

EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
September 2, 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 7:00 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; Curtis Cassel, Wastewater Treatment Plant Operator; and Deborah Casey Secretary/Treasurer were also present.

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

An Executive Session was held on August 28th to discuss legal issues.

APPROVAL OF THE MEETING MINUTES FROM AUGUST 19, 2008

Mr. Shutt made a motion to approve the minutes as written. Mr. Marshall seconded the motion.

- Chuck Mundy noted on page 3 of the draft minutes under the title Public Hearing for Ordinance 2008-03, the second sentence says "An entire transcript of the public hearing is available at the municipal building for review." Mr. Mundy noted he came to the building at 12:00 and the transcript had not been received. He checked with the Secretary before the meeting and the transcript had not been received. Chairman Beaudet noted the minutes should then read "An entire transcript of the public hearing will be available at the municipal building for review".
- Mr. Mundy noted on page 4 of the minutes, the first bullet point under his name, the 9th line it says "the Township should now allow itself to be a commercial extension of neighboring Townships." It should read "not" instead of "now". He did not want to be shown in favor of the rezonig.
- Mr. Mundy noted Mr. Miller's remark on page 4 and Mr. Ostermeyer's remark on page 5 should be stricken from the record since they are residents of West Hanover Township. They have a right to their opinion, but it should not be a part of East Hanover Township's residents comments on the public record trying to debate the issue. They don't live in the Township, pay taxes to the Township and West Hanover's Comprehensive Plan is not like East Hanover's. West Hanover amended its comprehensive plan prior to adopting their zoning changes. Their comments should not be permitted since it diminishes the voices of East Hanover residents. The comments should not be considered by the Board in its decision making process for the zoning. He asked the Board to take the appropriate action to strike their remarks from the record.
- Solicitor Wyland noted the request to strike the comments from the record is not in order. The fact that it was said and recorded makes it part of the minutes.

Mr. Shutt amended his motion to include the changes “transcript will be available” and “now” to “not”. Mr. Marshall seconded the amended motion. The motion was approved 5 in favor, 0 opposed.

Expenditures:

General Fund	\$304,368.27
Operations and Maintenance	\$ 44,062.04
State Fund	\$ 38,788.30
Street Light Fund	\$ 205.05
Park and Rec	\$ 400.46
Total	<u>\$388,124.12</u>

Mrs. Casey noted approval is needed on the KTHL bill in the amount of \$8,467.99 from the last meeting.

Mr. Espenshade made a motion to pay the bills, including the KTHL bill from 2 weeks ago. Mr. Shutt seconded the motion. The motion was approved 4 in favor, Chairman Beaudet, Mr. Espenshade, Mr. Shutt and Mr. Spitler; 1 opposed, Mr. Marshall.

Receipts

General Fund	\$ 20,465.81
Operations & Maintenance	\$ 1,203.00
Park and Rec	\$ 441.00

Available Funds

General Fund	\$ 719,172.53
Operations & Maintenance	\$ 182,409.00
Street Light	\$ 6,050.77
State Fund	\$ 416,786.20
Public Sewer Fund	\$ 3,957.17
Park and Rec Fund	<u>\$ 159,518.78</u>
TOTAL	<u>\$1,487,894.45</u>

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

REPORTS

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

Mr. Longreen presented his report for August. It is available for review at the Municipal Building.

- Mr. Longreen recommended the Board replace the existing failing HVAC unit with one similar to what exists.
- Mr. Longreen requested the date for opening the bids on the used equipment be changed from September 23rd at 4:00 PM until October 21st at 4:00 PM.

- Mr. Longreen asked when the house is turned over to the Township and it starts to be dismantled, should a dumpster be obtained or should staff haul it. Penn Waste cost – delivery of a 30 yard dumpster is \$90.00, transfer of it is \$175.00 and disposal \$66.00 per ton. Dillards would cost \$93.65 per ton plus Township staff would have to haul it there. If only the porch is going to be taken off at this time, then could the siding and lumber be stored in one of the barns or sheds until a decision is made as to what is going to be done with the house.
- Mr. Shutt felt, at this time, the Township would be better off replacing the failing HVAC system. If a geothermal system is looked into, it might not be completed until spring.
- **Mr. Shutt made a motion to replace the failing HVAC system. Mr. Spitler seconded the motion.** Mr. Spitler asked if the Board is looking into doing something different regarding the entire building. Mr. Espenshade noted discussion was held on revamping the building in the future. Until those needs are addressed, it would hard to redo the entire building at this time. The Board needs to come to a decision as to what it wants to do with the building. Once that is done, then the project needs to be discussed as to the HVAC system. If the footprint of the building is expanded, that needs to be taken into consideration. Some of these issues will need to be discussed in budget meetings. Mr. Spitler asked about the house at Early's Mill Road. Mr. Longreen noted the porch would be taken off and the bank will be addressed at the same time. **The motion was approved 5 in favor, 0 opposed.**
- **Mr. Marshall made a motion to change the bid due date for the surplus equipment from September 23rd at 4:00 PM until October 21st at 4:00 PM. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**
- The removal of trash from the demolition of the property at Laudermilch Rd. Mr. Longreen felt the Board should hold off on the decision until it decides what is to be done with the property. Mr. Marshall asked how the house was constructed. Mr. Longreen noted it appears to be an old log balloon construction. Mr. Marshall suggested the Board may want to consider selling the materials from the building since there are many people that want to buy those items. It was noted Mr. Marshall and Mr. Espenshade will look at the property to evaluate the materials.

GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT

- On Friday, September 12th, there will be an appreciation picnic for all the volunteers who helped at the Carnival.
- On September 25th there will be a sub and sandwich sell.
- A chicken BBQ will be held at Park Day on September 21st.
- Last week, the Fire Company was rejected by DEP on the ditch at the new property. The plan composed by the Township's engineer and the Fire Co.'s engineer was not accepted. DEP now wants a total box culvert or a bridge over the pipe. Last year the Fire Co. talked with Representative Marsico regarding the situation. He will be contacting DEP.

- The Air National Guard has been working on the grounds. The next step is to have the Township Engineer and DCNR inspect the property to make sure it is being done right.

PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

- The program for the dry hydrants has been completed. Representatives from RC&D were met with and an intensive review was done on the paperwork. RC&D and DEP representatives made site inspections of the hydrants. This was done through a grant program. The Township should be receiving a ½ reimbursement of funds for the program. Mr. Nelligan thanked the Board for its support over the past 2 years with the installation of the hydrants.
- The next success was the purchase of the property at Early's Mill Rd. and Rt. 743. This will be a major improvement for the intersection.
- The next meeting of the Council will be held on September 22nd at the Municipal Building. It is an open meeting.

EMERGENCY MANAGEMENT – JOHN NELLIGAN

- During July, Mr. Nelligan and his Deputy attended a County meeting put on by PEMA. Resource Management and Resource Sharing was discussed. This is to be on a regional basis. Further discussion will be held.
- Mr. Nelligan has been involved on the required update of the Hazard Mitigation Plan for East Hanover Township. This is done on a 3 year basis and needs to be concluded by the end of October. The update puts the Township in a position to receive Federal Grants when issues occur.
- Needs are being worked on for the 2009 budget.

WASTEWATER TREATMENT PLANT – CURT CASSEL

Mr. Cassel presented his report for the month of August. The report is available for review at the Municipal Building.

- The grinder pump at Funck's EXXON was pulled 4 times.
- Mr. Spitler asked why the grinder pump at Funck's continues to have problems. Mr. Cassel noted there are public restrooms there which are the cause of the problems.

ENGINEERS REPORT – NORMAN ULRICH

- Triple Diamond put in a request to change their pavement section. They would like to make a material change. This is a minor plan change. LTL will review the change and if it feels it is a minor change, will allow it. All parties would be contacted. Mr. Ulrich asked if this would be acceptable to the Board. The plan requires a 3½ inch asphalt. Instead the applicant wants to use something that can be put on in one application. It is a stronger product and would be better for the Township.
- Chairman Beaudet felt the engineer should have control of these issues if it is a minor modification to the plan and all parties are notified. Mr. Spitler agreed. Mr. Marshall commented if the engineer contacted the Board, it would have a day or two to comment. It was noted if the Board agreed to the procedure, the Board

would not have the option of commenting on it unless the Board decided it wanted to have a review time. Mr. Ulrich noted this procedure is a way to keep a plan moving. Mr. Marshall noted he had no problem with minor changes, but would want to have control if it was anything major. Mr. Ulrich noted the Board would be informed of all changes.

- Mr. Shutt asked if the asphalt would be the same thickness as the plan called for. Mr. Ulrich noted it would be a stronger product than what is on the plans.

EFMR – ANDY STEIN

- Mr. Stein noted much time has been involved in the grant process. Seven grants were submitted to the County today totaling 28 projects, 26 for consideration this year and 2 previews for next year. This was quite an effort and Mr. Stein thanked Mrs. Casey, Mr. Longreen, Mr. Nelligan, LTL, KTHL and all involved for their efforts in helping to make the submission timely.
- Chairman Beaudet noted one grant application was received from the Dauphin County Library that had no dollar figures and was not submitted in time for a public review by the Board. There were phone calls received for additional sponsoring grants from the Food Pantry, the Fire Company and the Salvation Army. Mr. Stein noted there were no complete grants received that he was aware of.
- Dave Smith of 419 County Line Rd. asked what EFMR stood for. Other times on the agenda, there are acronyms listed. He asked the acronyms be spelled out on the agenda so residents know what is being dealt with.
- Mr. Smith asked what grants were submitted. Mr. Stein noted 7 grants were submitted, each with a given category that will be an ongoing process. Within the 7 grants are 26 projects that were submitted for funding this year, and 2 that were submitted to go into a queue should the Township be over funded. All of the projects were Township only projects. There were no sponsorship letters submitted. All of the projects were of the nature that have been out in the Township for several months as a result of the needs assessment. These items have been discussed at the Planning Commission, Workshops and Board meetings. The list can be distributed and put on the website. The submission was around \$6,000,000.00 in projects counting the 2 that have been submitted for consideration next year. The requested grant funds for this year is around \$3,500,000.00 which is around \$500,000.00 over the Memorandum of Understanding. These projects are for planning and quantitative studies that would allow the Township in the future to prove the impact of the Casino. They are also infrastructure issues, one of which is the bridge over the Manada Creek at Jonestown Rd. That was \$1,100,000.00. The Laudermilch Rd. property purchase was also submitted. Paving projects were also submitted.
- George Rish asked if the grant applications could be posted on the website. Letters of support were requested from residents and he would like to see what grants were applied for before submitting a letter of support.
- Mr. Stein noted some of the grant applications are quite lengthy. It would be up to the Board if it wanted to post the grants. Copies will be available at the Municipal Building at the end of the week.

UNFINISHED BUSINESS

ZONING CHANGE – RVG

Chairman Beaudet noted the Board is not going to entertain any comments from the applicant or the public since the public hearing was held on August 19th. Chairman Beaudet asked if the Board had time to review the comments from the public hearing. It was noted they did. Chairman Beaudet commented Supervisor Espenshade would be abstaining from the vote and he may not vote if there is a tie.

- Mr. Spitler noted after reviewing all the information and considering the location, he was in favor of the change. He was not in favor of telling someone what they can or cannot do with their property.
- **Mr Spitler made a motion to approve Ordinance 2008-03. Mr. Marshall seconded the motion.** The Chairman asked for further discussion from the Board. Mr. Marshall noted he felt he read all the correspondence that was received from the public regarding the pros and cons of the change. He felt the comments were pretty much even. One concern he has is a buffer area from the proposed zoning to the residential areas. He would hope the Planning Commission, the Supervisors and the Developer would be conscious as to the screening of the residential areas. He felt it was a sensitive area. Mr. Spitler commented after looking at the property and its location, if he had to pick some place to put commercial development, he would it would want it along Rt. 22 which is a State Road. He would not want it to be put in the heart of the Township. Ideally, this is a good place to put it. Chairman Beaudet had pros and cons. She agreed with Mr. Spitler that Highway Commercial should be put along a highway. As a revenue neutral project, the things that bother her are the Township is not following its Comprehensive Plan, negotiations may have to be made with West Hanover, and legal fees for intermunicipal agreements. The Township just spent a lot of money getting a very comprehensive Stormwater Ordinance in place for the Township. She is concerned the whole project would not be under that ordinance. There is also other commercial property available. The road infrastructure is not in place. **Mr. Spitler voted in favor of Ordinance 2008-03; Chairman Beaudet voted against Ordinance 2008-03; Mr. Marshall voted for; Mr. Shutt voted for.** Mr. Shutt noted the residents need to wake up before the Township is snowballed. **Mr. Espenshade had abstained from voting at the public hearing by presenting the Board with a letter regarding his abstention. Chairman Beaudet noted the motion passes for Ordinance 2008-03; 3 in favor, 1 opposed, 1 abstention.**
- Chuck Mundy asked if public comment could be made. Chairman Beaudet noted she previously indicated no public comment would be allowed. She felt that each Supervisor looked at the issue very closely. Mr. Mundy noted the Board tabled action on the rezoning to allow for review of the comments made at the Public Hearing. There is no official transcript to review and he questioned how the Board could make a decision without the official transcript. Chairman Beaudet noted she listened to all the comments made at the Public Hearing and there were also supplemental information that was provided and telephone calls she received. Mr. Mundy asked how supplemental information is considered after the

public hearing closes. The public did not have any access to those comments. Chairman Beaudet noted that if any one calls her, she will listen because she represents the entire Township. Her vote was no on the rezoning.

- Mr. Mundy asked the Board after they tabled the motion to review comments and there is no transcript of the comments, how it arrived at its decision.
- Mr. Spitler noted he heard everything that was said at the public hearing. He did not go out of the hearing with a closed mind. Mr. Marshall made a motion to extend the decision until the next meeting; he seconded the motion. He did that so he could contemplate all the remarks that were made, including those that came through after the fact. It did not affect his opinion, but he had to make sure he was comfortable with his decision. He also visited the site several times, looked at where it was located at and the surrounding properties. It took him time to make his decision.
- Mr. Marshall commented he made a motion to table action to allow the Board to think about the comments made at the Public Hearing. He does not need a transcript to think about and to understand what he heard at the hearing. He thought about it, looked at the property, knows where it is located at and in 2003 when the new zoning went through, he suggested Rt. 22 should be commercial nor industrial. He thought about this, reviewed the sketch plan and feels this is the best location for the project. No matter what the vote, it will not please everyone.
- Mr. Shutt gave the issue a lot of thought and received many phone calls. A lot of the calls were not against the rezoning. Those calls were more in favor of it being on the outskirts of the Township vs. the middle. The Casino is sitting on Township roads and we have to maintain those roads. This project is on a State Road and will not require maintenance from the Township. Commercial should be on the highway not on one of the Township's roads.
- Mr. Mundy had problems with the Board taking in other information after the public hearing was over to determine its decision. That information was not available to the public. Mr. Shutt noted he looks out for every taxpayer whether they are at a public meeting or not. If they want to call him or come to his house, he will listen to them.
- Solicitor Wyland did not see anything legally deficient in the process used by the Board to make its decision. There was a public hearing, everyone present was allowed to speak and the record was closed. The public input is only one part of what is taken into consideration when the Board makes its vote.
- Chairman Beaudet offered her pros and cons list for anyone to review.
- Beckj Oller of 400 Trail Rd. asked Mr. Shutt how many phone calls he received. Mr. Shutt noted he did not keep track of the number and to try to give one would not be accurate. Ms. Oller noted she understood Mr. Spitler's comment that he feels property owners should be able to do what they want with their property. He also made a comment that this is where commercial should be. Does that mean people that aren't on Rt. 22 can't have commercial entities on their property? Mr. Spitler noted under the circumstances, when you get into that gray area, you start to dictate when people can sell their property and under what circumstances. He does not want to see that come in at any level of

government. Ms. Oller noted then this type of a development could go anywhere in the Township. Mr. Spitler noted that was correct as zoning permits. If a nuclear power plant or prison was going to be put in, that is a different circumstance. Ms. Oller noted then the property owner can't do what it wants to do with their property. Mr. Spitler noted they can.

- George Rish asked the solicitor at the Public Hearing a question as to whether or not this was spot zoning. He asked if that was investigated. Chairman Beaudet noted the property next to it is Highway Commercial. It is also surrounded by the same zoning. Discussion was held on the zoning change for Grantville Holdings. Solicitor Wyland noted the issue was reviewed and there is no binding case law that says you cannot look beyond the municipal boundary. Case law says you are to look at adjacent properties. That is what was done. Mr. Rish noted in the Township, the adjacent properties are Rural Agricultural. Across the street it is industrial. Until 2 weeks prior to the public hearing West Hanover was not commercial highway. Chairman Beaudet noted it didn't make any difference if it was the day before or weeks before, it is still now highway commercial. Mr. Rish noted he found a court case where a 221 acre tract rezoned from agricultural to industrial was considered spot zoning. Mr. Rish asked if the spot zoning issue was discussed with the Board. Solicitor Wyland noted Mr. Rish is asking him to disclose attorney/client privileged communications. The legal issue is there any binding legal authority that would make the adoption of the ordinance completely unlawful. Solicitor Wyland did not reach that conclusion. Mr. Rish asked if the residents felt this is an unjust decision, do they have recourse. Solicitor Wyland noted if the residents want to consider what their legal options are, he suggested they talk to a lawyer.
- Donna Kephart noted she was not aware of the zoning issue until she read about it in the Patriot News. She asked if the procedure in the Township is that residents call each Supervisor to make comments and are the phone numbers publicly available. Chairman Beaudet noted the Supervisors phone numbers are in the book. The procedure is there is a public hearing, everything is posted prior to the hearing and if people want to call her at home, they are welcome to. At the public hearing, it was noted that no further comments would be taken but she will not prevent people from speaking. Ms. Kephart felt it was important the residents had the opportunity to state their case. She wants to make sure her voice is heard and is that calling each Supervisor. Chairman Beaudet noted the public hearing was held at the last meeting. Everyone was heard. After the hearing, she received calls from people that were at the hearing, but wanted to further their point. She accepted those calls and is allowing comment at this point since she feels it is the right thing to do.
- Mr. Marshall noted residents can contact the Supervisors via letter or e-mail at ehsupervisors@comcast.net. The staff is good about seeing that the Board gets copies of all correspondence as soon as it comes in.
- Mrs. Casey noted on the website there is a link to the Supervisors e-mail and she checks that frequently during the day. Those e-mails get forwarded to the Board and a copy made for Mr. Shutt since he does not have e-mail. The public hearing was advertised at least 3 times in the paper, it only had to be advertised

once. It was posted at the Township building, in the minutes, on the website and letters were sent to adjoining property owners.

- George Japak commented about the will of the people and the unscientific method that was used to come to the conclusion. He took exception to one Supervisor's comment "you people in East Hanover Township better open your eyes". He is talking as a 3rd person disconnected to the people he is representing. Another Supervisor commented the entire corridor of Rt. 22 should have been opened up for commercial all along, and another Supervisor does not care about zoning ordinances and whatever a person wants to do with their property, they should be able to do so which is arbitrary to what the Board is doing.
- **Mr. Spitler made a motion to recess for 5 minutes. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- A gentleman from 8046 Yellowstone Drive noted he did not get any letter from the property. Mrs. Casey noted the adjoining properties received letters. The gentleman asked if he would be affected by public sewer. Chairman Beaudet noted there would be an intermunicipal agreement, but did not know what it would involve.
- The meeting recessed at 8:15 PM.
- The meeting resumed at 8:28 PM.
- There were no further comments from the Board.
- Chairman Beaudet noted the zoning change does not mean a plan will be approved. There is no plan that has been submitted at this time or no inter-municipal agreement with West Hanover Township for the property.

STORMWATER MANAGEMENT - THOMPSON

- Solicitor Wyland noted there is an unusual security agreement with the plan. He is reviewing the file at this time.

CLEAN STREET ORDINANCE

- This will be revisited in the near future.

WINFINDALE PROPERTY

- This is with the Solicitor.

GIS INITIATIVE

- Work is continuing.

CHANGES TO SALDO – LTL CONSULTANTS

- Mr. Ulrich noted the changes are in draft form and are being reviewed.

TAX RELIEF

- This will be discussed during the budget workshops.

2006 PROPERTY MAINTENANCE CODE

- This is being reviewed and will be discussed at a further date.

JUNK YARD ORDINANCE

- Work is being done on the ordinance.

NEW BUSINESS

FLYERS IN MAILBOXES

- Chairman Beaudet noted when anyone wants to send out flyers, they need to be mailed. Flyers cannot be put into people's mailboxes since it is against the law.

COMPREHENSIVE PLAN & ZONING TO PLANNING COMMISSION

Chairman Beaudet noted the Comp Plan will be reviewed because it is inconsistent with what is going on in the Township and what Dauphin County feels should be going on in the Township. The Comp Plan and Zoning should be forwarded to the Planning Commission for review as soon as possible. This is to ensure growth is guided in the proper direction. Everyone likes the rural characteristic of the Township, but future growth needs to be planned for and guided. The previous Board did what it could with the information it had but things have changed since the Casino was built.

- **Chairman Beaudet made a motion to remand the Comprehensive Plan and Zoning to the Planning Commission for its review and adjustment. Mr. Espenshade seconded the motion.** Mr. Marshall would like to have the Comp Plan established before the Zoning is redone. He wants this direction to the Planning Commission clear. Mr. Spitler asked if there will be a review period for the Comp Plan. Chairman Beaudet noted there has to be according to law. Mr. Spitler wanted to ensure there would be a review period before too much time is invested into the Plan. Chairman Beaudet noted this is why both are going to the Planning Commission since they are public meetings. It will also be put on the website for public comment as was the Stormwater Ordinance. **Chairman Beaudet amended her motion to direct the Planning Commission to work on the Comp Plan first. The Chairman asked for public comment.** Mr. Mundy was in support of the motion and agreed with Mr. Marshall's comments. The zoning has to be consistent with the comp plan. Keith Oellig asked what the cost would be. Chairman Beaudet noted there would be costs with reprinting. Mr. Marshall noted there would be costs with the Township's professionals. That cost is unknown at this time. **The motion was approved 5 in favor, 0 opposed.**

AUTHORIZATION OF THE USE OF ANDY STEIN FOR THE PLANNING COMMISSION'S REVIEW OF THE COMPREHENSIVE PLAN AND ZONING

Chairman Beaudet noted the use of Mr. Stein would be when the Planning Commission gets to the point where it needs help. Rt. 743 will be very difficult to rezone.

- Mr. Marshall suggested the authorization be put on hold until the Planning Commission is closer to needing his assistance.

PART-TIME CLEANING PERSON FOR THE BUILDING

Chairman Beaudet noted the Township has interviewed for the position and has made a decision.

- **Mr. Marshall made a motion to hire Crist Espenshade as the part time cleaning person to inspect and clean the building for events that take place over the weekends at a cost of \$10.00 per hour. Mr. Shutt seconded the motion. Mr. Espenshade noted he would abstain from the vote. The Chairman asked for public comment, there was none. The motion was approved 4 in favor; 0 opposed; 1 abstention, Mr. Espenshade.**

HALBLEIB – BUILDING PERMIT

Mr. Halbleib noted he is in the process of a subdivision of his property and it is taking a while. He would like build a new house on the parcel; however, everyone is stalling the process. It is his understanding that everything is in compliance so the Planning Commission can start to review the plan. He would like to get his permits and get started.

- Mr. Ulrich noted he spoke with the Zoning Officer regarding building 2 principal structures on one property. The Ordinance does permit the building of 2 structures on one property without a subdivision taking place; however, it requires a land development plan. This would have to be submitted to the Planning Commission and the length of the process would be about the same as a subdivision. Since Mr. Halbleib has started the subdivision process it would be more beneficial to complete the subdivision.
- Mr. Halbleib asked if he could request a waiver. Mr. Ulrich noted it is under the Zoning Ordinance and a variance would be required, which would have to go before the Zoning Hearing Board. Mr. Halbleib asked if he decided to build agriculture buildings instead, could he get a waiver of a land development plan. Mr. Ulrich did not know the answer to that at this time.
- Chairman Beaudet noted the Zoning Officer is responsible for zoning issues. When plans go through, they are looked at by the Engineer. If Mr. Halbleib wants to change his plan, he is more than welcome to do so. The Board cannot give any relief for the Zoning Ordinance.
- Mr. Halbleib felt his plan was not acted on in the proper time period. He has not received anything from the Township indicating that his plan has been accepted for review. Mr. Ulrich noted a letter was issued and Mr. Halbleib was carbon copied on it. The reason the plan was deemed incomplete was because the sewage exemption paper work was not in place. The paper work has been received and the plan has been placed on the Planning Commission agenda for review in September.
- Mr. Spitler asked Solicitor Wyland and Mr. Ulrich to review the issue to make sure nothing is missing. By consensus of the Board, the Solicitor and Engineer will review the situation.

DAUPHIN COUNTY CONVENTION – OCTOBER 2, 2008

Mrs. Casey noted the Dauphin County Convention will be held on Thursday, October 2nd at the Municipal Building. Registration begins at 5:00 PM, dinner is at 6:00 PM and adjournment will be at 9:00 PM. The cost is \$20.00 per person. Mrs. Casey would like to attend and she would like Mrs. Eppinger to attend to help with the evenings events.

Any Supervisors are welcomed to attend. Chairman Beaudet, Mr. Shutt, and Mr. Spitler will also attend.

- **Mr. Espenshade made a motion to allow Chairman Beaudet, Mr. Shutt, Mr. Spitler, Mrs. Casey, and Mrs. Eppinger to attend the convention. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

GOSS PROPERTY – EDU'S

This issue will be forwarded to LTL Consultants for review.

MIREK KOVARIK – ATTENDANCE AT DRAFT STATE WATER PLAN MEETINGS AND ACT 167 MEETINGS

Chairman Beaudet noted meetings have been set up by the State for the draft State Water Plan and Act 167. It is suggested Mr. Kovarik attend the meetings on behalf of the Township.

- **Mr. Espenshade made a motion to send Mr. Kovarik to the meetings. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

RFP FOR AUDITOR FOR THE 2008 AUDIT

- **Mr. Espenshade made a motion to put out an RFP for the 2008 audit. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

SUSQUEHANNA RIVER BASIN COMMISSION APPEAL

Solicitor Wyland noted the SRBC has jurisdiction over water withdrawals and the applications made by the Casino have been monitored. Mr. Kovarik has been essential in protecting the Township's interest with respect to the rulings. Rulings are being looked at that are protective of the Township's groundwater given the fact the residents have wells. The SRBC has issued a couple different orders and administrative appeals have been made within the SRBC process concerning the conditions attached to the use of the water by the Casino. There remain disagreements on the Township's part by the actions taken by the SRBC. The next step is an appeal to the court of the rulings by the SRBC. It is felt there are enough questions to go forward with the appeal. This pertains to the conditions under which the Casino has been granted permission to make water withdrawals from the water aquifer and make consumptive use of the water.

- Chairman Beaudet noted the Casino asked to withdraw 400,000 gallons per day of water from the aquifer. The Township is on wells. The Township asked for a hearing. Right before the hearing, the Casino was granted a permit. The Township would like to appeal the decision to protect the residents.
- Mr. Kovarik noted the Casino is not only allowed to withdraw the water but also use it for evaporative cooling where the vapors go into the air and go somewhere else. The water is not coming back into the aquifer.
- **Mr. Espenshade made a motion to allow Solicitor Wyland file an appeal to the SRBC. Mr. Spitler seconded the motion. The Chairman asked for**

public comment, there was none. The motion was approved 5 in favor, 0 opposed.

GEOTHERMAL SYSTEM/SUSTAINABLE ENERGY FUND GRANTS

This will be discussed at a future date.

ROBERT JONES – 90 DAY EXTENSION OF TIME

The time for the plan expires September 18th. A revised plan has been submitted, but engineer comments have not yet been provided.

- **Mr. Espenshade made a motion to accept the grant of a 90 day extension of time until December 18th. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

TRAINING FOR SECRETARY/TREASURER – NEW PROCEDURES FOR SUBMITTING YOUR PENNDOT AND DCED FORMS

Mrs. Casey noted she does the Liquid Fuels end of the year reports on-line through PennDOT. The system has been changed and the Township will also be able to file DCED reports on-line. A 4 hour training course is being offered at no cost and the location is in Harrisburg. Mrs. Casey would like to attend the course.

- By consensus of the Board, Mrs. Casey may attend the course.

WEST, EAST, SOUTH HANOVER BUSINESS ASSOCIATION MEETING – SEPTEMBER 18TH

Chairman Beaudet noted a meeting of the WES Hanover Business Association will be held on September 18th at the Municipal Building. The meeting is open to the public and begins at 6:30 PM. Members of the Board will be attending.

OTHER BUSINESS FROM THE BOARD

Chairman Beaudet thanked all the parties involved for their work and the time spent working on the grants.

Mr. Spitler reminded the Board it needs to continue to look for in-house Codes and Zoning. Mrs. Casey noted the previous job description was sent to the Board for review. Once comments are received and a revised job description is approved, she will advertise for the position.

Mr. Longreen noted traffic studies are being done within the Township so people will be sitting at the intersections and road tubes are being placed for traffic counts.

BUSINESS FROM THE PUBLIC

Becki Oller commended Mr. Spitler for his idea with Mr. Halbleib's subdivision plan regarding having the Solicitor and Engineer get together to review the issues. Ms. Oller commented the hours for voting in the November election were wrong in the Newsletter. It was noted something will be put on the website to inform the residents of the correct hours.

Chuck Mundy asked when the Board will be voting to fill the Zoning Hearing Board Alternate Vacancy. Chairman Beaudet noted the Newsletter had an article in it regarding the vacancy.

- Mr. Mundy noted there were several applications for the position. The Board did not see fit to advertise for the permanent voting position but is advertising for the alternate position. Chairman Beaudet felt the existing alternate should be afforded the courtesy of the permanent position since they are in line with the process. Two letters were received for the alternate position and Mr. Marshall had asked that it be put out in the Newsletter since there might be other people interested in the position.
- Mr. Mundy noted the term ends December 31, 2008. Chairman Beaudet hoped the Board would be able to consider the position at the end of September, beginning of October.

George Rish asked what the rates are for the current professionals.

- Mr. Kavorik noted his rate is \$195.00 per hour. Mr. Ulrich believed his rate was \$90.25. Solicitor Wyland believed his firms rate was \$275.00 per hour for partners and \$225.00 for associates. The rates were started at a lower rate.
- Mr. Rish noted he requested some documents and he put on it he would like it to be answered in the Right-to-Know Law. He asked if the response would be followed by the law. Solicitor Wyland was not sure what Mr. Rish meant since he had provided previous requests in accordance with the law. Solicitor Wyland and Mr. Rish will discuss what Mr. Rish wants.
- Mr. Rish noted in the last meetings minutes, it was first recorded on paying the bills and withholding KTHL's bill until the next the vote was 4 to 1. Later in the minutes, Chairman Beaudet noted she was not in favor of the motion. Chairman Beaudet noted she had meant to vote no on the motion and mentioned it later in the meeting.

Mr. Kavorik noted he was not charging for his attendance at the meeting. Being at the meeting helps him to advise the Planning Commission.

Mr. Espenshade made a motion to adjourn the meeting. The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Deborah A. Casey

cc: Marie Beaudet
David Marshall
Keith Espenshade
Larry Spittler
Thomas Shutt
Hawke, McKeon & Sniscak
Curt Cassel

Charles Longreen
Planning Commission
Light-Heigel & Associates
Posted
Zoning Hearing Board
LTL Consultants