

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
January 15, 2008**

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Marie Beaudet at 7:03 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, Tom Shutt, and Larry Spittler.

Scott Wyland, Solicitor; Norman Ulrich, Engineer; Charles Longreen, Director of Public Works; and Deborah Casey, Secretary-Treasurer were also present.

This meeting was audio taped. The tapes are strictly for the use of the Secretary for clarification during preparation of the minutes.

There was an Executive Session held at 6:30 PM to discuss legal issues.

**APPROVAL OF THE REORGANIZATION AND REGULAR MEETING MINUTES
FROM JANUARY 7, 2008**

Mr. Marshall made a motion to approve the January 7, 2008 Reorganization and Regular Meeting minutes as written. Mr. Spittler seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.

Expenditures:

General Fund	\$ 28,439.42
Operations and Maintenance	\$ 3,185.89
Park and Rec	\$ <u>1,034.48</u>
Total	\$ 32,659.79

Mr. Marshall made a motion to pay the bills. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.

Receipts

General Fund	\$ 3,166.13
Operations & Maintenance	\$ 7,418.54
Park and Rec	\$ 7,000.00

Available Funds

General Fund	\$ 514,435.66
Operations & Maintenance	\$ 162,957.09
Street Light	\$ 5,345.57
State Fund	\$ 281,744.71
Public Sewer Fund	\$ 3,925.58
Park and Rec Fund	\$ <u>184,899.43</u>
TOTAL	\$1,153,308.04

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

REPORTS

PLANNING COMMISSION – DAVID CRAIG

Mr. Craig reported that Gingrich/Jones had no revised plan and a sketch plan submitted by George Warner had no representation. Mrs. Eppinger will be contacting Mr. Warner to see if the sketch plan will be followed through. There was a presentation on Act 209. Mr. Craig noted that for information on the presentation, individuals should read the draft of the Planning Commission meeting minutes. Act 209 looks at zoning for each area and how it will be built out within a 7 mile area. Any rezoning of the Township should probably be held off since it will impede the progress of the Act 209 Committee. It is Mr. Craig's understanding that the SRBC will be at the next Planning Commission meeting.

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

No report.

ENGINEERS REPORT – NORMAN ULRICH

A report will be provided at the first meeting in February.

ERIC EPSTEIN - EFMR

No report.

UNFINISHED BUSINESS

STORMWATER MANAGEMENT - THOMPSON

No report.

VILLA ROSA/ NO LEFT TURN

No report.

GRANTVILLE VOLUNTEER FIRE COMPANY LAND DEVELOPMENT PLAN

No report.

UPDATE OF PENDING STORMWATER ORDINANCE

The second revision is on the website. The electronic copy the Township received was coded so that changes made to it would not remain in the document. When the ordinance was written, the intellectual property rights were not given to the Township. The document needs to be retyped so that it is a workable document that belongs to the Township.

- Chairman Beaudet noted there is an individual who will retype the ordinance for under \$100.00.
- By consensus of the Board, an individual will be retained to retype the ordinance.

NANCY EHRLICH – WHEELCHAIR DANCE – USE OF BUILDING

Chairman Beaudet noted that she has not yet heard from Mrs. Eppinger regarding the historic use of the building on Friday nights.

VERIZON – CONSTRUCTION ISSUES

There have been some problems in the Township with Verizon's laying of fiber optic cable.

- Mr. Longreen noted that Verizon is putting conduit in the ground for fiber optics. In some areas, it is beyond the Township's right-of-way which is creating some problems. One resident's sewage bed was hit and is now leeching to the surface. There are a few projects left in that area until spring. When spring arrives, Verizon will be working in the Shellsville and Palmyra areas.
- Mr. Longreen contacted Verizon and asked about notification to the residents. It indicated that notification is given via a letter in the door one week before starting. Two to three days prior to the digging, a door hanger is placed on the residents homes. This has been done in some areas.
- Discussion was held on the resident's property whose drain field was dug into. Mr. Longreen noted Verizon has no idea where the drain fields are, especially if they are close to the right-of-way. Verizon was out of the Township's right-of-way when it dug into the resident's property. A representative of Verizon indicated to the resident that it wanted to keep the ditch outside of the existing lines in the area. Verizon has an existing line in the area. There are also some problems with the Township roads that the conduit is being laid in. Verizon bored underneath Pineview and there is now a rise in the road.
- Mr. Marshall looked at the property with the problems with the drain field and felt that it goes to the Township's right-of-way; however, he did not feel that it was right that this happened. The residents need to go to the PUC with these issues, but felt that there should be some way to support the residents. It was noted that East Hanover Township is not the only area where there are problems with Verizon. Mr. Longreen noted the work is subcontracted out and that is some of the problem.
- Mr. Spitler suggested that a letter from the solicitor be sent to Verizon indicating that it needs to let the Township know when work is being done in the area.
- Verizon contact numbers will be put in the next Newsletter and on the website.
- Mr. Longreen noted the 2 individuals that approached the Township regarding their problems have filed complaints with the PUC.
- Chairman Beaudet suggested the Township keep a database with complaints about Verizon and let the PUC know that this information is available.
- Mr. Spitler again suggested that a letter be sent stating the Township's concerns.
- Mr. Shutt asked where Verizon gets its authority over the land owner. Mr. Longreen noted a utility will apply for a highway occupancy permit from the Township to work within the right-of-way. Utilities are governed by the PUC and have the right to work within the right-of-way; if they are out of the right-of-way, then the property owner has the right to stop the work.
- Mr. Ulrich noted there are street opening ordinances that can be adopted which require a permit. Regulations can be established as to what is to be done before

and after a dig. Mr. Longreen noted that the Township currently has ordinances that cover utility digs.

- Mr. Wyland indicated that public utilities can occupy the public right-of-way at no charge, but subject to reasonable regulations of the Township ordinances. You can't ask for unreasonable reimbursements. Once the right-of-way line is crossed, then it is between the property owner and the utility. There are easement agreements in some areas. Discussion continued.
- Chuck Mundy of Englewood commented it's not just the homeowners but the Township that is involved in the issue. When the utility punches under a driveway, it cracks where it meets the Township's roads. He questioned if the Township could get reimbursed for any repairs it needs to make in this situation.
- Mr. Longreen commented that the hump in the road on Pineview will be brought to Verizon's attention. It will be noted the repairs will be made at Verizon's expense and not the Township's.
- Mr. Marshall asked if Mr. Mundy knew of any easement in his development for utilities. Mr. Mundy was not aware of any easements. Mr. Longreen noted most of the utilities were put in before the homes were built.
- Mr. Spitler noted that the issue with the digging and the drain field involved a right-of-way issue. Mr. Longreen commented he does not know if there is a utility right-of-way on the property. The plan for the development would have to be pulled and there is no guarantee it would be on the plan. He knows the dig was beyond the Township's right-of-way.
- Mr. Spitler asked if the existing ordinance can be amended to indicate that the utility has to let the Township know what it is going to do and give the Township the opportunity to visit the site to determine the Township's right-of-way. Mr. Longreen noted when an application is received, there is a sketch drawing as to where the lines will be run. That does not say the line will be put in where the sketch indicates. Discussion was held on the sketch plans and the procedure. Mr. Longreen noted the Township does not have the manpower to be onsite at all times. Discussion was held on inspections of the site.
- Mr. Marshall asked that Mr. Longreen provide the Solicitor and Engineer with copies of the ordinance and the permit for review.
- Discussion was held on the repairs of the roads that have been damaged and who is responsible for the costs.
- Mr. Spitler requested the issue be tabled and information gathered for a decision at the next meeting.
- Chuck Mundy noted that comments were made about non-English speaking laborers. In his neighborhood, there was always an English speaking Foreman who told the laborers where to dig. The laborers were not reading any blueprints. The information that was provided to residents indicated the laborers did not speak English and provided a number to call if there were any questions.

E. CAREN DRIVE - PAVING

The road will be reviewed by the Board in the Spring.

NEW BUSINESS

RESOLUTION 2008-04 – ACT 209

Chairman Beaudet noted that the resolution previously passed has expired. The new resolution will provide a means to the Township wherein taxpayers will not have to pay for development in the Township. It covers Street Lights, roads, etc. Any motion on the resolution will need to include advertisement of the resolution.

- **Mr. Marshall made a motion to adopt Resolution 2008-04 and advertise. Mr. Shutt seconded the motion. The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**

NOTARY PUBLIC – DAWN EPPINGER

Mrs. Casey suggested that Mrs. Eppinger become a Notary so that she can notarize plans. Information is being gathered and will be discussed at the next meeting

CRAWFORD – REFUND OF BUILDING PERMIT FEE

Chairman Beaudet noted this is a request for a refund of a building permit that was not used. The family had some financial problems from identity theft which prevented them from putting the addition onto their home. The original request was not approved. The amount is \$760.00.

- Chairman Beaudet did not know how much time the Zoning Officer at that time put into the permit.
- Mr. Marshall commented when the request first came to the Township, he made the motion to not reimburse the individual based on the previous solicitor's opinion. The permit was sent back and when items are returned, typically, in private industry, a refund is offered. Mr. Marshall recommended there be a 15% or 20% fee taken off the cost to pay for the time the Zoning Officer put into the permit.
- Chairman Beaudet noted the previous Solicitor had concerns about setting a precedent. Solicitor Wyland noted there are concerns about setting a precedent. There are special circumstances of financial hardship with this situation that would warrant consideration. The problem of setting a precedent would be a developer who was unable to complete a development and would want to turn back building permits, sewer permits, etc. If a special exception would be made in this situation, the motion should include that it is reviewed on a case by case basis.
- Discussion continued on the subject.
- **Mr. Spitler made a motion that the fee in the amount of \$760.00 be refunded based on the special circumstances involving the individual and that it be documented in the form of a letter that states all the circumstances with the individual and the crime. Mr. Shutt seconded the motion.** Mr. Espenshade noted the receipt also included the zoning permit. Mr. Marshall noted the receipt was made out to the contractor and not the individual. He had concerns about returning the fee to the homeowner since the contractor paid the fee. Mr. Wyland suggested that documentation should be requested from the homeowner to indicate that it paid the contractor. Mr. Marshall felt there should be

documentation before a vote is taken. **Mr. Spitler withdrew his motion. Mr. Shutt withdrew his second.**

- **Mr. Marshall made a motion to table action. Mr. Spitler seconded the motion.** Mr. Spitler suggested a letter to the individual be sent stating that the Township needs documentation to support the refund. Mr. Espenshade noted according to the letter, documentation was sent to the Township. **The Chairman asked for public comment; there was none. The motion was approved 5 in favor, 0 opposed.**
- Mrs. Casey noted she will check the files for further documentation.

MANADA GOLF CLUB – AMUSEMENT TAX

A letter was received from Manada Golf Club regarding the amusement tax. Penn National no longer has to pay the tax since they do not have a parking fee. The Holiday Inn has to pay the tax when they host entertainment. Manada Golf Club has not had to pay the tax to the School District since 2003 as a result of Act 50. It was noted in the letter it would be unfair for the Manada Golf Club to continue to pay the tax unless Penn National is required to pay a tax for its valet parking when the Casino opens.

- This will be reviewed by the Solicitor.

SCANNER FOR OFFICE

Chairman Beaudet noted the Township needs a scanner for the retention of documents. Mr. Spitler has volunteered to help with the project. The Township needs to purge documents that are allowable by law. Documents will be scanned and stored on disk and the paper documents will be available onsite. The scanner will cost around \$180.00.

- By consensus of the Board, a scanner will be purchased.

MEETING WITH WEST HANOVER – PLANS THAT BORDER EAST HANOVER

Chairman Beaudet noted there are plans in West Hanover Township that could affect East Hanover. One is on Harper Drive and the other is Old Towne Hanover. Representatives of the Township will attend a meeting in West Hanover Township.

OTHER BUSINESS FROM THE BOARD

Chairman Beaudet welcomed Mike Kovach back from Iraq.

There was no other business

BUSINESS FROM THE PUBLIC

Janet Espenshade, Chairman of the Park and Rec Board noted that Connie Perry was hired for the Pre-School Summer Rec Program.

- Mrs. Espenshade noted the Park and Rec Board is ready to hire an individual for a part-time coordinator for around 20 hours per week.
- This will be discussed at the next meeting.

Michael Kovach of Ridge Road thanked the residents of the Township for turning out to the meetings to show their concerns regarding the current and future state of the

community. He recently returned from Iraq and noted that the military is making progress. He presented a certificate to the Township on the behalf of the 193rd Special Operations Squadron. An American Flag was also presented. The Flag flew over a combat mission in Iraq by the crew of the EC130J Commando Solo Aircraft, November 7, 2007.

- Chairman Beaudet accepted the certificate and the Flag on behalf of the Township. She noted the Township graciously accepts the gift and thanked Mr. Kovach and all others for their service to our Country.

Mr. Espenshade made a motion to adjourn the meeting. The meeting was adjourned at 8:10 PM.

Respectfully submitted,

Deborah A. Casey

cc:	Marie Beaudet	Charles Longreen
	David Marshall	Planning Commission
	Keith Espenshade	Light-Heigel & Associates
	Larry Spittler	Posted
	Thomas Shutt	Zoning Hearing Board
	Hawke, McKeon & Sniscak	LTL Consultants
	Curt Cassel	