it needed to be corrected, then it should be done now, but it appears that the coordinates and zones are correct.
- Solicitor Kauffman noted that from previous comments, the initial error that was thought to exist with the substance of the ordinance no longer exists. He asked Ron Lucas if they were in agreement with the substance of the ordinance.
- Ron Lucas of Stevens & Lee, representing Grantville Holdings, owner of the property, noted that they have not been participating in the hearings since they did not know about it until right before the last hearing. He noted that if the hearing is going to be continued, he would like the opportunity to verify the description with his engineer and the Township's engineer. He noted that the description of the old ordinance and the new ordinance is identical. With the questions that have been raised, he would like to make sure that the description is accurate.
- Mr. Marshall noted that one of the things that concerned him was that there was one point in the one description that one zone and the other come to a point at the culvert in the road. The description was not indicating the culvert in the road which could be added into the description to make it clearer.
- Mr. Lucas noted that if the hearing is going to be continued, he would like to verify the description. If there are changes, then he would speak with the Township's solicitor as to whether or not it should be sent back to the Township's Planning Commission and the County Planning Commission. The concept at the time was simple; follow the property line with Texas Eastern, take it to creek, follow the creek to the natural boundary at Ridge Road, which is a fixed boundary and square it off at that. He would like to make sure it is accurate with the

questions being raised, and would like the time to verify it. If the hearing is to be continued, he suggested that it would be the first meeting in August to allow time for the verification and review by the Township Planning Commission.

- Chairman Beaudet commented that a court decision has spurred a lot of the curative amendments. Mr. Lucas noted that the Glenn Gary case from September of 2006 has created a lot of activity. His firm has been asked by clients to look at ordinances and have found in almost 75% of cases there is something there. A lot of Townships are readopting their entire zoning ordinances, and subdivision/land development ordinances. The problem is that if someone raises a question, you have to go back 5 or 10 years, it's hard to find the records and ends up putting Townships into litigation. For the sake of the Township and all property owners to know what their property is zoned and what the adjacent properties are zoned the ordinances are being readopted. That is a separate issue and is something the Township's Solicitor would have to provide advice to the Board. The statute says 30 days, the legislature after a couple court cases in 2001 and 2004, have made amendments to the 2nd Class Township and Judicial Codes.
- Chairman Beaudet questioned if it was a substantive or just any change to an ordinance. Mr. Lucas noted that the whole issue is procedural. Any procedural item in adoption can be a problem.
- Mr. Phillips noted that it has been determined that if an ordinance wasn't adopted properly, then it is not an ordinance and does not fall in the 30 day protection of being an ordinance. Anything that is deemed not a valid ordinance by procedure doesn't have the 30 day protection.
- Mr. Lucas noted that in the words of the court, the ordinance never happened and the 30 day period never starts. The courts are saying that the time period is unlimited.
- Mr. Lucas noted that if the hearing for this ordinance is continued, he suggested that it be done no sooner than the first meeting in August so that if there are any changes, it can go back to the Township Planning Commission for review.
- Chairman Beaudet asked if we would still be in the time period. Solicitor Kauffman noted that it is 180 days (6 months) from the time of the Resolution which was adopted in March.
- Mr. Phillips noted that as the new ordinance stands, there are no substantive changes from the previous ordinance and he verified the boundaries of that ordinance and found them correct and match what was originally provided by Grantville Holdings.
- Solicitor Kauffman noted that he was initially going to indicate that the text did not need to be looked at, that the hearing was solely a procedural matter. It was his mistaken understanding that there was an agreement that there was a text error. Mr. Phillip noted that there was a text error in the portion that was X-ed out. Should something be considered in the future for the other portions of that original ordinance, then it would be corrected. The portion of the property in question is fine the way it is written
- Chairman Beaudet asked if a continuance is still being requested. Solicitor Kauffman noted that his suggestion to continue the hearing was based on there

being an error. If there is no error, then the hearing need not be continued. Mr. Phillips noted that there was no error in the description.

- Mr. Lucas suggested that the hearing be continued after the other 2 hearings so that he may speak with Mr. Phillips.
- **Mr. Rish made a motion to continue this hearing until after the other hearings tonight. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed. The hearing was postponed at 7:58.**

PUBLIC HEARNG FOR ORDINANCE 2007-05 – MUNICIPAL BOND – 7:59 PM

Solicitor Kauffman noted that he has the proof of publication for advertisement of the public hearing and it is proper. The ordinance relates to authorizing securing a General Obligation Bond in the amount of \$500,000.00. Discussions have been held at previous meetings on the Bond.

- Scott Shearer of Public Financial Management and Jens Damgaard from Rhoads and Sinon LLP, who prepared the ordinance were present. Mr. Shearer noted that the ordinance is the same as when first provided to the Board with the exception of 1 or 2 blanks that have been filled in. The Bond is for \$500,000.00 which will be a line of credit at the rate of 55% of prime. The settlement date would be around August 1, 2007, the note would then mature August 1, 2009.
- Mr. Shearer discussed the sample amortization schedule. He noted that the schedule was the worse case scenario where the Township would draw down the entire amount on day one. The schedule needs to be provided to DCED. No interest payments would be due in 2007. The first interest payment, if the Township draws down any money, would be due in 2008. He described the sources and uses page. The Township starts with a \$500,000.00 line of credit, the estimate available amount left for proceeds is around \$488,000.00 which is the net of all the costs incurred to obtain the line of credit; attorneys fees, filing fees, etc.
- **Mr. Marshall made a motion to adopt Ordinance 2007-05. Mr. Shutt seconded the motion.** Mr. Espenshade noted that the available proceeds are \$488,000.00, which is minus the cost of issuance and miscellaneous fees. Right now there would be a \$12,000.00 expense. He asked how that was going to be paid. Generally when you do a bond, your costs would be financed in the bond. In this case, the Township is not drawing any money out so there is \$12,000.00 expense. Mr. Shearer noted that could be paid from the bond if the Township wished to draw on it. Mr. Espenshade asked the Board if it was going to exercise the line of credit or pay it out of the General Fund. Chairman Beaudet noted that she would rather pay it out of the General Fund vs. start to pay interest on the line of credit. Mr. Marshall suggested adopting the ordinance and then decide later how to the pay the bill. He noted that he would prefer to pay it now rather than paying interest on it. Mr. Espenshade just wanted to make sure that everyone is aware that there is a \$12,000.00 bill that needs to be paid. Discussion was held as to whether or not the \$12,000.00 fee was in the ordinance; it was noted that it was not. Mr. Rish asked if the Township could pay it out of the General Fund. Mr. Damgaard noted that it could be paid out of the line of credit since it is an eligible project cost, along with engineering and

eventually could be turned into another loan with another financial institution as the project progresses, or it could be paid from the General Fund. Mr. Rish asked if it is paid out of the General Fund and the Township then moves on with the project with additional financing, could the General Fund be paid back. Mr. Damgaard noted if that was done, then another step would need to take place through a reimbursement Resolution. If the Township wants to roll the cost into permanent financing later, the best way would be to pay the fees from the line of credit. If the Township chooses to eat the cost, then it can be paid out of the General Fund. Mr. Damgaard noted that there will be a requisitioning process. A requisition would be prepared and given to the bank for payment. If the Township wants to pay the fees from the line of credit, he will prepare a requisition to be approved at the next meeting. Mr. Espenshade asked if the \$12,000.00 fee was paid out of the General Fund, then the line of credit would be back at \$500,000.00. It was noted he was correct. Mr. Damgaard noted that it is assumed that some of the amount would be used to pay off the other Fulton Loan. There would not be a full \$500,000.00. Mr. Marshall noted that after the vote, he would like to discuss how to pay the \$12,000.00 fee.

- There was no public comment
- **There was a motion on the table. The motion was approved 5 in favor, 0 opposed.**
- **The public hearing ended at 8:10.**

PUBLIC HEARING FOR ORDINANCE 2007-04 – DEFINITION OF YARD – 8:10 PM

Solicitor Kauffman noted that this is an Ordinance amending the 2003 Zoning Ordinance which changes the definition of Yard, (front, back and side yard). The ordinance has been properly advertised and this is the time place for the public hearing. There is an addition to the text which is a diagram that supports the text.

- There was no public comment
- **Mr. Espenshade made a motion to adopt Ordinance 2007-04. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- **The public hearing ended at 8:12 PM.**

CONTINUATION OF PUBLIC HEARING FOR 2007-02 – 8:14 PM

- Mr. Lucas noted that Mr. Phillips summed up the ordinance quite well. The Zoning district is bounded by the public road, the stream, and the Texas Eastern boundary. It is all in the ordinance. If there was any question, it was between Interchange Commercial and Interchange Commercial, which didn't make any difference. He showed Mr. Craig and himself the map and it looks like everything is in order. Mr. Lucas thought that if the Township was going to continue the hearing, then he would have liked time to review the description.
- Solicitor Kauffman noted that even mentioning the continuance was based on the mistaken belief that there was an error. Now that it is cleared up that there is no error, the only issue is the prior procedural error which is the focus of the new ordinance. Unless there is further public comment, then the ordinance can go to a Board action.

- Chairman Beaudet noted that when it was before the Board as Ordinance 2005-10, she voted against it because she felt that striking out 2 parts of it was not a good idea. Having it back in proper order is a good thing.
- **Mr. Espenshade made a motion to adopt Ordinance 2007-02. Mr. Shutt seconded the motion. All comments were heard during the public hearing. The motion was approved 5 in favor, 0 opposed.**
- **The Public Hearing ended at 8:17 PM.**

WWTP OPERATIONS AND MAINTENANCE – CURT CASSEL

Mr. Cassel presented his report for June. It is on file at the Municipal Building for review.

- Chairman Beaudet noted that there had been discussion with the previous WWTP Operator about having I&I problems. At that time Mr. Ludwig felt that they were coming from Chesapeake Estates. Mr. Cassel noted that he and Mr. Longreen had discussed the issue briefly, and it was indicated that Mr. Ludwig had done some flow testing; however, Mr. Cassel has not found the results of the tests. There is some I&I when it rains heavy over a 2 day period. He would not put it past some people to have sump pumps which go into the sewer system. He could not say that it was not coming from Chesapeake since he has only been to the pump station to see the hookup. Discussion continued on I&I.
- Chairman Beaudet commented that another item discussed was flow meters being put in at the rest stop. Mr. Cassel noted that unless the connection is going to be billed for usage, there was no need to be a flow meter on it. Chairman Beaudet noted that the Township was not sure whether the rest stop is paying for the EDU's it needs.
- Mr. Espenshade thought that the flow meter was going to be put at the rest stop to obtain historical data to see what the flow was and if the amount of EDU's they were paying for is sufficient. The same with Chesapeake, to obtain some historical data to see what the flows were. He was under the impression that the data was obtained from Chesapeake but the Board did not receive a report.
- Discussion was held on what Chesapeake should be paying. It was felt that they should be paying for each pad that is there since it is like reserving capacity for the park. Solicitor Kauffman will be provided with a copy of the agreement with Chesapeake Estates for review.
- Discussion was held on putting the flow meter at the rest stop. Mr. Rish asked if there was any idea on how much water the rest stop drew from its well. Mr. Cassel noted that unless it is metered, they would not know. Mr. Phillips noted that a well is not regulated until it uses over 10,000 gallons per day. By consensus of the Board, Mr. Cassel will put the flow meters at the rest stop and report back to the Board.
- Discussion continued on Chesapeake. Mr. Marshall noted that after the agreement is reviewed and it is determined that they only have to pay for what pads are being used, then the Township would have EDU's it could sell.
- Chairman Beaudet noted that when the next bill comes in, she will walk the property to see if the amount is accurate. Mr. Shutt will accompany her.

ENGINEERS REPORT – ROGER PHILLIPS

The Engineer's report has been provided to the Board. It is on file at the Municipal Building for review.

S. MEADOW LANE BRIDGE

Mr. Phillips reported that some the pads have been poured and next week the deck will be poured. The deck will need to cure for a week and during that time; the approaches will be worked on. It is his guess that the bridge will be opened in approximately 30 days.

- Mr. Phillips noted that the Board has before it a payment request from the contractor in the amount of \$29,238.63. Of that amount is a change order in the amount of \$3,388.93 which is for additional concrete and rebar. The concept was to use the existing beam seats, parapets and wing walls and there was some repair that needed to be done. There was a minimum dimension of 12 inches that needed to be cut off. When the repairs were being done, some of the damage was worse than what was thought.
- **Mr. Rish made a motion to authorize payment No. 2 in the amount of \$29,238.63. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

BOW CREEK INTERCEPTOR

Mr. Phillips noted that a letter was sent to Hamersley on June 29th with the punch list that resulted from the walkthrough. Mr. Longreen reviewed the punch list before it was mailed. Mr. Phillips requested that Hamersley contact him with a schedule.

ACT 537 PLAN – COMPONENT 3M UPDATE FOR PARTRIDGE HILLS AND ENGLEWOOD

Mr. Phillips spoke with David Smith and he indicated that he should have all the reports completed by early next week. Mr. Phillips was contacted by DEP and it now has problems with the due date not being met. He assured DEP that things were moving forward and that the Township is waiting for the results of the tests. The gentleman at DEP mentioned that it has the ability to charge the \$100.00 per day penalty back to April even though initially he was ok with the delay. Mr. Phillips recommended to the Board that as soon as the testing is complete that decisions be made quickly on how the Township wishes to proceed.

- Discussion was held on the testing, it was noted that most of it was complete and Mr. Smith was waiting for contact from a few individuals whose property he was not able to test since they were not home. Mr. Phillips noted that the Township is at the point where it needs to move forward with or without the last few tests. He felt that Mr. Smith was almost complete, but it was the wish of the Board that every home be tested. Mr. Phillips noted that you don't need 100% or 50% failure to sewer the area. There are other thresholds such as soil type, lot size, history that also factors into the decision.

- Chairman Beaudet noted that some people were indicating that they had problems but they were fixed. There were concerns previously about not having enough data to justify sewer.
- Mr. Rish noted that he agreed with the additional testing since there were no statistics since 1989.
- Discussion was held on the testing. Mr. Phillips noted that the DEP threshold for testing is only around 25% of the houses. The Township has more than met that threshold even though it might not satisfy every resident that lives there.
- Mr. Marshall asked if this process could be taken care of by the next meeting and some sort of report supplied so the Board can move forward. Mr. Phillips noted that he has to take the test results and factor it into the findings. One of the problems is that what homeowners consider being a problem and DEP considers being a problem are two different things. If you grass is greener over your septic tank and the rest of your yard, then that is a problem in DEP's eyes. Mr. Phillips will do his best to have the report ready by the next meeting.
- Mr. Marshall will contact Mr. Smith to ensure that the results are done as soon as possible and that a 100% answer rate is not required.
- Mr. Rish asked if Mr. Phillips could provide some guidelines to interpret the data when it is compiled. Mr. Phillips noted that he would.

UNFINISHED BUSINESS

STORMWATER MANAGEMENT - THOMPSON

No report.

NOISE ORDINANCE

Mr. Phillips noted that the Board has received a draft. He still believes that the Zoning Ordinance has enough teeth to enforce noise.

- Mr. Marshall is not in favor of the ordinance. He felt that it would put the Township in the middle of a neighborhood feud. He does not want to be involved in that.
- Mr. Phillips noted that the ordinance provides an objective vehicle to stop nuisances and noise because of the scientific levels of enforcement that are included in the ordinance. It will get neighbors angry with neighbors, but will also give the Township an enforceable ordinance that is based on science. The Zoning Ordinance covers noise but enforcement needs to be done through Zoning. The Zoning Ordinance could be amended. It is the enforcement that is not in the existing ordinance. In the draft there is a designee who is to be trained in using a sound meter and that individual then has to go to the property when someone calls.

VILLA ROSA

No report.

- Chairman Beaudet asked what happened to the no left turn at Fabios. Mr. Espenshade thought it was contingent upon what PennDOT recommended. This will be placed back on the agenda.

- Mr. Shutt asked about Faith Road. Mr. Espenshade noted that a study was done on Faith Rd. and there were some recommendations but he thought that the Board wanted to look at the red light up to Faith Rd. and then make a decision.

ACT 209

Chairman Beaudet noted that many Townships' are struggling with Act 209. Townships don't like Act 209 because they feel they don't need it. When they find out they need it, it is too late. Unless we want to raise taxes to pay for infrastructure, then we need to have Act 209. It is a good median to get those funds. There are currently 3 people willing to sit on the committee. Four more are needed. A real estate agent is need and the individuals don't have to be from East Hanover Township.

PRESERVE AT BOW CREEK – RECREATION FEE

Representatives have requested that this be tabled until the next meeting

TABLES AND CHAIRS FOR BUILDING

Mrs. Casey noted that the Board has received a quote but Mr. Longreen has not yet reviewed it. This is tabled until the next meeting.

FORESTRY ORDINANCE

Mr. Marshall noted that met with David Smith and a list of items that needs to be deleted from the ordinance has been drafted. The Board has a copy of the list.

- A question was raised on Section 3.24-3 relating to the destruction of roads and who is responsible for the repair. Mr. Marshall noted that the current ordinance indicates that the land owner and the forestry agent be held responsible. The problem is that ultimately, the logger should be held responsible. How does the Township go about holding the logger responsible for damages.
- Chairman Beaudet suggested a bond. Mr. Marshall noted that if a bond was required, it would be needed for every road the logger would travel on.
- Mr. Shutt asked how much weight different vehicles can carry. Mr. Marshall provided him with information and it was discovered that to bond a logger, it would mean that other vehicles traveling the roads with the same load would not have to be bonded.
- Mr. Marshall did not feel that the property owner should be responsible for the damages since it is the logger's fault, not the property owner since they have no control on how much weight is put on the trucks and when they haul it out. They only way he knows how to do it is bond the road, but then do you bond it for everyone with heavy loads that comes into the Township. Mr. Phillips did not believe that you could bond trucks that travel Township roads since it would be in violation of interstate commerce.
- Mr. Shutt asked if the State has rules and regulations regarding logging. Mr. Phillips noted that he does not know much about logging but the State does have rules and regulations regarding the weight of trucks. He felt that you get into a gray area if you restrict log trucks and not stone or concrete trucks.

- Mr. Marshall felt that if the Township has a road that cannot maintain heavy trucks, Mr. Longreen should let the Board know that the road is not capable of handling the weight. Then a weight limit would be put on the road and someone traveling the road that is over the weight limit is liable to enforcement and fines. He felt that part of the ordinance should be stricken.
- Chairman Beaudet noted that she had a problem with the cost of the permit since it would cost the Township more to enforce the ordinance than the cost of the permit. Mr. Marshall noted that the way it is written in the changes is that the fee of the permit would cover the costs. The ordinance covers the same things that have to be done for the County. All the Township would require is a copy of the what has been submitted to the County.
- This issue will be discussed further when David Smith is present at a meeting.

NEW BUSINESS

WARREN BOBB – REQUEST FOR WAIVER OF LAND DEVELOPMENT PLAN

The Board has received the request and sketch of the property. Mr. Bobb was present at the meeting.

- Mr. Marshall commented that the only time the Board has granted a waiver is when the building is to be used for agriculture.
- Mr. Bobb noted that the building would be for personal storage and hobby use and nothing that related to agriculture. The property is 2.9 acres.
- **Mr. Marshall made a motion not to grant the waiver.** He felt that granting the waiver would be setting a precedent. Mr. Bobb asked if a 1,800 square foot building was proposed, would the waiver be granted. Mr. Marshall noted that 1,500 is what the ordinance states. Mr. Bobb noted that a 1,500 building would not accommodate his needs. **Mr. Rish seconded the motion.** Mr. Espenshade felt that the building did not look out of place on the property but agreed with Mr. Marshall that it would be setting a precedent. He did not feel that the building was an unreasonable size on an almost 3 acre parcel. He felt that it needed to be addressed in some other manner. Mr. Marshall agreed with Mr. Espenshade but noted that the ordinance states 1,500 square feet. If this waiver is granted, then it has to be done for everyone. He would rather revise the ordinance. Discussion was held on what could be done with the ordinance and looking at issues on a case by case basis.
- Mr. Shutt felt that the ordinance needs to be changed to look at the square footage of buildings based on the amount of acreage of the property.
- Discussion continued on the subject. Mr. Espenshade noted that most of the people who have come in for a waiver for agriculture have many acres and not just one acre. Chairman Beaudet noted that waivers have been granted for agriculture use even though there were not many acres involved. She was in favor of the waiver. If the land acreage is there, then the waiver should be granted.
- Mr. Espenshade asked Mr. Phillips if he had seen a slide scale for land development plans. Mr. Phillips noted that there are usually limits, but that is what waivers are for and it is on a case by case basis.

- Solicitor Kauffman noted that even with agriculture uses, it should be reviewed on a case by case basis.
- Discussion continued on the subject, property lines and buildings on adjacent properties. Stormwater issues were brought up.
- Mr. Rish asked how stormwater would be handled. Mr. Bobb noted that he has considered stormwater and has a plan to deal with it.
- **There is a motion on the table to deny the waiver. The Chairman asked for public comment, there was none. The motion was not approved 1 in favor, Mr. Marshall; 4 opposed, Chairman Beaudet, Mr. Espenshade, Mr. Rish and Mr. Shutt.**
- **Mr. Espenshade made a motion to grant the waiver on the condition that the Township knows what is going to be done with the stormwater with a plan and that he is still under the Stormwater Management Ordinance.** Chairman Beaudet noted that Mr. Bobb would need Erosion and Sedimentation control approval from the County. Mr. Phillips noted that it would require a minor stormwater management permit. **Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

PRINTER FOR NEWSLETTER AND DIRECTORY

Mrs. Casey noted that Mrs. Eppinger has researched printers for the Newsletter and Directory. Graphtech is willing to do the job, including folding, labeling and mailing at a cost lower than what we are currently paying to have just the printing done. Postage would be additional.

- **Mr. Shutt made a motion to use Graphtech for the Township's Newsletter and Directory. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

FEE FOR TOWNSHIP EMPLOYEES/MUNICIPAL OFFICIALS TO RENT FACILITIES

Mr. Shutt noted that he had spoken to some individuals and apparently, at one point in the past, employees and officials were permitted to use the pavilion and the building for events at not cost. He did not feel that the Supervisors should have the privilege, but that the employees and other officials should be able to use the facilities at no cost as long as it is available. If it was used unfairly, he would be the first one to eliminate the privilege. It has to be for the individual using the facility and not just a relative wanting to use the facility. The individual would still have to pay a security deposit for the use.

- Mr. Marshall noted that his daughter wanted to use the pavilion for a graduation party. He rented the facility for her. It was offered to him free of charge, but he did not want to use the pavilion free of charge and was willing to pay the fee as any other resident would. He had no problem offering the service to the employees; however, it would be difficult to know if an individual was renting for their use or for another individual's use.
- **Mr. Shutt made a motion to allow the employees to use the facilities free of charge with the payment of a security deposit. Mr. Marshall seconded the motion.** Mr. Rish noted that he would consider it for the employees but felt

that there should be a written policy addressing the deposit and the use of relatives vs. employee. He would like to see that before he would vote on it. **The Chairman asked for public comment, there was none.** Mr. Marshall commented that it was his understanding that the motion was for the use of the facilities by the employees. It is obvious that some sort of policy would need to be in place. If the motion is passed, then it is the Board's duty to come up with the policy. Chairman Beaudet noted that there is already a building rental policy in existence. Mr. Marshall noted that it does not include everything. The renter would have to sign the rental agreement. Solicitor Kauffman noted that the free use would have to go into the Personnel Policy. The details should be worked out before a vote is taken. The motion could be made with the contingency that the Personnel Policy be revised.

- Mrs. Casey asked if it would just involve paid employees or also include members of the Planning Commission, Park and Rec Board, etc. Solicitor Kauffman noted that there were issues that needed to be addressed.
- Mr. Marshall suggested amending the motion to include it in the Personnel Policy as a benefit for the employees.
- **Mr. Shutt amended his motion to include amending the Personnel Policy to include the use of the facilities. Mr. Marshall seconded the motion.** Mr. Rish still felt that he would like to see the policy before approving it. **The Chairman asked for public comment, there was none. The motion was approved 3 in favor, Chairman Beaudet, Mr. Marshall, and Mr. Shutt; 2 opposed, Mr. Espenshade and Mr. Rish.**

RE-APPROVAL OF THE PRESERVE AT BOW CREEK PHASE II & III

Mrs. Casey noted that the date for recording the plan expired on July 2nd. The only outstanding item for recording the plan is the payment of the Park and Rec Subdivision Fee. The issue is still being worked out and representatives will be at the July 17th meeting to discuss the issue. Solicitor Kauffman is working on the legalities of whether or not a letter of credit is acceptable in lieu of payment of the fee.

- Mr. Espenshade asked if Solicitor Kauffman looked into the matter. If it is not feasible, then the issue needs to be dropped and Keystone Custom Homes needs to be informed that the fee has to be paid.
- Mrs. Casey noted that the plan still needs to be re-approved in the event that Keystone Custom Homes decides to pay the fee before the next meeting. In that event, then the plan can be recorded.
- **Mr. Espenshade made a motion to re-approve The Preserve at Bow Creek Phase II & III contingent upon the payment of the Recreation Fee. Mr. Rish seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**
- Solicitor Kauffman noted that the legal question was whether or not they can provide a walk-way/park in the development and be maintained by the Homeowner's Association, or does it need to be maintained by the Township. In his review, it can be done, but it brings out the issue of whether or not the Township wants to do it, and after the requirements are presented to the Homeowner's Association, do they want to do it. A Park and Rec Report will be

needed as to the actual needs vs. the number of people. A public access easement will be involved as well as a no utility easement in the play area. Also there is the issue of an entrance way and parking for the public. All of that leads to enforcement of proper maintenance.

- Chairman Beaudet felt that there were too many issues involved in letting The Preserve do the recreation area. Mr. Rish noted that he would like to see what Keystone Custom Homes has to say.
- Mr. Espenshade's only concern with a development such as The Preserve is that there is going to be a lot of kids in the area. The Township needs to allow them to do it since they are paying the Recreation Fee and the area is so concentrated. This is what the Recreation Fee has been set up for; to provide a recreation area in neighborhood that is being developed. He understands that there area a lot of issues to be worked out and once the Homeowner's Association sees what is involved, they might not agree to it.
- Discussion of the payment of the Recreation Fee will be continued at the next meeting when representatives of Keystone Custom Homes area available to discuss the issue.

LOAN REPAYMENT – PAYMENT OF SETTLEMENT COSTS

- **Mr. Rish made a motion to pay the \$12,000.00 fee for the settlement of the bond out of the General Fund. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

OTHER BUSINESS FROM THE BOARD

Mr. Espenshade noted that it has been brought to his attention that there may be problems with the Street Light Tax Fund. He felt that Solicitor Kauffman and an auditor need to be involved in the situation to straighten it out. Apparently there have been some properties that have not been billed, or some tax notices that have not been sent and those properties are liable for those unpaid taxes. This needs to be straightened out for Mrs. Smith's sake. There appears to be some questions and those issues need to be addressed.

- Mr. Marshall asked if there were people that did not get a tax bill in other years and are now getting one. Mr. Espenshade noted that was correct. Those people are liable for those taxes. Mr. Marshall asked if there is the option to waive the tax if the bill was never sent. Mr. Espenshade noted that Solicitor Kauffman needs to investigate the issue.
- Chairman Beaudet suggested that permission be given to Mrs. Smith to talk to Solicitor Kauffman regarding the issue.
- Mr. Espenshade noted that the other aspect is that people are paying their taxes and others aren't and the issue needs to be straightened out. Apparently prior year's funds were not accounted for properly. It appears that someone was not doing their job properly and the issue needs to be straightened out.
- By consensus of the Board, Mrs. Smith, Mrs. Casey and Solicitor Kauffman have permission to discuss the issue.

BUSINESS FROM THE PUBLIC

There was no business from the public.

Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 9:40 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