

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
September 18, 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 7:02 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.

A PUBLIC HEARING WILL BE HELD AT 7:30 PM FOR PROPOSED ORDINANCE 2007-07, WHICH REVISES ORDINANCE 1966-02 RELATING TO REAL ESTATE TRANSFER TAX

APPROVAL OF THE MINUTES FROM SEPTEMBER 4, 2007

Mr. Rish made a motion to approve the September 4, 2007 minutes as written. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.

Expenditures:

General Fund	\$ 56,080.79
Operations and Maintenance	\$ 11,874.38
Park & Rec	<u>\$ 2,279.81</u>
Total	\$ 70,234.98

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	\$ 35,353.06
Operations & Maintenance	\$ 11,252.00
Park & Recreation Fund	\$ 199.00

Available Funds

General Fund	\$ 665,757.91
Operations & Maintenance	\$ 222,844.02
Street Light	\$ 6,012.49
State Fund	\$ 311,196.64
Public Sewer Fund	\$ 3,896.06
Park and Rec Fund	<u>\$ 175,905.49</u>
TOTAL	\$1,385,612.61

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

REPORTS

WASTE MANAGEMENT – TOM STANG

Tom Stang, who oversees Municipal Contracts for Waste Management, was present at the meeting to address any concerns that the Township or residents might have with trash removal.

- Mr. Espenshade noted that he was pleased that the people who pick up his recycles leave the can by his sidewalk and not just thrown in the yard.
- Mr. Marshall noted that he had no complaints but had received one from his neighbor. The pickup day was changed for the area and some of the days were missed. The individual tried to call the number on the bill but received no response. The trash was then picked up the next day.
- Larry Suhr noted that an elderly resident who lives on the west end of Grantville often finds her recycle can across the street. She has a difficult time getting around and has a problem getting the can sometimes. Mr. Stang noted that he would check into the matter.

PARK AND RECREATION – JANET ESPENSHADE

- The Tai Chi class and Senior Craft class is going well.
- Park Day was not as successful as planned and the Park and Rec Board will work on it for next year.
- A request was received from Dan Casey of the Lower Dauphin Soccer Association regarding the purchase of some soccer equipment for the fields. The cost will be around \$4,500.00. It will be taken out of the Park and Rec budget. The equipment is a line painter and paint; flip over wheel set, field markers, 2 nets, 4 benches and corner sets.
- **Mr. Shutt made a motion to allow the Park and Rec Board to purchase the equipment. Mr. Rish seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**
- Mrs. Espenshade asked permission to attend a DNCR conference on October 15th and 16th. It is at the Holiday Inn and the cost is \$99.00 for the one seminar and \$89.00 for the other. **Mr. Marshall made a motion to allow Mrs. Espenshade to attend the conference. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed..**

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

- Mr. Longreen noted that the contract for the uniforms is. The Public Works department is pleased with the service and the uniforms. The price will be slightly reduced if a new contract is signed. By consensus of the Board, the Township will continue with the current uniform company.

- Mr. Longreen walked the sewer line today and Hamersley has done more than what he expected as far as completion of the outstanding items. He is satisfied with the work. He also has a release from the Allen's regarding the work that has been done on their property.
- Mr. Phillips noted that once the reports are received from his inspector, he will process the paperwork to close out the contract with Hamersley.

CODES AND ZONING – DAVID SMITH

Copies of the Zoning, SEO and UCC reports for August were provided to the Board at the September 4th meeting. There were no questions regarding the reports.

ENGINEERS REPORT – ROGER PHILLIPS

- Mr. Phillips noted that in addition to closing out the contract with Hamersley, he will work with Mrs. Casey to complete the final paperwork to close out the final payment with PENNVEST.
- Request No. 4 for a reduction in its letter of credit has been received from Keystone Custom Homes in the amount of \$183,683.10. Mr. Phillips has authorized the reduction.
- **Mr. Marshall made a motion to reduce the letter of credit for The Preserve at Bow Creek in the amount of \$183,683.10. Mr. Rish seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**
- Mr. Phillips noted that a letter went out to the contractor for the Meadow Lane Bridge with a list of around 5 items that need to be completed. \$6,000.00 is being withheld until the work is complete.
- Mr. Phillips is in the process of finalizing an outline of a dedicated needs study. The final form should be completed by the end of the week. The outline is a list of items that he feels the Township should look at, prioritize and apply costs to.

KEYSTONE CUSTOM HOMES – THE PRESERVE AT BOW CREEK – STEVE QUIGLEY

Steve Quigley of H. Edward Black & Associates was present to represent Keystone Custom Homes.

- Mr. Quigley requested permission to modify the cover page for Phase 1, a mistake was found on the cover sheet while Mr. Smith was reviewing it for permitting. Mr. Quigley explained that the area for single family attached housing has 30 foot for all of the setbacks which is incorrect. The Township's solicitor and zoning officer reviewed the issue along with minutes and it was found that the setbacks was a typographical error and should have matched the single family dwelling setbacks. The change has been made to the cover and it is being requested that the new page be approved and recorded.
- **Mr. Marshall made a motion to allow Keystone Custom Homes to submit the proper cover page. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

MEMORANDUM OF UNDERSTANDING (MOU)

Chairman Beaudet noted that a draft MOU with the County for the slots money has been created and is requesting that it be submitted to the County for review.

- Mr. Marshall felt that the Township needs to start working with the County.
- **Mr. Marshall made a motion to start the process of a Memorandum of Understanding with the County. Mr. Shutt seconded the motion.** Mr. Rish was not clear as to where the MOU came from and is not sure this is the proper way to do this. He does not know if discussion has been held with the County and whether or not it is interested in having a memorandum of understanding, or if the County is planning on doing what is recommended by the Advisory Board. He has not had any contact with the County or been informed of any contact the Township has had with it. Mr. Espenshade asked if this was just a place to start. Chairman Beaudet noted it was and will be backed up with a dedicated needs study. Mr. Espenshade noted that in some of the discussion held with the County Commissioners, this has been talked about but no action was taken. He is ok with the MOU if this is the first step. Discussion was held on the subject. Mr. Marshall noted that he had been at a County meeting shortly after he was on the Board and all 3 Commissioners indicated that they were interested in some sort of a MOU with the Township. Discussion continued. **The Chairman asked for public comment.** Keith Oellig asked who is in charge of the communications between the Township and the County, what is a MOU, and if there are any costs involved. Chairman Beaudet noted that a MOU is an agreement between the County and the Township of additional funds over the \$500,000.00 the Township will receive. The Township has created a MOU that indicates what it needs financially as a starting point. A dedicated needs study will be done to identify the infrastructure that is inadequate to handle the casino. This needs to be in place before the money starts coming out of the casino. One of the issues will be to have an annual dedication to a designated fund, and it is hoped that it will be adjusted annually by the rates of inflation. **The motion was approved 4 in favor, Chairman Beaudet, Mr. Espenshade, Mr. Marshall and Mr. Shutt; 1 opposed, Mr. Rish.**

PUBLIC HEARING FOR ORDINANCE 2007-07 – 7:30 PM

Solicitor Kauffman noted that it is the time and place advertise for the public hearing on Ordinance 2007-07 which is enacting a realty transfer tax. Chairman Beaudet noted that the ordinance amends Ordinance 1966-02.

- Keith Oellig asked what the rate would be.
- Mrs. Casey noted that it was 1% which is the same as the 1966 ordinance. This ordinance is just bringing the ordinance up-to-date with the State Laws.
- Solicitor Kauffman noted that there is no change in the ordinance; it is just being put into an updated form.
- **Mr. Marshall made a motion to approve Ordinance 2007-07. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Solicitor Kauffman noted that the public hearing was closed at 7:34 PM.

ERIC EPSTEIN/ANDREW STEIN

Chairman Beaudet noted that she informed the Board by e-mail that there has been help with the MOU from Eric Epstein. She felt that the Township needs to bring someone on board that can help, as a consultant on an as needed basis, with items that the Board and staff does not have any experience with.

- Eric Epstein commented that most people know him from Three Mile Island and Reform. He has been doing economic development since 1992 and presented the Board with a paper on EFMR monitoring. His group has signed a number of agreements with major utilities and has been responsible for reducing electric rates in certain areas. His organization is non-profit. They have also consulted for the County by doing the property tax evaluation for TMI. Chairman Beaudet had contacted him for advice on a MOU which he has done in the past. His expertise is in economic development and rate structure. EFMR provided the financing for the Greater Middletown Economic Development Corporation and other issues without any fee. He felt that East Hanover received a bad deal with the legislation for the slots. He has informally pressed the issue with legislatures just based on fairness to the Township. The County has expressed interest in a MOU and he felt that the Township has a partner with the County. However; the County has indicated that it will need some sort of a needs assessment from the Township. He felt that there is an ability and willingness for the Township to partner with the County at this time. He worked with Chairman Beaudet on the MOU and felt that an arrangement could be worked out with the County for an annual flow of money well above the \$500,000.00 that is currently allotted. In addition, it is suggested that an external segregated fund be established for sewage and water needs. He is suggesting that his firm's expertise be combined with the Township's needs. The value that his firm brings is the financial expertise, economic development, and the ability to work with the County and the Township. If the MOU is done correctly, it should not have to be redone every year. Once the Township determines what its requirements are, it needs to be taken to the County so that it can respond and structure some kind of settlement. There is also the Advisory Panel in which East Hanover will have 2 seats. His firm would like to help the Township work its way through this process.
- Andy Stein noted that the Township does not know what will happen with the slots. There are a lot of things that need to be looked at and suggested that the needs assessment be done and then a review of the Township's budget to see how the casino will impact different line items. One of the items that needs to be looked at is that the Township's taxpayers are not giving welfare to a casino, and also that the Township has control over its destiny.
- Mr. Shutt asked if the Fire Co. could be tied in with the MOU. Mr. Stein noted that they could be tied in with the agreement and that a review of Township's services would need to be done. The draft MOU is just the start of an intention to move forward with the County to develop a binding agreement.
- Mr. Epstein noted that the MOU can include anything the Township wants. The County is looking towards the Township for direction. He felt that the County has been impressed that the Township is not asking for the entire \$10,000,000.00 and that the Township is fiscally frugal. He noted, however, that the Township

needs to be judicious with the recognition that it cannot anticipate everything. Items need to be prioritized.

- Mr. Stein felt that this is the time to brainstorm and determine everything that will affect the Township across the board with the casino.
- Discussion continued on the subject.
- Mr. Epstein noted that their fee would be \$100.00 per hour. They do not work on retainer. There would be a lot of hours and expertise required, but a cap could be put on the number of hours. They would work with the Township's solicitor to come up with an agreement. The Township needs to be the driver of the project.
- Larry Suhr felt that everyone is looking at the Township as if it's hit the lottery. The Township has not yet seen any money from the slots and thought that Mr. Epstein is indicating that he is going to give the Township that lottery money. Mr. Epstein does not view the MOU as giving the Township lottery money. He views it as a means to minimize the impact on the Township by obtaining funds to help with the costs of a casino, and at the same time, not penalizing the taxpayers of the Township for those costs. His firm has the expertise to help the Township to do that. It is the Township's decision as to whether or not it wants to hire his firm. He noted that if there is no money coming into the Township from the casino, then his firm would not charge until that money comes in. A cap would have to be put on the costs and then everything would be submitted on a monthly basis. Mr. Epstein requested that the Board speaks with one voice and not everyone calling with different opinions.
- Chairman Beudet felt that the Township needs a degree of expertise that the Township does not have. This would be done on an as needed basis.
- Mr. Marshall felt that there should be a majority of an agreement with the Board to contact the consultant. It should not just be one Board member.
- Solicitor Kauffman noted that Mr. Epstein was just at the meeting to make a presentation. A decision to hire could be made later and the details worked out. The issue at hand is to decide whether or not the Township wants to pursue a MOU with the County.
- Discussion continued on the subject.
- It was noted that a point of contact would need to be determined for the Township if it should chose to use the services. If someone would have a question, they would be free to contact the consultants, however, when a decision needs to be made, it should be a Board decision and no other concerns from other individuals should be presented.
- Mr. Epstein noted that when a needs assessment is done, there will be unanticipated costs. The County now needs specific information from the Township which is the needs assessment. He felt that there are 3 County Commissioners that want to work with the Township. No one wins if the Township is under funded and it fails.
- Mr. Shutt felt that the Township needed to consider the services of Mr. Epstein and Mr. Stein since it will need more funds that the current legislation will provide.
- **Mr. Shutt made a motion to enlist the services of Mr. Epstein and Mr. Stein. Mr. Espenshade seconded the motion. The Chairman asked for public**

comment, there was none. The motion was approved 4 in favor, Chairman Beudet, Mr. Espenshade, Mr. Marshall and Mr. Shutt; 1 opposed, Mr. Rish.

- Mr. Shutt noted that times have changed and the Township now needs to operate differently than it has. The Township needs help from others who have the knowledge that the Township does not have.

UNFINISHED BUSINESS

STORMWATER MANAGEMENT - THOMPSON

Mr. Phillips noted that his inspector did a preliminary inspection the last time it rained. An updated inspection report will be issued.

VILLA ROSA/ NO LEFT TURN

No report.

FORESTRY ORDINANCE

This is still with the Planning Commission

GYPSY MOTH SUPPRESSIOIN PROGRAM

Mrs. Casey noted that she spoke with Eric Meguski regarding the acreage that will be involved with the possible spraying in the Township. That acreage is not available at this time. October 1st is the due date for indicating to DCCD that the Township is willing to participate in the program. If the Township does not participate in the plan, then the residents can't participate in the plan.

- Mr. Marshall noted that it is his understanding from previous years that the Township did participate in the program; however, the Township was not responsible for the payment of the spraying.
- Mrs. Casey commented that with the current program, the Township will pay for the spraying, and then it is responsible for billing the property owner for reimbursement. Discussion continued on the subject. Mr. Longreen noted that there will be quite a few participating in the program. Mike Benedict from Manada Golf Club contacted individuals along the mountain and requested that they put in for spraying.
- **Mr. Marshall made a motion to approve the Gypsy Moth spraying but not pay the fee. Mr. Rish seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

CIOBAN SUBDIVISION PLAN

This is a final minor 3 lot subdivision plan located on Manada Gap Road.

Waiver Requests

Section 402	Preliminary Plan
Section 403.6.9	Recorder of Deeds Box
Section 602.3	Request for additional right-of-way.

- **Mr. Rish made a motion to grant the waivers. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**
- **Mr. Rish made a motion to approve the plan contingent upon payment of reviewing engineering fees, payment of Park and Rec Fee, approval of planning module by DEP and signatures and notarizations. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

CONSTRUCTION OF SHED AT BALL FIELDS

It was questioned at a previous meeting as to whether or not the Public Works Department labor fees could be paid from the Park and Rec Subdivision fee if they constructed the shed. Solicitor Kauffman noted that he had consulted 4 sources, 3 of the 4 indicated that the costs would be reimbursable. He has not yet heard from the 4th source.

- It was suggested that action be tabled until Solicitor Kauffman obtains the 4th opinion. Mr. Longreen noted that he had planned on starting the construction this week.
- **Mr. Marshall made a motion to allow the Public Works Department to begin construction on the shed and all bills to be paid out of the Park and Rec Subdivision Fee fund contingent upon verification that the labor costs can be paid from the fund. Mr. Marshall noted that if the fees can't be reimbursed, then the labor would still be paid. Mr. Shutt seconded the motion.** Mr. Espenshade questioned the motion and wanted clarification that the Public Works Department would be doing the work either way. It was noted that the work would be done regardless of whether or not the labor was reimbursable from the Park and Rec fund. Mr. Espenshade's concern is that the money is in the fund and that is the money that should be used for the construction. It could end up that the General Fund would be paying for the labor. Mr. Marshall noted that Solicitor Kauffman felt that the money could be used but needed one more clarification.
- Mr. Longreen withdrew the Public Works Department offer to do the buildings and dug outs. This will solve the issue of any General Fund money being used for the project. The Park and Rec Board can put out the job for bid.
- **Mr. Marshall withdrew his motion. Mr. Shutt withdrew his second to the motion.**

Mr. Rish had to leave the meeting at 8:30 PM due to his work schedule.

NEW BUSINESS

REAPPROVAL OF THE PENN NATIONAL PLAN

Mrs. Casey reported that the reviewing engineering fees were received on September 17th, the day the 90 day period for recording expired. She requested re-approval of the plan. There have been no changes to the plan.

- **Mr. Marshall made a motion to re-approve the Penn National Plan. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

LETTER TO ENGLEWOOD AND PARTRIDGE HILLS RESIDENTS

Mrs. Casey noted that quite a few calls have been received from residents asking what is going on with the water tests and sewer connection. She felt that some sort of an informational letter should be sent to the residents of those developments.

- **Mr. Marshall made a motion for the Township to send a letter to the residents updating them of the status of the process. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

OTHER BUSINESS FROM THE BOARD

Mrs. Casey noted that there is a budget workshop on Thursday, September 20th at 6:30 PM.

BUSINESS FROM THE PUBLIC

Brad Sinrod of Waterstone Properties was present. He an equitable owner of a property in East Hanover Township, Lebanon County which is zoned for residential development. The closest water and sewer connections would be through East Hanover, Dauphin County. He has spoken to officials at East Hanover, Lebanon County and they would have no objection to his company seeking sewer from East Hanover Dauphin County. He asked if it would be possible from an engineering, conveyance, capacity, etc. standpoint. His planning process is beginning and he would like to know the availability of sewer and water.

- Chairman Beaudet noted that the Township does not have any public water. At this point in time, on paper, there is no available sewer capacity.
- Mr. Sinrod asked if there are any plans to expand the sewer plant.
- Mr. Phillips noted that the Township is in the process of updating its 537 Plan and recommended that Mr. Sinrod put his request in writing, with the capacity required, and forward it to the Township. The request would be reviewed. East Hanover Lebanon would also have to amend its 537 Plan should the sewer be available in Dauphin County. Engineering and infrastructure needs would also need to be reviewed.

Keith Oellig had concerns about the 537 Plan process. He has interest in property within the Township and one of the problems is sewer. He felt that the Township was leading Mr. Sinrod on if it was going to start accepting sewage from other Townships. Mr. Phillips noted that there is no other way to determine needs within or outside of the Township unless individuals put their requests in. Just because there is a request, does not mean that it will be granted. Mr. Oellig felt that the existing sewer capacity needs to be determined and that the property owners within the Township need to know what the Township stands with capacity and plan from there.

- Chairman Beaudet noted that if Mr. Oellig wants his property made available for sewer, then he needs to make the request to the Township so that it can be considered in the 537 Plan. Discussion continued on the subject.

Richard Schock noted that there were residents that tried to get more capacity in the plant when petitions were taken to political representatives and DEP. Those residents were assured by those representatives that there would be enough capacity. That did not happen. The plant was designed to be increased by 100,000 gallons per day by raising the levels in the tanks. Mr. Phillips noted that minor modifications would have to be done to increase capacity. Mr. Schock noted that he has not seen any desire from anyone to increase capacity. Grantville Holdings is back with a plan for the Hilton Gardens, and there are other people that would like to hookup. He felt that the developers should build their own package plants to accommodate their sewer needs. Chairman Beaudet felt that if developers wanted sewer capacity, it is up to them to pay for it and not the residents of the Township. That is why an Act 209 committee has been created.

Janet Espenshade noted that the next Park and Rec Board Meeting will be held on October 8th instead of October 1st.

Larry Suhr noted that construction was to start on the shed/concession stand and dug outs at the ball fields. Now the Park and Rec Board does not know what to do since the Public Works Department will not be doing the work. There is no one on the Park and Rec Board that is qualified to write up specifications to put the project out to bid. Mr. Smith noted that a building permit would not be needed for an accessory structure since it was less than 1,000 square feet. A zoning permit will be needed. Mr. Suhr asked who would design it and build.

- Mr. Marshall noted that the Park and Rec Board will have to draw up the parameters for the building and then it will have to be put out for bid.
- Discussion continued on the subject.
- It was asked if there was a design for the project. Mr. Suhr noted that there was a design but asked if it was acceptable to the engineer and the building inspectors.
- Mr. Longreen noted that the drawing will not be acceptable to be put out to bid. Something more detailed will need to be developed. Discussion continued.

Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 8:50 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