

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
November 20, 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; 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.

A PUBLIC HEARING WILL BE HELD AT 7:30 PM FOR RESOLUTION 2007-16 – TRANSFER OF LIQUOR LICENSE FROM HARRISBURG TO NINO’S CAFÉ, 10303 MOUNTAIN RD., GRANTVILLE, PA.

APPROVAL OF THE MINUTES FROM NOVEMBER 7, 2007

Mr. Shutt made a motion to approve the November 7, 2007 minutes as written. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.

Expenditures:

General Fund	\$ 24,049.07
Operations and Maintenance	\$ 5,581.90
Park and Rec	\$ <u>1,084.12</u>
Total	\$ 30,715.09

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

Receipts

General Fund	\$175,868.41
Operations & Maintenance	\$ 6,632.00
Park and Rec	\$ 134.00

Available Funds

General Fund	\$ 736,989.57
Operations & Maintenance	\$ 211,039.82
Street Light	\$ 5,749.25
State Fund	\$ 295,235.14
Public Sewer Fund	\$ 3,911.42
Park and Rec Fund	\$ <u>178,144.27</u>
TOTAL	\$1,431,069.47

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

REPORTS

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

No report.

ENGINEERS REPORT – ROGER PHILLIPS

Mr. Phillips commented that a motion is needed to close out the contract for Fulkroad for the S. Meadow Lane Bridge. The final payment is \$6,002.18.

- **Mr. Rish made a motion to approve the final payment in the amount of \$6,002.18 to Fulkroad. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

ERIC EPSTEIN

Mr. Epstein noted that he provided Mrs. Casey with a schedule of upcoming meetings.

- A meeting was held with Representative Marsico, The County and the County's legal representatives. The signing of the Memorandum of Understanding and the appointment of the Advisory Council should take place by the end of the year.
- On December 5th a meeting will take place with the Susquehanna River Basin Commission at Franklin and Marshall College.
- Mr. Epstein felt that a preliminary MOU will be provided to the Township for review by December 4th.
- Discussion was held on the Advisory Council. Mr. Epstein noted that East Hanover Township will have 2 positions on the council. The Council is for advising on the 4.5 million that is earmarked for County grants. There are other funding streams that East Hanover Township may apply for.
- Mr. Rish asked about the breakdown of the funding streams. Mr. Epstein noted that issue is still being worked on and he hopes to have the information to the Board by the end of November.
- Mr. Marshall commented that the Board only has 2 more meetings before the end of the year to vote on the MOU. Mr. Epstein felt that if the Board was not comfortable with the MOU, it would not have to sign off on it. He also noted that what is being proposed for the agreement is a 4 year term that can roll over.

UNFINISHED BUSINESS

STORMWATER MANAGEMENT - THOMPSON

The inspection information has been provided to the Board.

VILLA ROSA/ NO LEFT TURN

No report.

FORESTRY ORDINANCE 2007-06 – SET PUBLIC HEARING DATE

Chairman Beaudet noted that a date needs to be set for a public hearing.

- Mr. Marshall commented that Chairman Beaudet had wanted to investigate some issues regarding the proposed ordinance. Chairman Beaudet noted that the issues should be discussed at a public hearing.
- Mr. Rish had concerns about having a public hearing before all the issues were worked out between the Board. Chairman Beaudet noted that if changes were made to the ordinance at the public hearing, then it would have to be re-advertised.
- **Mr. Espenshade made a motion to advertise for a public hearing on December 18th at 7:30 PM. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

HUMANE SOCIETY 2008 AGREEMENT

Mrs. Casey reported that she spoke with Amy Kaunus, Executive Director of the Humane Society regarding the agreement; billing on a monthly basis and the Township only paying \$3,900.00. Ms. Kaunus indicated that they did not have enough resources to bill on a monthly basis and that sending a payment in an amount less than what was in the contract was not acceptable. Either the Township pays what is in the contract or there would not be service.

- Mr. Marshall felt that what is being requested would end up being a profit for the Humane Society based on the number of animals that have been turned in over the past couple years. Mrs. Casey noted that Ms. Kaunus indicated that if the number of animals collected were less than anticipated, then next years rate would go down. The Humane Society also agreed to provide a quarterly break down of the number of animals collected from the Township. Discussion continued on the subject and the increased costs.
- Mrs. Casey noted that if the Board chooses not to enter into the contract, then if a resident contacts the Humane Society regarding a stray, it will not provide service unless the resident agrees to pay for it.
- Mr. Rish questioned as to why they could not bill monthly since they have agreed to provide a quarterly report. It would seem obvious that they are keeping track of the number of animals from each Township.
- Mrs. Casey commented that she e-mailed South and West Hanover Township's to see what they were going to do but had not yet heard back from either Township. Discussion was held on who regulated the Humane Society. It was noted that there was no regulation.
- Mr. Marshall commented that there needed to be something to justify the money being provided to the Humane Society.
- Mr. Espenshade felt that the Humane Society is trying to get caught up on its expenses and is charging the municipalities the average cost until it does so.
- The agreement is tabled until Mrs. Casey hears from the other municipalities.

CODIFICATION OF ORDINANCES

Information has been provided to the Board. General Code and Keystate are the 2 companies being considered.

- Chairman Beaudet noted that she looked at both companies websites and felt that General Codes searching capabilities were easier to navigate.
- Mrs. Casey commented that she spoke with representatives of both companies and felt that the ease of searching for keywords was better with General Codes than Keystate. However, the cost difference is considerably lower for Keystate than General Codes. Keystate is also a relatively new company.
- Discussion was held on the subject.
- Mr. Espenshade felt that General Code package provided more than Keystate's which is why the cost is more.
- Mr. Phillips commented that he has experience with General Code and felt that it provides good service.
- **Mr. Espenshade made a motion to use General Code for the codification of the Township ordinances at a cost of \$15,950.00. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

SURVEYING OF TOWNSHIP PARK GROUNDS

Mr. Espenshade commented that the Park and Rec Board has been discussing the new building and it was discovered that survey markers are not present on the park property. Mr. Longreen recommended that the properties be surveyed to ensure that the Township knows where the lines are. Mr. Espenshade agreed and would like to have someone survey the grounds. This will determine what the Park and Rec Board can do with the property.

- Mr. Marshall asked if the proposal was for the whole park. Mr. Espenshade felt that it would only need to be done for the back line between Mr. Geesaman's property and the back corner. Discussion will be continued after the public hearing.

7:30 PM - PUBLIC HEARING FOR RESOLUTION 2007-16 – TRANSFER OF LIQUOR LICENSE FROM HARRISBURG TO

Solicitor Kauffman noted that it is 7:30 PM and a public hearing has been scheduled for Resolution 2007-16 which is a resolution for a transfer of a retail dispensing license into East Hanover Township. It is a license which previously existed in the city of Harrisburg. The public hearing has been properly advertised and it is the time and place for the hearing.

- Joe Circillo, attorney representing Nino's Café and Teresa Randazzo, owner of Nino's Café at 10303 Mountain Rd. were present. The request is to allow the retail dispensing of beer. This is a beer only dispensing license, not a full liquor license. This is a transfer of the beer license from the Spot in the city of Harrisburg. Attorney Circillo asked for approval of the resolution so that Nino's Café can go forward with the purchase of the license and obtain the appropriate approvals from LCB.
- There was no public comment.
- There were no questions from the Board.

- Solicitor Kauffman asked if the Board wanted to take the issue under advisement. Chairman Beaudet noted that the Board could vote on the issue at this time since it is a public hearing.
- There was no motion for Resolution 2007-16.
- Solicitor Kauffman noted that the public hearing is concluded.

CONTINUATION OF DISCUSSION ON THE SURVEYING OF TOWNSHIP PARK GROUNDS

- **Mr. Shutt made a motion to give Mr. Espenshade the approval to make arrangements to survey the park grounds.** Mr. Espenshade asked if the Board wanted him to provide costs. It was noted that it needed to be done. **Mr. Rish seconded the motion.** Mr. Marshall suggested that costs did not need to be provided to the Board but indicated that Mr. Espenshade should check with entities in the Township for the surveying. Discussion was held on the setting of pins and monuments. **The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

NEW BUSINESS

KTHL AGREEMENT

Chairman Beaudet noted that she reviewed the notes from an Executive Session and there was a consensus from the Board to use KTHL for the response to the SRBC regarding Penn National. This should have been ratified at an earlier meeting but Chairman Beaudet did not have it put on the agenda. She is requesting ratification of the agreement.

- Mr. Rish asked if there is a written agreement. Chairman Beaudet noted there is and it has been signed. Mr. Rish had concerns that the agreement was signed before there was a vote on it by the Board. Chairman Beaudet felt there was not time after the Executive Session and before the next meeting for the agreement to be approved. Mr. Rish did not recall that it was a consensus of the Board to hire the individual. He noted that one member of the Board who had dealings with the individual was not confident that he was the person to hire.
- Mr. Marshall noted that member that was not confident was himself. He was confident that he could write the letter to the SBRC but not in other areas. Mr. Rish did not feel that there was an urgency to have the letter written before a regularly scheduled meeting to ratify the decision to hire the individual. There was no time line from the SBRC and the scheduled meeting is not until December 5th.
- **Mr. Rish made a motion not to ratify the agreement since it was signed prior to a public vote. The motion died for lack of a second.**
- Mr. Marshall noted that the issue was discussed at an Executive Session and the individual that wrote the letter was going to be out of the country for a short time. He did not feel that this should be a common practice, but it was discussed at an Executive Session.
- **Mr. Marshall made a motion to ratify the agreement. Mr. Shutt seconded the motion.** Mr. Rish noted that the Sunshine Law requires that any decisions

made at an Executive Session be voted on at a Public Meeting. Chairman Beaudet noted she missed putting the issue on the agenda for the next public meeting. **The Chairman asked for public comment; there was none. The motion was approved 4 in favor, Chairman Beaudet, Mr. Espenshade, Mr. Marshall and Mr. Shutt; 1 opposed, Mr. Rish.**

ORDINANCE 2007-09 – LST ORDINANCE – SET PUBLIC HEARING

Mrs. Casey reported this is a revision of the Occupation Privilege Tax (OPT) ordinance. The State has changed the name of the tax from OPT to EMST (Emergency Services Tax) and now to LST (Local Services Tax). With the original law, the State allowed Townships to charge \$52.00 for the tax. East Hanover Township's tax will remain at \$10.00. Act 7 passed in 2007 changed the name of the tax and has made changes to the law, one being that the minimum salary be at \$12,000.00 and the other being if a Township chooses to have the tax at \$52.00 that it is taken out on a weekly or bi-weekly basis depending on payroll. East Hanover Township employers will be required to take it out in one lump sum since the tax is only \$10.00. The Township's existing ordinance is from 1979 and the limit on earnings is only \$1,000.00. The ordinance needs to be passed by December 31st and needs to be advertised for 3 consecutive weeks before the public hearing.

- Discussion was held on the subject.
- **Mr. Rish made a motion to advertise for a public hearing on Ordinance 2007-09 on December 18th after the hearing for Ordinance 2007-06. Mr. Marshall seconded the motion. The Chairman asked for public comment.** Keith Oellig asked if he was correct in his understanding that the limit for withholding the tax was \$12,000.00. It was noted that he was correct. **The motion was approved 5 in favor, 0 opposed.**

DERRY TOWNSHIP AMENDMENT TO COMPREHENSIVE PLAN

Chairman Beaudet noted that Derry Township is requesting an amendment to its Comprehensive Plan and is asking for comments from East Hanover Township.

- It was noted that the area of change is not contiguous to East Hanover.
- By consensus of the Board, Mrs. Casey will send a letter to Derry Township indicating that it has no objections to the zoning change.

COUNTY REQUEST TO HIRE A CONSULTANT TO ASSESS CASINO

Mrs. Casey reported a letter was received from Steve Howe of the Dauphin County Tax Assessment Office. The Tax Assessment Office is trying to figure out how to assess the Casinos at Penn National. Since Dauphin County has no experience in this type of property, it has decided to contract out to a consulting firm that has experience in assessing this type of facility. The letter was also sent to the Lower Dauphin School District and the Dauphin County Commissioners. The cost would be shared by the County, School District and the Township, and would be based on the millage rate.

- Eric Epstein commented that when the State switched from PURTA to revenue neutral reconciliation the value of a property is now not how much revenue it generates from a property. It now may be how much a property is worth vs. the revenue it generates so there's a potential for a legal case.

- Discussion was held on the subject. Mr. Epstein felt that the Township should probably go ahead with the assessment but there may be a legal cost down the road if the entities try to assess the value and Penn National then tries to fight the assessment.
- Mr. Phillips noted that any litigation would be through the County Board of Assessments. The end result would come back to the Township and it may want to seek representation. Discussion continued.
- Mr. Marshall felt that the value of the improvements should increase the assessment.
- Mr. Epstein felt that the company the County wants to contract with is an excellent entity and the Township should go ahead with the contract.
- Mr. Rish noted that the decision to be made is agreeing to go with asking for a proposal from the company. A scope of work has not yet been set. The scope could be to set the value and then help the entities defend the assessment. Then the Township would be tied to the agreement.
- Mr. Marshall felt that it would be in the Township's best interest to have the property reassessed.
- Mrs. Casey noted that the scope of work has not yet been determined. What the Tax office is asking is whether or not the Township wants to participate. Mr. Marshall felt that the Township should participate but before a final decision is made, the Board needs to see a proposal.
- **Mr. Marshall made a motion to participate in the assessment of Penn National Gaming, but not be bound to it until the Township has a copy of the scope and that the agreement between the County and the entity is reviewed and then agreed to. Mr. Rish seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

SAUFFLEY REQUEST FOR HIDDEN DRIVEWAY SIGN

There was no one present to represent the request. This will be discussed at the next meeting.

PLANNING COMMISSION

The Board of Supervisors has the report from October.

- Chairman Beudet noted that Chris O'Neil has submitted his resignation from the Planning Commission.
- **Mr. Rish made a motion to accept Chris O'Neil's resignation letter. Mr. Marshall seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**
- Mike Webb has agreed to join the Planning Commission. He has a degree in Chemistry and Physics and worked for the Commonwealth for 35 years as an analytical chemist for DEP. He was also involved with Emergency Response for DEP as a liaison officer. He ended his career with the State as Division Chief in charge of the organic chemistry biological services and radiation measurements division. He has also been a resident of the Township for 33 years and is retired.

- **Mr. Espenshade made a motion to appoint Mr. Webb to the Planning Commission to fill Mr. O'Neil's position, Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

COPIES FOR LARRY SPITLER

Chairman Beaudet noted that Mr. Spitler has been declared the winner of the November election and she would like to start providing him with copies of the correspondence, with exception of legal correspondence.

- By consensus of the Board, Mr. Spitler will start receiving copies of correspondence.

OTHER BUSINESS FROM THE BOARD

Chairman Beaudet noted that a Cub Scout Pack was in attendance at the meeting and thanked them for coming.

A joint workshop meeting was held with the Planning Commission and the Board of Supervisors. Two committees were formed, one for zoning and the other for water and stormwater.

Chairman Beaudet noted that the agreement with Mr. Epstein for the MOU needs to be signed.

BUSINESS FROM THE PUBLIC

David Craig welcomed Mr. Webb to the Planning Commission and asked if the administrative staff could get copies to the ordinances and plans to him as soon as possible.

Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 8:11 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