

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**8848 Jonestown Road, Grantville, PA 17028**  
**May 20, 2008**

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 7:06 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, Tom Shutt, and Larry Spitler.

Scott Wyland, Solicitor; Norman Ulrich, Engineer; Charles Longreen, Director of Public Works; and Deborah Casey 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 LEGAL ISSUES**

**THE BIDS FOR MUNICIPAL SOLID WASTE AND RECYCLING WERE OPENED AT LOWER PAXTON TOWNSHIP ON MAY 7<sup>TH</sup> AT 2:00 PM. THE BID WILL BE AWARDED FOR EAST HANOVER TOWNSHIP AT 7:30 PM.**

**APPROVAL OF THE MEETING MINUTES FROM May 6 and May 8, 2008**

**Mr. Shutt made a motion to approve the May 6 and May 8, 2008 Meeting minutes as written. Mr. Spitler seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Expenditures:

General Fund	\$ 70,273.17
Operations and Maintenance	\$ 8,366.09
Park and Rec	<u>\$ 8,201.22</u>
Total	\$ 86,840.48

**Mr. Marshall made a motion to pay the bills. Mr. Shutt seconded the motion.** Mr. Marshall noted he would like to see KTHL's bills more detailed in the future. Mr. Spitler asked about the EFMR bill, one item looked liked a carry over for Andy Stein. Mr. Epstein noted that would be his bill since September for MOU work. The \$19,000 is for the work on the MOU. **The motion was approved 5 in favor, 0 opposed.**

Receipts

General Fund	\$ 3,261.83
Operations & Maintenance	\$ 5,629.00
State Fund	\$ 500.00
Park and Rec	\$ 650.00

Available Funds

General Fund	\$ 732,728.23
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Operations & Maintenance	\$ 199,049.28
Street Light	\$ 6,662.27
State Fund	\$ 467,727.99
Public Sewer Fund	\$ 3,946.40
Park and Rec Fund	<u>\$ 174,661.09</u>
TOTAL	\$1,584,775.26

## **SIGNIFICANT CORRESPONDENCE**

The Correspondence is available for review during normal office hours.

## **REPORTS**

### **PLANNING COMMISSION – DAVID CRAIG**

The Board has a copy of the report for the Month of April

- Royer Minor Subdivision – The Engineering comments were discussed. There was a request by Mr. Madden for action on the waiver requests. The proper forms were provided for completion. No action was taken on the waivers.
- Seiders Small Flows Treatment Plant – The Planning Commission recommended approval of the module to the Board.
- Gingrich/Jones – no action.
- Grantville Ministerium – Dave Musser represented the Grantville Ministerium. The Planning Commission recommended to the Board of supervisors approval of the Conditional Use based on compliance with listing of the hours and setbacks of the side yards.
- Hilton Garden Inn – A 159 room hotel proposed at the intersections of Station and Ridge Roads. Eric Brinser of Rettew Associates represented the applicant. There were preliminary draft comments provided by the Engineer, Zoning Officer and the County.
- The Component 3M Minor Act 537 Plan update – Chris Hannum and Lisa Sweigert of LTL explained the Component 3M. The Planning Commission recommended approval with the condition the Board looks at alternate tapping fees to alleviate the burden on the Township residents.
- Karen Green of DCPC announced the Freight and Goods Movement in South Central Pennsylvania was issued and passed out copies for review.

### **PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

- Mr. Longreen commented the Township may want to look into purchasing the property at Rt. 743 and Early Mill Rd. since it is up for sale. That may be the only way to get the improvements at the intersection that are needed to get sight distance. If the front porch was removed, the sight distance would improve. The Public Safety Advisory Council has already discussed this. Mr. Espenshade did not feel that was the right opportunity, but would be a start.
- Manada Bottom Rd. is closed due to a bridge. It is supposed to be closed for about a month. Temporary repairs are being made. The bridge will be replaced next summer. This is PennDOT's bridge.

- Mr. Espenshade commented the bridge barrier reconstruction at the bridge on Jonestown Rd. over the Manada Creek looks really good. He was impressed with the construction.

### **ENGINEERS REPORT – NORMAN ULRICH**

- The Royer Minor Subdivision – The applicant has submitted revised plans and they are being reviewed.
- The Preserve at Bow Creek – A drainage problem complaint made by a resident living at the Preserve is being investigated. Also a follow meeting will be held regarding the site deficiencies presented in a March 4<sup>th</sup> letter.
- Triple Diamond – construction is continuing on the hotel.
- Penn National Gaming – minimal construction activities and items remain.
- Funck’s EXXON Station – construction is nearing completion. There were some plan change modifications that are being reviewed.
- Mama’s Pizza – The owner has contacted LTL to provide direction as to what items are outstanding to complete the construction.
- Jonestown Rd. bridge over Manada Creek – the bridge was inspected and a letter will be sent to the Board. A history of inspections was provided in the letter. There are 3 courses of action that can be taken; one is do nothing, one is the repair of the superstructure, and the other is a bridge replacement. The last part of the letter regarded funding.
- Solicitor Wyland noted the ownership of the bridge investigation is continuing. The title abstractors have finished the investigation. A report will be provided.

### **ERIC EPSTEIN**

- Mr. Epstein commented there was a report in the newspaper that he had been hired by East Hanover Township, Lebanon County. This was a miscommunication, and he is precluded from working for a contiguous municipality. He is in a position to work with Lebanon County as the Board directs him, but can’t work for them. It is important the Townships work together to identify issues of mutual interests, which would include the Casino impact, and any funding opportunities that would arise. He noted Solicitor Wyland has worked with East Hanover Lebanon’s solicitor on the gaming rule. EHT Lebanon’s best chance of getting a pro-rata share is to comment on the rule change.
- Solicitor Wyland commented since the consultants have an existing direction of cooperating and helping EHT Lebanon wherever possible, his firm prepared some draft comments on the proposed rule change of the definition of a licensed facility. The changes would restrict it to just the building itself. He felt that was at odds with the legislation since it talks about the acreage of the facility. Those draft comments were provided to EHT Lebanon’s solicitor and offered for its use. He felt providing comments on the rule change would be the most helpful step EHT Lebanon could take regarding the proposed changes.
- Mr. Epstein suggested Solicitor Wyland or someone from his firm physically present the rule. This tends to have more impact than formally submitting it. The other thing that happens with that, is you can monitor if any other

municipality is in the same situation. Solicitor Wyland commented if was alright with the Board, he could ask EHT Lebanon's solicitor if he would like assistant in presenting comments at the meeting.

**7:30 PM – AWARD OF THE MUNICIPAL SOLID WASTE RECYCLE BID**

The Bids were opened at Lower Paxton Township on May 7<sup>th</sup> at 2:00 PM. The board has been provided with the results. The RecycleBank program is not an option since none of the other municipalities chose it.

- Collections shall be Monday through Friday, except for weeks possessing holidays, or in the event of an emergency. The hours of collection are between 6:00 AM and 5:00 PM.
- If there is a change of law that requires the hauler to pay additional fees for the collection or disposal, the hauler may increase the costs for services to off-set the increase in fees. Prior to an increase, the hauler is to submit the increase in writing to the municipality.
- The hauler may increase or decrease the cost to the customer if there is a significant increase or decrease in the cost of fuel. Notification must be provided to the municipality.
- Customers will be allowed to put our 4 bags or containers (36 gallons maximum) per week and 1 large bulk item. For additional bags, extra tags can be purchased.
- The Tag-a-Bag program will remain in effect.

	Bid Comparison		
	Penn Waste	York Waste Disposal	Waste Management
Regular Collection			
Per Quarter			
Year 1	\$53.25	\$61.50	\$64.62
Year 2	\$53.25	\$62.67	\$65.61
Year 3	\$53.25	\$63.87	\$66.72
Year 4	\$53.25	\$65.10	\$68.01
Year 5	\$53.25	\$66.36	\$69.39
Tag A Bag			
Year 1	\$3.50	\$3.00	\$4.00
Year 2	\$3.50	\$3.05	\$4.00
Year 3	\$3.50	\$3.10	\$4.00
Year 4	\$3.50	\$3.15	\$4.00
Year 5	\$3.50	\$3.20	\$4.00
Bulk Item over 1			
Year 1	\$25.00	\$15.00	\$30.00
Year 2	\$25.00	\$15.00	\$30.00
Year 3	\$25.00	\$15.00	\$30.00
Year 4	\$25.00	\$15.00	\$30.00
Transfer Miles	7,529	27,456	28,759

- Solicitor Wyland did a cursory review of the bids and found no problems.
- Mr. Spitler asked who Lower Paxton Township chose. Mrs. Casey noted Waste Management; however, the bids were done differently this year. The haulers were to bid each municipality separately.
- Mr. Espenshade asked if anyone knew anything about Penn Waste. Solicitor Wyland commented in Wormylsburg, there was good experience with Penn Waste.
- Ed Ward of Penn Waste noted the company is based in York right off I83. The company has around 55 to 60 contracts in the Central PA area. They remove waste for Susquehanna Twp, Lower Swatara, Middletown and Highspire in Dauphin County.
- Mr. Spitler asked what a bulk item is. Mr. Ward noted it is a chair, table, household item that can be lifted by 2 people. Construction material is not accepted. Washer and dryers are accepted. If an item contains Freon, the customer would contact Penn Waste so a special truck can be sent. Microwaves will be picked up. Mr. Spitler asked about recycling.
- Mrs. Casey reported the recycling will be single stream and will be picked up by the hauler, but will be taken to Recycle America.
- **Mr. Espenshade made a motion to award the bid to Penn Waste. Mr. Shutt seconded the motion.** Mr. Spitler asked when it would go into effect. It was noted July 1<sup>st</sup>. **The Chairman asked for public comment. The motion was approved 5 in favor, 0 opposed.**
- Tom Stang of Waste Management expressed his appreciation of being able to service the Township for the many years it has. It's been a good relationship. He looks forward to bidding again the next time the contract expires.

#### **ERIC EPSTEIN**

- As a result of the signing of the Memorandum of Understanding, he, Solicitor Wyland, and the County need to engage in petitioning the Department of Revenue to use 2004 numbers vs. 2003.
- On June 2<sup>nd</sup>, someone should attend the Transportation Improvement Program meeting at the Swatara Township building to provide input for construction projects over the next 4 years. Mr. Epstein or Mr. Stein will attend the meeting. Mr. Epstein will contact Mr. Longreen for information.
- On June 3<sup>rd</sup>, Verizon will be at the Board meeting for a presentation and then questions and answers.
- On May 21<sup>st</sup>, Mr. Epstein will be on Smart Talk with Commissioner Hartwick and a representative from the Department of Health to discuss the problems of gaming.

#### **TOM DONMOYER – SUPERVISOR – EAST HANOVER, LEBANON COUNTY**

Tom Donmoyer, Supervisor from East Hanover, Lebanon, thanked the Board for the opportunity to attend the meeting. At EHT Lebanon's meeting on May 19<sup>th</sup>, a reporter was present. What the Board said and what was reported were 2 different things. The Board discussed the Gaming Law and the Township is going to write a letter providing comments. Discussion was held on the help EHT Dauphin has provided and

entertaining some kind of consultant. It was said at least 3 times they would not, under any conditions, hire Eric Epstein unless EHT Dauphin's Board and Solicitor agreed it would not be a conflict of interest. EHT Lebanon did NOT employ Eric Epstein as a consultant. He does feel it is important the Townships work together to deal with the impact of the Casino. He thanked the Board for its cooperation to this date.

- Chairman Beaudet felt it would be a good idea to meet on a regular basis to keep each other apprised of events and issues.

## **UNFINISHED BUSINESS**

### **STORMWATER MANAGEMENT - THOMPSON**

A letter was prepared by the Engineer regarding the issues. This will be turned over to the Solicitor.

- Mr. Ulrich noted there are 4 separate lots involved. A letter will be drafted to each property owner informing them of the situation, what the deficiencies are and the need to get them corrected.

### **VILLA ROSA/ NO LEFT TURN**

No report.

### **GRANTVILLE VOLUNTEER FIRE COMPANY LAND DEVELOPMENT PLAN**

Mr. Isett hoped the plan will be ready for a vote at the next meeting.

### **VERIZON – CONSTRUCTION ISSUES**

Representatives will be at the June 3<sup>rd</sup> meeting for a presentation and Q&A period.

- David Boyd of Englewood commented the attorney for Verizon, Margaret Morris contacted him yesterday by phone to inform him they would not meet the extension of the 19<sup>th</sup> for the PUC answer. The intent of the phone call, to some degree was to ask his permission to extend the extension until the middle of June. Mr. Boyd noted no test had yet been done on the property, even though he has kept her in the loop of what has been done. Mr. Boyd has contacted ARM of Hershey, Mr. Smith has been involved and wants to be at the site when the testing occurs and on that basis, Mr. Boyd noted Quantum has not yet gotten back to ARM. Ms. Morris commented they met on the 14<sup>th</sup> and agreed to pursue the contract with ARM to do the analysis of the property. On the 13<sup>th</sup> a crew was out to fix the grass area. The basis of the call was to assure Mr. Boyd they are intending to have an amicable conclusion to the issue. He informed Ms. Morris there had been a lot of “foot dragging” and it was not him. He agreed to the extension request from Verizon to the PUC. He was not aware that Verizon would be at the June 3<sup>rd</sup> meeting.
- Mr. Epstein noted dates were provided when Verizon could attend a meeting. It was just finalized that June 3<sup>rd</sup> would be the date.
- Mr. Boyd commented they are working on Pineview to fix the bump in the road. They left their equipment on Pineview unmarked.
- Chairman Beaudet commented she sent a copy of the e-mail to Mr. Epstein to forward to Verizon regarding the people that were on Mrs. Devers property.

Mrs. Devers commented Verizon said it was a person from the Township. Chairman Beaudet said the Board has no idea who it was since the Township does not have a manager.

- Mr. Epstein noted he asked Verizon to identify the person to both Mr. Brenner and Mr. Wolfe and he has yet to hear a response.
- Mrs. Devers commented she is satisfied with the work that has been done.

#### **E. CAREN DRIVE - PAVING**

This will be done when the weather permits it.

#### **CLEAN STREET ORDINANCE**

There will be a meeting on Wednesday May 28<sup>th</sup> to discuss the issue.

#### **WINFINDALE PROPERTY**

Mr. Ulrich noted a site visit was conducted and a letter prepared and mailed. The problem can be fixed, but the issue was discussed with the solicitor and it is more of a liability/legal issue before the Township can move forward with it.

#### **BUILDING RENTAL RATES**

- Mr. Espenshade noted the Board had discussed hiring someone to come in over the weekends to clean up after rentals. If that is what is going to be done, then the cost of hiring someone should be reflected in the rates. The Board may want to discuss this at the Workshop at the end of June. He would like the building to be available for use all weekend. He felt it could be done at a reasonable rate if a policy is put in place.
- Discussion continued on the hiring of someone who could come in to clean over the weekends. Mrs. Casey will work with Supervisors to try to find someone who would be willing to clean the building.

#### **TOWNSHIP GIS INITIATIVE**

- Mr. Ulrich noted LTL is preparing a PowerPoint presentation for the Board and the public for the June 17<sup>th</sup> meeting.
- Chairman Beaudet noted there is free GIS available to the Township through the County. The idea is to start layering the Township with sewer lines, border lines, zoning changes, etc.

#### **WAIVERS FOR DEANN MOBILE HOME PARK**

A letter was received from Stevens & Lee requesting that action be tabled until the June 3<sup>rd</sup> meeting.

- It was noted some of the spaces are very small for replacement homes.

#### **STREET OPENING ORDINANCE**

- Mr. Spitler commented that Mr. Boyd had some concerns regarding the ordinance and those concerns were forwarded to Solicitor Wyland.
- Solicitor Wyland felt Mr. Boyd's suggestions were a good effort and understandable, but was not in the best interest of the Township. It talks about

giving a private land owner in the case of encroachment onto private property remedies in addition to the remedies a landowner already has. Because the law in that area is complicated, he felt the suggestions are inconsistent with existing laws and beyond the powers of the Township. It basically was using the Townships powers in a public right-of-way as a tool for a private landowner against a 3<sup>rd</sup> party encroaching the property. He recommended against the additions to the ordinance.

- Rosemarie Devers commented that Harrisburg has a Fiber Optic Cable Tax. Anyone who uses the streets for a right-of-way has to be taxed. The tax is 5% of the total billings and the cost is passed onto the consumer. She suggested the Township consider the tax.
- David Boyd asked if discussion will be held on the Street Opening Ordinance. Chairman Beudet noted Solicitor Wyland had discussed Mr. Boyd's changes. Mr. Boyd commented that the initiating of the ordinance was based on his issues with Verizon since there was not a good, clean ordinance controlling public right-of-way. He discussed section 9 of the draft ordinance which related to obtaining consent from the owner of the abutting property to the right-of-way. Mention was made to the owners of property. He felt this opened the door to what he wrote so that the ordinance would go a step further to clarify there are going to be penalties for the contractors if they over step the right-of-way. He is confused since his issue initiated the rewriting of the draft ordinance why that is not more concluded in the draft.
- Solicitor Wyland commented Section 9 talks about what it doesn't do. The ordinance doesn't relieve a utility from getting permission from a property owner if it is needed. The 2<sup>nd</sup> section regarding trees and shrubbery reflects what the 2<sup>nd</sup> Class Township Code says about what happens if trees and shrubs are cut in the right-of-way. It does not give the Township any legal justification to jump in when it regards private property. Further discussion was held. It was noted when it comes to private property, the law says that if an electric comes onto private property and puts its wires there and does not have permission or an easement from the property owner, or a historical agreement from any previous owners, the only remedy is to file an action against the utility. You can't force the utility off the property because they have the right of eminent domain. Mr. Boyd's change to the ordinance would be changing the law, and give the property owner a remedy under the law that a property owner does not have. The utility would argue as to what basis the Township has this in its ordinance. The Township only has the powers that the State grants it and nowhere in the 2<sup>nd</sup> class Township Code does it give the Township the right to use its remedies to help private landowners, with the existing remedies the private landowner already has.
- Mr. Boyd noted the Township can't strengthen the ordinance to favor the possibility that a contractor has gone beyond the right-of-way and damaged the property of the homeowner to the right-of-way. Solicitor Wyland felt that was true but did not diminish the existing remedies private homeowners have under the law. Mr. Boyd felt maybe something could be added to the ordinance without

infringing on the ordinance to be a binder on the Township. Perhaps there could be a warning. He has spent a lot of time on his situation.

- Mr. Spitler asked if Mr. Boyd was alluding to the language. Mr. Boyd noted the language could be worded in some fashion to strengthen Item 9 as to a warning to the contractors without bringing the responsibility onto the Township.
- Solicitor Wyland suggested the ordinance be reviewed and stricter language be added regarding people working in the public right-of-way.
- Mr. Ulrich noted there was thought and consideration with regards to the ordinance relating to Mr. Boyd's situation. The last sentence of Section 3 reads "The location of the proposed work should be marked in the field for verification by the Township prior to issuance of a permit." The idea is if it is marked in the field and Mr. Longreen has the opportunity to go out and verify the markings, then it is hoped the markings would provide direction. There are safety nets throughout the ordinance to try to protect the private property owner. He felt if a utility is doing work in the area and the area is marked, the residents should be aware that something is going on and could contact the Township.
- Mr. Boyd continued discussion on his situation.
- Mr. Spitler felt the ordinance was taken to the extent of the law. Mr. Boyd felt there should still be wording in the ordinance as a cautionary to utilities without being a binder on the Township. Utilities should be made aware of the fact if they go beyond the right-of-way, they have a possibility of suffering the consequences of the homeowner and legal actions. His filing of a formal complaint with the PUC took place in January and is still not resolved. He had suggestive help and a lot of things were reworked.
- Mr. Epstein commented there is always going to be right-of-way issues. The issue is enforcement of the issue. The other issue is the utilities. There is the judicatory process that will take a few months. It is unfortunate this process has to take so long but the residents have gotten the attention of the utilities. The mechanism is there, but there will always be easement issues.
- Mr. Ulrich felt a section could be added to the ordinance describing private property owner rights. It would not give the ordinance any more "teeth" but would inform the permittee of what the private property owner rights are.
- Mr. Spitler did not have an issue with adding the paragraph.
- It was noted the ordinance would be amended.
- **Mr. Spitler made a motion to advertise for a public hearing for the proposed Street Opening Ordinance on June 17<sup>th</sup>. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

## **CHANGES TO SALDO – LTL CONSULTANTS**

The Engineer is working on the changes

## NEW BUSINESS

### **PETITION FROM ENGLEWOOD RESIDENTS – OPPOSITION TO PUBLIC SEWER**

Chairman Beaudet noted a petition was received in opposition to the public sewer. If the Township were to change an action as the result of the public meeting, it cannot be done until the public comment period is over, which is May 27<sup>th</sup>. No action could be taken until the June 3<sup>rd</sup> meeting. The Component 3M still has to be submitted by June 4<sup>th</sup>. All the Supervisors are aware of the timeline and the comments.

- Bonnie Housel presented a petition to the Board.
- Chuck Mundy of Tannenbaum Way has approached the Board about revisiting the issue. It has drawn an interest from the residents of Englewood by the submission of a petition. He believes this is an issue that needs resolved before the next meeting since it is the day prior before the submission is to be made to DEP. Chairman Beaudet noted it would be remiss of the Township if it did not guide the engineers that they are to have an alternative relating to the public comment. Mr. Mundy felt there would be a need for more than one day to put together the report and justify the new position. If the Township would change its current position, wouldn't there be a time period that the public would be able to comment on the final document.
- Solicitor Wyland noted there is a deadline with the DEP. The spirit of the public comment period is to allow the public a time period to submit its comments in the event they want to change what is to be submitted. If the comment period would start over again, then the Township would not be able to make the deadline. The only logical outcome is if the end of the public comment period is over, and the Board evaluates the comments and it wants to change its position at a public meeting on the basis of the comments, it is permissible within the instructions of the application to make the change based on what was discussed at a public meeting and then have it submitted. The Township is under a timeline and what is the use of a public comment period if it is submitted as what it is that was put out for public comment. He felt that the best possible way to allow for the Board to have a choice to change what has been submitted is to wait for the public comment period to close, have the Board at a public meeting make any changes or adjustments that it wants to, and then submit a document that reflects any changes.
- Mr. Mundy commented the public would only have a few hours to look at the changes. It did not seem fair. If there is a fine that needs to be paid, then the fine should be paid. He felt the fine was only \$100.00 per day and was worth a delay in the decision. If it was a 30 day fine it would only be \$3,000.00 and he felt the Township would have the means to pay that if it would allow for an additional review.
- Chairman Beaudet noted the Township is already looking at around \$26,000.00 in fines. Solicitor Wyland noted there is a backlog of fines that would need to be paid if the submission was not made on time and not just the fines Mr. Mundy discussed. The Township has to submit something by the deadline. It is allowing for the full range of public opinion and they will try to make some adjustment to their position or not based on the comments, to get it in on time.

That is the Supervisors job. If Mr. Mundy or any other member of the public disagrees with what the Board decides, then there is a remedy and that is to wait until DEP acts on the application and the appeal it. The residents have had an opportunity to tell the Board what it wants. The Board has time to act on the comments and make an adjustment if it chooses. It does not necessarily mean that the public has to review every last item of the application before it goes in because the option is there to appeal the application. He would not advise the Board to deliberately take extra time and incur the Township with large fines to allow for more public comment when the public comment period has already served its purpose.

- Chairman Beaudet commented if she were to be persuaded by the petitions, then let's throw an alternative plan out of an aggressive pumping for households. That is not a lot to review. Mr. Mundy felt the public should be able to review the document since that idea may not be sufficient. It does not advance the arguments presented at the public hearing.
- Chairman Beaudet felt the argument was to tell DEP that this is how we are going to handle this because we don't see the problems DEP is saying are there. Suppose it is believed that if you pump it every year it will be alright until the Township can manage a full 537 Plan where the entire Township is addressed and the rates would be lower because everyone that needs sewer is connected. She did not see where that would be a disadvantage to the people of Partridge Hills and Englewood. She did not see how that would not be fair.
- Mr. Mundy felt it was a good start. The argument was made in the recommendation for public sewer. If the Township is going to change its position and recommend an alternative, it should be able to be reviewed by the public before it is sent in. There may be additional argument the public wants in the record. There were numerous points brought up during the public hearing, one for the Englewood study that none of the engineer reports concluded Englewood had a need for public sewer. That is just one point. Chairman Beaudet felt that would part of the argument. The Township would have to fall back on record.
- Mr. Mundy commented all the public would have is a cursory review at the next Township meeting to make comment on any new recommendation. Chairman Beaudet noted she did not know any other way to do it unless the Board calls a Special Meeting. Mr. Mundy felt if there was no more public discussion, he did not see why the Board could not act on it tonight.
- Chairman Beaudet noted a decision could not be made until the public comment period is over.
- Solicitor Wyland commented changing positions in the middle of the comment period before it is closed is not a good idea. He noted the public has the opportunity to influence the outcome; because of the mere possibility that your skills in telling the Board your position and that of your neighbors is causing the Board to tell the engineers to plan for a potential change in position now, and still try to get the public comment period closed, get answers, get a plan to potentially revise if that is the vote and get it into DEP without fines. That is a huge achievement. In a perfect world, you take extra time to refine the language, but at some point, you have to let the engineers do their job. The residents still have

- Mr. Mundy thought the written comments turned in would be included in the submission to DEP. Solicitor Wyland noted they would be and the engineer has to answer those comments. Mr. Mundy indicated if the written comments are included, those comments are based on a recommendation that Englewood and Partridge Hills connect to public sewer. If the recommendation changes, those comments would not be pertinent. Solicitor Wyland felt the whole purpose for public comments is to provide for the possibility that the recommendation could change. Mr. Mundy holds paramount the ability to review the final language even if the whole concept is changed. Solicitor Wyland is saying the time periods the Township is working under does not make that feasible. He did not feel the elected officials would be well served by getting the Township fined for missing the deadline just to allow for additional public review of the language that the engineer is being entrusted with based on potential changes Mr. Mundy has advocated. If the vote is to make an adjustment to the language, the Board and engineers are bending over backwards to try to implement what you are advocating. You can still contact DEP if you do not like the language.
- Mr. Mundy noted he has the right to contact DEP but did not feel he carries the same weight as the Board.
- Chairman Beaudet commented if the Board acts in the middle of the public comment period, it will look as though it is acting in bad faith to DEP. Telling the engineers to have a backup plan so that they are not hustling to do something in 24 hours is not a bad idea. One or the other will be decided on June 3<sup>rd</sup>. If it comes out it is a managed program of pumping out septic tanks at a rate of occupants per household based on the studies, it will be a lot less tedious reading than the recommendation presented at the public meeting. It will not take much time to look it over. Chairman Beaudet asked if advanced copies of an alternative could be distributed after the public comment period is over. Solicitor Wyland noted it could be published anytime after it is ready, but the Board would still have to have a Special Meeting to vote on the release.
- Dave Sincavage, 109 Highland Circle, Partridge Hills, was not aware of a petition that went through Partridge Hills. He asked about the backup plan of possibly changing what the Board will recommend. Would one of the recommendations be to do one development and not the other? Chairman Beaudet noted if one was done and not the other, either one could not afford it. Her vote would not be to do one development and not the other because of the cost.
- Chairman Beaudet commented she had a call from a Commissioner in Lower Swatara asking how the cost are being kept so low since they are looking at \$15,000.00 hookup fees for 53 homes. The \$15,000.00 fee is because they refused to act like a community. The hookup fees for our Township is based on Englewood, Partridge Hills and the people who are already on the sewer stepping up to the plate. There are still extra EDU's that will help to reduce the cost once they are used up.
- Dave Roman of Tannenbaum Way, asked if the position is to share the cost over more than one development, then why not expand it to more people than those 2

developments. Chairman Beaudet commented it does not make sense to do Englewood the way it is from an engineering standpoint. It would be much better to do gravity flow. The sewerage has been thrust upon the Township through a Consent Order and has to be done. The Township is also in the process of doing a Township wide 537 Plan which is why we asked DEP to allow the Township to roll Englewood and Partridge Hills in to the Township wide plan so more people can be seweraged to keep costs down. DEP refused to allow the Township to do it.

- Mr. Roman asked why DEP would not allow the Township to do the plan. Solicitor Wyland commented DEP has felt for a long time that those areas need public sewer before the on-lot systems fail. The soils are poor and there is no place to replace systems. DEP will not take delay as an answer. The issue now is has DEP been clear enough to let everyone know how serious it is. LTL went to DEP this week asking for a more affirmative statement and DEP commented it was on record, over the phone, and it could be documented that public sewer will be put in at Englewood and Partridge Hills. DEP is not going to change its mind.
- Solicitor Wyland noted there is some additional capacity in the plant. Ideally, you tie in as many people as you can, max out the capacity of the plant, and this drives the cost down per user.
- Mr. Ulrich addressed Mr. Roman's comment about bringing more people on board. His understanding is that now the word is out that there is additional capacity, the Township is getting flooded with requests for EDU's. He did not feel getting additional users will be a problem for long. If Englewood and Partridge Hills have to connect, he felt there would be additional users on the system before that happens. Mr. Roman asked what the time line is for the 537 Plan. Mr. Ulrich noted the 537 Plan is years, not months.
- Chairman Beaudet commented the 537 Plan is a 3 year plan now. If the Board makes the decision to use an alternative plan for sewerage Partridge Hills and Englewood, DEP can scrap the 3 year plan and order it done in a shorter time frame. This won't allow time to look for grants, and do a thorough study.
- Mr. Roman felt there appears to be a history as to why DEP is singling out East Hanover Township. He could not see an entity of the State coming in and wanting to do this to a Township for just no reason. Mr. Ulrich commented DEP has said for a long time the 2 areas needed to be seweraged. He felt it will come to the point where the sewerage will be forced upon the Township.
- Chairman Beaudet provided a history of the treatment plant. When the original plant was in planning, the HRG report indicated Partridge Hills needed seweraged, Englewood was marginal. Another study was done that said the areas didn't need seweraged. After that study, the plan for the plant was moved from the original proposed Dairy Lane location to Jonestown Rd. After the first plant was built, another study was done that said there were no problems with the 2 developments. Then DEP came back because the Township had a failing sewer plant, closed it down, put it under a consent order and said the 2 developments needed to be addressed. DEP signed off on the 1989 report that said Englewood needed sewer, Partridge Hills was marginal; and DEP signed off on the second and third studies.

- Mr. Roman felt that based on the comments, the petition that Mr. Mundy submitted would not make a difference. He asked if the appeal process was through the Township or the residents. Solicitor Wyland noted the appeals process is not through the Township. It is through the Environmental Hearing Board. If the Township submits a plan, DEP approves it, but the residents don't like the plan, they can appeal DEP's action to the Environmental Hearing Board. Mr. Roman commented it would be an additional cost to the homeowners to appeal. He noted if the Township is not going to change anything, then the appeal process goes back to the burden of the homeowner to overturn what the Township voted for. Solicitor Wyland noted this was discussed at the public meeting. The detail is in the minutes from the meeting. Solicitor Wyland noted he would be willing to discuss the appeal process with Mr. Roman after the meeting.
- Chairman Beaudet noted if the Township decides to call DEP's hand and it is not going to do it the way DEP wants, the Township could loose. Solicitor Wyland commented if the Township submits an alternative plan that calls for no public sewer and instead calls for an aggressive pumping schedule and DEP denies it, then a homeowner can appeal the denial.

### **GYPSY MOTH SPRAYING**

Chairman Beaudet noted she received complaints regarding the spraying. DCCD sprayed the day before it rained, even though they were not supposed to spray before rain, and one individual was supposed to have more acres sprayed than what was done.

- It was noted that Eric Naguski of DCCD coordinated the spraying.
- Mr. Epstein noted he would contact DCCD.

### **REQUEST FOR USE OF SPECIAL FIRE POLICE**

Four requests have been received for the use of the Special Fire Police. Contact has been made with the Fire Police for all events.

- **Mr. Marshall made a motion to grant permission for the Fire Police to be present at requests submitted, provided the manpower is available. The dates are May 25<sup>th</sup>, May 26<sup>th</sup>, June 2<sup>nd</sup>, July 5<sup>th</sup>, and September 27<sup>th</sup>. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

### **TRAINING FOR CHARLIE LONGREEN AND DEB CASEY – HOW TO DEAL WITH UNACCEPTABLE EMPLOYEE BEHAVIOR**

Chairman Beaudet noted the training was in support of their positions. The cost is \$99.00 each and the location is in Middletown on July 31<sup>st</sup> from 8:30 AM until 4:00 PM.

- **Mr. Marshall made a motion to allow Mr. Longreen and Mrs. Casey to attend the training course, How to Deal with Unacceptable Employee Behavior at a cost of \$99.00 per person. Mr. Spitler seconded the motion. Mr. Spitler asked that feedback be provided to the Board after the training course. The motion was approved 5 in favor, 0 opposed.**

## **TRAINING FOR DEB CASEY – LEADING THE WAY TO A SECURE FINANCIAL FUTURE – A POLICY FOR FISCAL RESPONSIBILITY AND ACCOUNTABILITY**

Mrs. Casey noted the cost is \$40.00. The date is June 24<sup>th</sup> from 9:00 AM until 4:00 PM and the location is at the PSATS Training Center in Enola.

- **Mr. Spitler made a motion to allow Mrs. Casey to attend the workshop Leading the Way to a Secure Financial Future, A Policy for Fiscal Responsibility and Accountability. Mr. Espenshade 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**

John Nelligan, Public Safety Advisor, asked to speak regarding the possible purchase of the home at the intersection of Rt. 743 and Earlys Mill Rd. The intersection is one of the worst in the Township. The sight distance is terrible and the Township has worked for years to try to get improvements. The only solution that has been provided is to put mirrors up. The property has just come on the market. At the last Public Safety Advisory Council's meeting, the intersection was discussed. Mr. Nelligan received a call from the property owner's daughter after the meeting inquiring as to what is going on with the intersection. She indicated she plans to sell the property and was going to contact a realtor. Mr. Nelligan informed her to put it on the market, but he would like to investigate further. He has been in contact with the Lower Dauphin School District Transportation Department and it has agreed to send a letter to the Township indicating the dangers of the intersection regarding school bus travel. He has also been in touch with the PA State Police and it has agreed to go back as far as 3 years to provide incidents that have occurred at the intersection. Two years ago, Representative Marsico was invited to sit at the intersection to view the traffic to see if he could use some leverage with PennDOT to improve it. He has spoken with Representative Marsico recently regarding the potential issue of the property going up for sale. Rt. 743 is a major corridor feeding not only Hershey but the Hollywood Casino. Since it is being improved, it is a raceway for traffic. The traffic density will only increase. If the Township could acquire the property, then the Township could do a major reconstruction of the intersection. One of the things the Township could do is to ask the property owner the right of first refusal.

- Mr. Marshall asked how big the property is. Mr. Nelligan noted the daughter claims it is 2 acres split by Earlys Mill Rd.
- Chairman Beaudet asked if there is any chance the State and County would go in with the Township. Mr. Nelligan alluded to that with Representative Marsico. He thought it might be able to be linked up with some of the funding available from the Casino.
- Mr. Espenshade asked Mr. Longreen if the Township obtained the property, could the intersection be made safer. Mr. Longreen felt if the property was obtained, removal of the porch would greatly improve the sight distance. If the house and out buildings were torn down, the back lot could be sold and the Township could recoup some of its expenses. It would have to be limited that no one could build out on the front of the property. The intersection might also be

able to be moved down to be straight across from the other part of Earlys Mill. If the house was gone it would provide significant sight distance.

- Mr. Espenshade recommended to the Board that the purchase of the property be investigated as soon as possible.
- Mr. Marshall suggested the Township exercise its first right of refusal.
- Mr. Espenshade suggested the Board appoint someone to be the Township's negotiator to obtain the property.
- Solicitor Wyland felt it is a great time to obtain the property. The only thing the Board needs to do is come up with a value for the property. The best way is to negotiate with the property owner and get an appraisal of the property.
- **Mr. Espenshade made a motion to start the process for the negotiation of the property. Mr. Marshall seconded the motion. The Chairman asked for public comment.** Mr. Epstein noted if it is determined this is an impact from the Casino, grant money may be available. Solicitor Wyland commented that PennDOT grants should also be looked into for the improvements of intersections. Mr. Epstein noted he would look into the matching PennDOT funds. Bonnie Housel commented the intersection is bad. She recommended the Township ask the Department of Transportation to put red lights at the intersection and also at the intersection of S. Meadow and Rt. 743. Mr. Longreen noted PennDOT has to do an engineering traffic study to warrant traffic signals. Mrs. Housel felt if the study was done, it would meet the criteria. Mr. Longreen noted when the last traffic study was done, it did not warrant traffic signals. The intersection would also need to be straightened out before a traffic signal could be put in. It was noted the process could be started. **The motion was approved 5 in favor, 0 opposed.**
- Solicitor Wyland and Mr. Nelligan will work on the negotiations of the property.

## **BUSINESS FROM THE PUBLIC**

Dolan Lativa submitted a letter to the Board of Supervisors regarding the reservation of EDU's for an addition to the Colonial Penn Hotel. On February 26<sup>th</sup> a presentation was made to the Planning Commission on the proposed addition. Good comments were made, but it was suggested that before any planning efforts were made, an answer was needed from the Board of Supervisors if there was enough capacity in the treatment plant for the addition. On March 10<sup>th</sup> a letter was sent and he has received no response.

- Chairman Beaudet noted that on March 10<sup>th</sup>, the Township was not aware of any additional capacity in the plant.
- Mr. Ulrich commented he would review the submission and get in touch with Mr. Lativa regarding his request.

Richard Schock noted he has a concern about the Township's correspondence and open policy. He suspected for some time that some correspondences have not been made public. He asked Mrs. Casey at one time if everything was in the correspondence and she noted it was. E-mail is electronic mail and he sees very little e-mail in the correspondence. He is asking that the Board check the list of correspondence to ensure the public is fully informed as they should be. In order for excellent government,

there must be an open and honest policy. In a conversation with a resident, he was asked why the Township passed the Stormwater Ordinance. Mr. Schock indicated to the resident he believed he knew why it was passed and asked why the resident thought it was passed. He stated his response and Mr. Schock agreed. Mr. Schock noted if the Chairwoman felt the County's Multi-Creek's Stormwater Plan had flaws and was not good enough for East Hanover Township, then a debate should have been held before the Stormwater Ordinance was passed. He further discussed the ordinance and felt if the approved County plan was good enough for neighboring Townships, then it should have been good enough for East Hanover. He asked if the ordinance legally meet Act 167 of 1978. Solicitor Wyland felt it did. Mr. Schock asked if the Township received proper approval from the agencies that must grant approval according to Act 167, and are the approvals available for public inspection. Chairman Beaudet noted DEP was involved throughout the process. Mr. Ulrich commented the adoption of the Stormwater Management and Flood Reduction Ordinance does comply with Act 167

Mr. Schock commented Solicitor Wyland approached him after a Supervisors meeting regarding complaints from Township employees and he would be getting a letter. He asked that Mr. Schock be careful with his conduct with Township employees. Mr. Schock received the letter and felt it was deleterious. He has prepared a response letter with enclosures which will be presented to Solicitor Wyland and the Board in the near future.

**Mr. Espenshade made a motion to adjourn the meeting. The meeting was adjourned at 9:28 PM.**

Respectfully submitted,

Deborah A. Casey

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