

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
July 17, 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 7:04 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, George Rish, and Tom Shutt.

Myles Kauffman, legal counsel; Roger Phillips, Engineer; David Smith, Codes and Zoning; 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.

An Executive Session was held at 6:30 PM to discuss personnel issues.

**APPROVAL OF THE MINUTES FROM JULY 3, 2007**

Mr. Rish noted that he had an addition to the minutes. On page 1 after the expenditures, a paragraph begins "Mr. Rish" and ends "informed them of the trip." After that there was discussion held regarding Chairman Beudet sending Mr. Rish an e-mail. From his recollection and the recording he is suggesting that the following be added to the minutes.

"She asked if Mr. Rish received her e-mail. Mr. Rish indicated that he did not receive it. Chairman Beudet noted that the e-mail did not come back to her. She responded to 2 questions in that e-mail, one was about a trip to Gettysburg relating to Act 209. Mr. Rish noted that his other questioned related to the agreement with Triple Diamond. Chairman Beudet noted that in the e-mail, she informed Mr. Rish that she had contacted Mr. Desai and it was indicated that when his lawyer sent it to our lawyer, there was an attachment which we don't have. Mr. Desai noted that he would get the attachment to the Township. Chairman Beudet indicated that she thought she had a draft of the e-mail to Mr. Rish and she would forward it to him.

**Mr. Rish made a motion to approve the minutes with the addition. Mr. Marshall seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

Expenditures:

General Fund	\$ 169,051.64
Operations and Maintenance	\$ 282,063.38
Street Light	\$ 220.51
Park and Rec	\$ 828.72
Total	\$ 452,164.25

There is one additional bill for the O&M Fund in the amount of \$46.13 for internet service at the WWTP.

Mr. Marshall asked if the Light-Heigel bill for the door-to-door survey was the complete bill. Mr. Smith noted that there will probably be an additional small bill.

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

Mrs. Casey reported that the Fulton Loan was paid off in time so no additional interest was due.

Receipts

General Fund	\$ 11,369.21
Operations & Maintenance	\$ 34,321.55
Street Light	\$ 78.05
Park & Recreation Fund	\$ 81,542.70

Available Funds

General Fund	\$ 562,112.93
Operations & Maintenance	\$ 162,193.00
Street Light	\$ 6,416.17
State Fund	\$ 429,677.30
Public Sewer Fund	\$ 2,000.54
Park and Rec Fund	\$ 187,803.64
TOTAL	\$1,350,203.58

**SIGNIFICANT CORRESPONDENCE**

The Correspondence is available for review during normal office hours.

**REPORTS**

**PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

**AGREEMENT BETWEEN EAST HANOVER TOWNSHIP DAUPHIN & LEBANON FOR THE OPERATION OF THE ONO PUMP STATION**

- The Board has received a copy of the draft agreement. The only response received was from Mr. Phillips regarding item e. on page 3 (insurance). The insurance carrier was contacted and the Township is covered with the exception of operators insurance for errors that he makes. That insurance is not available at this time.
- Mrs. Casey noted that she had contacted Brad Youst regarding what is considered property damage. She will clarify this with EHT Lebanon.
- Mr. Rish noted he mentioned at a previous meeting that he would like to see the ability to terminate the agreement with a certain amount of notice. Item 11 indicates that it is self-renewing and there is a 180 date notice to terminate the agreement. He did not like that time frame and felt that 60 to 90 days would be better.

- Mr. Marshall suggested it be worded that the agreement could be terminated upon notice that a Lebanon County operator is available to operate, with a maximum notice of 180 days. Mr. Rish noted that he would prefer a shorter time period such as 90 days. That would give them 3 months to find an operator.
- Mr. Longreen commented that they currently have an employee who is going to be trained, so he did not feel that the Township would be in the agreement very long. Mr. Rish commented that the language should be mutual so they are not forced to stay in the agreement longer than needed. Mr. Longreen will contact Mr. Youst regarding the changes.

### **TABLES AND CHAIRS**

Mr. Longreen provided the Board with the proposal for replacement of all the tables and chairs in the room (24 tables and 200 chairs). The cost is \$9,888.00. There is no discount for a large volume purchase. The quote was compared with other companies. Tables will be \$239.00 each, weigh only 49 pounds, and will hold around a ton. There is a 12 year guarantee on the table. The chairs are identical to what the Township has only a different color.

- Mr. Rish noted that the cost of the table was more than the original quote. Mr. Longreen commented that the first quote was for a textured table. The increase in cost is for a smooth top. It was felt that the smooth top was more practical for the different events held at the building. None of the other companies offered the 12 year guarantee.
- Chairman Beaudet noted that she would like to know what the terms of the warranty are before voting. Mr. Longreen will investigate the warranty.

Mr. Longreen noted that he and Mr. Fisher took their test for the application of pesticides. Another license will be needed before they can be certified. The Township needs to have a business license with the Department of Agriculture. The cost is \$35.00 per year. You must provide insurance coverage for the application of pesticides. The minimum coverage is \$100,000.00 incident. Once the license is received, then the Park can be maintained.

Chairman Beaudet noted that PennDOT sent a report on Faith Rd. and Kelly Court. She did not see the driveway at Villa Rosa addressed in the report. Mr. Longreen noted that the driveway is under a different department and is being researched at this time.

### **CODES AND ZONING – DAVID SMITH**

Mr. Smith commented that SEO, Zoning and UCC reports were provided at the July 3<sup>rd</sup> meeting.

- Chairman Beaudet noted that she received a call regarding a problem with the Fire Company putting up a fence at the Carnival Grounds. The issue is that the zoning in the area only permits a 3 foot high fence and they want to put a 6 foot high fence around the grounds. The Fire Company can get a variance and ask the Township to waive the fee, request a text amendment to the ordinance, or asked to be rezoned. The Fire Company has not yet made any requests.

## **ENGINEERS REPORT – ROGER PHILLIPS**

### **REDUCTION OF LETTER OF CREDIT FOR THE PRESERVE AT BOW CREEK PHASE II & III**

Mr. Phillips noted that a request for a reduction of the letter of credit in the amount of \$278,219.50 leaving a balance of \$1,227,881.66 has been received. It is recommended that the reduction be granted.

- **Mr. Marshall made a motion to reduce the letter of credit for The Preserve at Bow Creek in the amount of \$278,219.50. Mr. Rish seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

### **S. MEADOW LANE BRIDGE**

The deck was poured last Friday and this week the sides of the approaches will be poured. After curing for 7 days, the reconstruction of the approaches will begin. It is anticipated that the bridge will be complete by the second week in August.

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

Mr. Phillips noted that some minor modifications were made to incorporate the testing done by Light-Heigel. With the submission will be the book from Light-Heigel of the test results. The maps at the back are color coded. The red dots are systems that have been identified as having some sort of potential problem. The yellow dots are people who either were not available or would not let Light-Heigel on the property. The pinkish color dots are where wells were tested and found to have total coliform, fecal coliform, nitrates or a combination. No wells were sampled that exceeded the EPA limit of an acceptable level of nitrates. It is considered that if there are any nitrates present, there is the potential for it to get worse. The major causes of nitrate in well water are a failing on-lot system or fertilizers from farming operations.

- Mr. Phillips felt that with the results of the tests, the sizes of the lots and the ability to construct a replacement system, soil types, and the history of the area it indicates that there are potential problems for health risks.
- He noted he has been in touch with DEP and indicated that something would be sent within the next week. There is a Resolution that needs to be passed by the Board to authorize forwarding the document to DEP. DCPC and the Township's Planning Commission also need to sign the documents, but that can take place concurrent with the DEP review.
- Discussion continued on the subject and previous studies.
- Chairman Beaudet asked if both areas had to be done at the same time. Mr. Phillips noted that a schedule would have to be provided to DEP. It wants the process to start moving in a forward direction. Mr. Phillips noted that by today's standards, the soil types in the 2 areas would not allow for on-lot systems. If the design began tomorrow, there would probably not be a ground breaking for at least 9 months. He did not feel that DEP would be objected to the 2 projects not being done concurrently. Looking at funding also adds time to the process; however, it is imperative to DEP that the planning process begins.

- It was noted that the dates in the resolution for Final Design should be changed to 2008 and Estimated Completion of Construction in 2009.
- Mr. Rish noted that he would like to review the documents before voting on it.
- Mr. Phillips noted that there is not a specific criteria that needs to be met to start the project.
- Solicitor Kauffman commented that the Resolution was simply an instrument that indicates the Township is going to start the process and would still give Mr. Rish time to review the documents. Mr. Rish disagreed noting that the Resolution indicates the alternative choice is to implement a gravity sewer and a pumping station. Mr. Phillips noted at this point in DEPs eyes, there is no alternative. He suggested DEP could be contacted for a meeting to explain the criteria.
- Mr. Marshall noted that he would like to review the documents but realized the Township is not going to have a choice. He did feel the timing could be adjusted. Mr. Phillips noted the schedule included in the submission will not be definite and the time frame will also rely on funding.
- **Mr. Marshall made a motion to approve Resolution 2007-12 with the date changes of 2008 and 2009. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none.** Mr. Espenshade asked if the Resolution is approved, does it commit the Township to do public sewer projects in Englewood and Partridge Hills. Mr. Phillips noted it commits the Township to add Englewood and Partridge Hills to the official sewage facilities plan. Along with that goes a time table as to when the sewer is provided. If the Township is not committed to moving forward with the project, then the Resolution should not be passed at this time. DEP would have to be contacted to see what the next step is. Mr. Shutt asked what would happen if the Township did not approve the plan. Mr. Phillips noted the language on the consent order indicates that sewage needs to be addressed in the 2 areas. Amending the official plan is the vehicle to address the needs and do corrective measures. If it is not submitted and in a timely manner, the Township can be fined \$100.00 per day until completed. **The motion was approved 4 in favor, Chairman Beudet, Mr. Espenshade, Mr. Marshall and Mr. Shutt; 1 opposed, Mr. Rish.**
- Mr. Rish noted a resident asked how much had been spent on the Act 537 Plan. Pickering, Corts & Summerson \$25,700.00; Benatec \$8,500.00; and the bill for Light-Heigel for the testing was around \$5,000.00

## UNFINISHED BUSINESS

### STORMWATER MANAGEMENT - THOMPSON

David Smith noted that one of the lots has been sold. He knows as SEO he can issue the permits for the on-lot systems since the property has passed the percs and probes. He questioned his role as the Zoning Officer. When he looked at the plan, there are specific stormwater requirements coming down the driveway. How does he ensure that the property owner does the stormwater requirements.

- Chairman Beaudet noted the requirement of the plan is that a letter of credit be attached to each deed so stormwater issues are ensured of being dealt with.
- Mr. Smith noted the previous homes were constructed during a time period where he did not work for the Township. This property is one he has control over. He wants them to follow the requirements. Mr. Phillips noted his inspector can be contacted to ensure the issues are addressed. Mr. Smith will inform the property owners of the requirements and the inspections.

### **NOISE ORDINANCE**

Mr. Shutt commented that he spoke with West Hanover Township who was working on an update to its ordinance regarding noise. It discontinued work when it was discovered that the enforcement of the ordinance could be an issue.

- Chairman Beaudet noted that she contacted the State Police and it indicated that representatives would be willing to meet with the Township to discuss the enforcement issues.
- Mr. Smith noted that in another Township, the local District Justice was contacted to see what he would enforce before an ordinance was approved. He indicated that he would be willing to contact the Township's District Justice to see what would be enforceable in relation to the ordinance.
- Mr. Phillips commented that the sample ordinance is strictly for actions that are being done on private property. The language is specific as to who does the testing, and in the sample it is the Zoning Officer and the Public Works Director. Those people would receive proper training on the equipment; however, every time a complaint is received, one of those individuals would have to go to the property to test the noise level, no matter what hour.
- Discussion continued on the subject, sizes of property and decibel levels.
- Mr. Marshall noted that any noise ordinance is going to require someone to measure the levels. That is fine during the day, but he is not willing to send out Mr. Smith or Mr. Longreen during the night if there is a complaint. It would be good to find out what role the State Police would be willing to play in monitoring the noise, and what the District Justice is willing to enforce before the ordinance goes any further.
- Mr. Phillips noted that a noise level limit is already in the Zoning Ordinance; however, there is no enforcement.

### **VILLA ROSA/LEFT HAND TURN**

Discussed previously.

### **ACT 209**

A real estate agent is still needed

### **PRESERVE AT BOW CREEK – RECREATION FEE**

Judy Kennerdell was present to represent the Preserve.

- Ms. Kennerdell noted that the fee was submitted to the Township so that the plan could be recorded, but there is still the issue of whether or not the money could

be used for a recreation area at The Preserve. Solicitor Kauffman was to provide an interpretation of the code.

- Solicitor Kauffman noted the idea is a developer comes in, builds homes and new people move into the Township. The code requires that there are recreational facilities to accommodate the additional people. The builder has the choice of either providing a recreational area or provide money to the Township to do so in a way it sees fit to accommodate the additional people. To have the builder request that the money be used to develop a park in the new development can be done, but having a Homeowner's Association, creates an issue of whether it want to have that park accessible to the public, which is a requirement of the code. If it is built by the developer, then it is responsible for the maintenance. If the Township builds it, then it is responsible for the maintenance. Accommodations have to be made for Township trucks and employees to come in for maintenance. He felt that the best solution would be for the developer to set aside land in the area, build a park and then maintain it. If not, then the Township would need to expand its park to accommodate the number of people from the development.
- Ms. Kennerdell noted it was her understanding that you either build the recreation area; and it does not say who it is open to; or the other option is to pay the fee. Keystone paid the fees because the plan could not be recorded without paying the fee. The plan already has a path on it for recreation and she did not understand why the fee had to be paid to get the plan recorded.
- Mr. Phillip noted that Ms. Kennerdell's example would be that the land would be retained and owned by a Homeowner's Association. The way the code reads is you either dedicate land to the Township, which then becomes the Township's property and a park, or you pay a fee. The recreation facilities being proposed are solely for the use of members of the Homeowner's Association. Will the Homeowner's Association allow other members of the community to use the area; if so, then the funds can be used to develop the recreation area.
- Discussion was held on recreation areas and whether they have to be active or passive, dedication of land and the ordinance.
- Mr. Rish noted if the money was given to The Preserve to develop a recreation area, there could be an agreement that would allow the area to be open to the entire Township. Mr. Phillips agreed but noted the Homeowner's Association would have to agree to it and be willing to take on the liability issues.
- Discussion was held on the code and it was noted that a private area could be built; however there has to be an agreement to hold harmless the Township for any liability and creates some vehicle where it is put into private reservation and maintenance. Mr. Phillips noted that the return of the fee is being requested and if it is returned, there has to be a guarantee of private reservation and maintenance of park land and would have to be done through an agreement.
- Ms. Kennerdell noted the land could stay in the private ownership of the Homeowners Association, but an agreement would have to be entered into with the Township to guarantee that it be maintained. They would not have to let the general public on the park area. Mr. Phillips was not sure he agreed with Ms.

Kennerdell and would have to research the issue. He noted that when the MPC discusses park land, it refers to land opened to all residents.

- Mr. Espenshade noted that he did not have a problem with returning the money back but a recreation plan would have to be presented to the Township.
- Discussion continued.

### **FORESTRY ORDINANCE**

Mr. Marshall noted the information has been put into ordinance format. The only change is about damage to Township roads and holding the landowner responsible. It was discussed previously about seeing excess weight on a truck and calling the State Police. Mr. Marshall spoke with Mr. Longreen about calling the State Police and he indicated that it has been done in the past and they are responsive to those calls. This gives the Township the tool to deal with damage to roads, and if there are roads that are too light for heavy loads, weight limits can be put on them.

- Discussion was held on the ordinance and duplication of requirements in the existing ordinance and DCCD requirements.
- **Mr. Marshall made a motion to forward the ordinance to DCPC and the Township's Planning Commission for review. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

### **NEW BUSINESS**

#### **BEN NOLT – REQUEST FOR WAIVER OF LAND DEVELOPMENT PLAN**

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

- Mr. Marshall asked how steep the property is. Mr. Nolt noted it is relatively flat.
- The Board reviewed the request.
- **Mr. Rish made a motion to grant the waiver of a land development plan but stormwater management issues still have to be addressed. Mr. Marshall seconded the motion.** Mr. Espenshade asked how much coverage existed on the property with the other structures. Mr. Nolt did not know the footage but there are 3 other barns and a house on the property. Mr. Shutt noted there are approximately 10 acres left on the property and the ground flows towards a small creek and water is not running on to other properties. **The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

#### **TRANSFER TAX ORDINANCE**

Mrs. Casey noted that the County has requested the Township's real estate transfer tax ordinance be updated since it has not been done so since 1966. She will have an ordinance prepared for review the next meeting.

#### **DCED CHART OF ACCOUNTS**

Mrs. Casey commented that at the end of 2006 DCED updated the Chart of Accounts. She requested approval from the Board to start using the new Chart of Accounts.

- **Mr. Marshall made a motion to allow Mrs. Casey to use the DCED revised version of the Chart of Accounts. Mr. Rish seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

### **ZONING DECISIONS – TRAINING**

Chairman Beudet noted she would like to attend this training class which is in New Cumberland. She would also like Mrs. Casey to attend and suggested that if any members of the Planning Commission would like to attend they should do so. The course will talk about some of the zoning decisions about managing growth, land use changes, etc.

- **Mr. Rish made a motion to allow Chairman Beudet and Mrs. Casey to attend the training course and invite any Planning Commission Members or other Supervisors to attend. Those additional individuals should let the Board know by the next meeting for approval. 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**

Chairman Beudet noted that the latest tax bills have been mailed and she was approached by 2 people in the Township who needed help with tax reassessment. An individual from the County asked if they could use one of the rooms to meet with the individuals so that they would not have to go to Harrisburg.

- By general consensus of the Board approval was granted to use a room in the building.

### **BUSINESS FROM THE PUBLIC**

Richard Schock asked how the tables and chairs were bought the first time. Mr. Longreen thought they were bought through the Autumn Leaves organization and were purchased at Ollies. Mr. Schock asked what the new tables and chairs would cost. Chairman Beudet noted that it was around \$10,000.00. Mr. Schock suggested looking at Costco. Mr. Longreen noted purchasing a table from Costco would not be the same quality as the proposal. The renters cannot handle the weight of the existing tables and therefore they get dropped and the corners get broken. The Township needs tables that are more durable and lighter and they will cost more.

- Mr. Schock suggested doing an RFP. Mr. Longreen noted that the equipment would be purchased via piggyback with the State and he did not feel that you would find the quality of table at a cheaper price. Mr. Schock still felt the cost of the tables should be investigated.
- Mr. Espenshade noted that the requirement of a smooth top table will limit where they can be purchased.
- Discussion continued on the tables.

**Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 8:52 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