

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
October 7, 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 7:08 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, Tom Shutt, and Larry Spittler.

Katherine Lovette, 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 at 6:00 PM to discuss legal issues.

**APPROVAL OF THE MEETING MINUTES FROM AUGUST 28, 2008 AND
SEPTEMBER 16, 2008**

Mr. Spittler made a motion to accept the minutes as written. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.

Expenditures:

General Fund	\$187,811.55
Operations and Maintenance	\$ 7,414.57
Street Light	\$ 205.05
Park and Rec	<u>\$ 2,655.44</u>
Total	\$198,086.61

Mr. Marshall noted in LTL's bill, money is being spent for the Park. Mrs. Casey noted those monies are being taken from the Park and Rec Subdivision Fee fund. Mr. Marshall questioned LTL's bill and KTHL's bill regarding the Water Subcommittee's direction to pursue a public water authority when it was agreed in an Executive Session not to pursue it. He would like to pull KTHL's bill until the Board can review it and the \$7,311.51 from LTL's bill until it can be reviewed.

Mr. Marshall made a motion to pay the bills withholding \$7,311.51 from LTL for a 2 week period and KTHL's bill in the amount of \$12,332.63 for a 2 week review. Mr. Spittler seconded the motion. The motion was approved 5 in favor, 0 opposed.

Receipts

General Fund	\$ 54,918.52
Operations & Maintenance	\$ 8,233.00
Street Light	\$ 132.24
Park and Rec	\$ 7,025.00

Available Funds	
General Fund	\$ 514,641.58
Operations & Maintenance	\$ 198,338.10
Street Light	\$ 5,547.41
State Fund	\$ 417,264.90
Public Sewer Fund	\$ 3,960.82
Park and Rec Fund	<u>\$ 158,219.25</u>
TOTAL	\$1,297,972.06

SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

SENATOR JEFFREY PICCOLA

Senator Piccola thanked the Board for inviting him to the meeting. He spoke regarding the ramifications of the new gaming law, Act 71, throughout the State and particularly in East Hanover Township. Senator Piccola was not in favor of Act 71. It is incumbent at the State and Local level to make sure it works properly, correctly, efficiently, fairly and safely. There are several ways this needs to be accomplished, some of which the State is moving ahead on and others that he felt are deficient.

- The impact to East Hanover and other municipalities in Dauphin County with respect to the location of the Hollywood Casino is a concern. The County will receive around \$6,000,000.00 of what is known as the County's Local Gaming Share. These funds will be available for grants to municipal governments affected by the gaming operation and will be distributed accordingly.
- Senator Piccola noted he had the opportunity to review East Hanover's policy statement regarding the 2008 grants, as well as the list of the grant applications for various projects, and some of the other municipalities grant applications. Senator Piccola noted he was impressed by the fact that the top 10 are planning grants. This tells him the Township is not running to spend the money on a project, the Township is looking to plan out the affects of the Casino and how it will impact the residents and the infrastructure. He has written a letter to the Dauphin County Gaming Advisory Committee endorsing the grants the Township has submitted. He felt East Hanover should be given priority since the Casino is located in the Township. That is not to say other municipalities contiguous to East Hanover will not receive some of the funding since they will have impacts. He is willing to work with the Township and County to make sure the impacts are minimized for the residents.
- The gaming law has a lot of flaws in it. One is the structure of the Gaming Board which has been characterized as a recipe for corruption. It is not very accountable. Each individual member of the Board is appointed by an appointed authority, either the leader of one of the caucuses or the Governor. There is no Senate confirmation or vetting process for their character or qualifications. There is also a qualified majority rule that is in place whereby all 4 legislative appointees plus at least one of the Governor's appointees has to agree on whatever the Gaming Board does. Whatever deals were cut when the law was enacted are going to be kept, which has gotten some people into trouble.

He suggested changing how the board is appointed; appointed by the Governor, confirmed by the Senate, make sure there are no outside interests or income since they are paid quite well, and they should be full time dedicated to the position for the time period they serve.

- Senator Piccola noted the other area that needs improvement in the statute is the law enforcement aspect. The process by which the applicants apply for a license and are investigated is severely deficient. Either the State Police or the Attorney General need to be deeply involved in the application process since they are law enforcement agencies. The Gaming Board is not a law enforcement agency for Federal purposes. He has been calling for a comprehensive overhaul of the gaming statute. Unfortunately the people who wrote the original statute felt they have a proprietary interest in it. If you didn't vote for it, your changes should not be taken seriously. Senator Piccola noted he introduced a comprehensive bill which will address the law enforcement and structural issues of the Board. There have been some hearings in the committee that received the bill, but a consensus or an agreement on what needs to be done to change it has not come to fruition during this session. Hopefully, with the new session in January, changes can be made so the statute will operate efficiently, fairly, legally, and above reproach. There cannot be any corruption or organized crime involved in the process. The legitimate operators of the casinos believe that too. He has no doubt Penn National believes in it, but there are some operators that would like to skirt the issue. There is a lot of money involved in these operations.
- Mr. Marshall noted Senator Piccola alluded to the fact he would like to open up the gaming law again to correct some of the mistakes. He hopes when that is done, East Hanover is helped to receive more of its share of the money rather than the Township having to spend thousands of dollars to apply for grants. He understands why the County wants grants to provide justification and he does not mind providing justification, but the amount of money being spent to get the grant money defeats the purpose. Senator Piccola noted he has no problem revisiting that issue, but he was not involved in writing the original statute. If he had gotten into the statute what he wanted, he would have had to vote for it and he did not want to do that since he was opposed to the law. He asked the Township keep track of what monies are being spent directly or indirectly as a result of the casino. This would help to justify the tweaking of the statute.
- George Rish noted Senator Piccola was against the gaming bill and had indicated he identified deficiencies before the bill was passed. He also indicated he couldn't get changes made because he would then have to vote for the statute. Mr. Rish felt Senator Piccola should try to get it the best possible bill before a vote is taken. Senator Piccola noted he offered amendments on the floor of the Senate the night the bill was passed. There were only 4 or 5 hours before the vote for individuals to analyze it since it was not presented earlier. He offered amendments including involving the Attorney General and State Police in the law enforcement aspect of the investigations, but those were voted down, not by a party line, but by who was for and against the bill. They felt the amendments being made were trying to kill the bill. It was indicated if he was willing to vote for the bill, they might accept the amendments. There was a

mindset that unless you were going to support the bill, then you weren't going to contribute to it. One of the things Senator Piccola offered was if you were convicted of a felony anytime in your life, you would be banned from having a license. There was a 5 year threshold in the bill. He felt there should be no threshold. Mr. Rish felt there was not enough time to review the bill and provide amendments. Senator Piccola noted that was correct and the rules of the Senate have been modified where more time is provided to review a bill and provide amendments.

- Senator Piccola thanked the Township for its hospitality.

EVELYN SCHNADER – PETITION FOR S. MEADOW LANE AND RT. 74

Senator Piccola agreed to stay for the discussion. Chairman Beudet noted the Township has already bought one property on Rt. 743 at a cost of \$190,000.00 to improve an intersection. Rt. 743 has become a huge issue for the Township.

- Evelyn Schnader noted she's been a resident of the Township for 20 years and lives on S. Meadow Ln. approximately ½ mile from the intersection of S. Meadow and Rt. 743. The intersection is very hazardous. She read a letter provided to the Board. The letter indicated the intersection is dangerous since there is limited visibility when pulling out onto Rt. 743. Enclosed with the letter were copies of letters sent to Governor Rendell, Representative Marsico, Senator Piccola, Commissioners Haste, Hartwick, and DiFrancesco, and Barry Hoffman of PennDOT concerning making necessary improvements to the intersection to alleviate the limited visibility. Also enclosed was a petition signed by 162 residents who use the intersection and find it unacceptable. The traffic drastically increased with the Hershey distribution warehouse, craft warehouse, the Casino, the Preserve at Bow Creek, etc. Last month the Township rezoned an area to make way for a shopping center. This will only increase the traffic. Ms. Schnader noted she is very angry about the lack of concern from PennDOT since it is the organization that must make the improvements, but she is asking for the Township's full support in trying to resolve the problem.
- Chairman Beudet noted the Township's Public Safety Advisory Council has the intersection on its items of concern. She discussed the property the Township purchased to improve the intersection at Earlys Mill Rd. and Rt. 743. She felt the Township has shown it is willing to be partners to resolve these issues.
- Senator Piccola noted the issue would be taken to PennDOT's District 8. There are safety dollars available. He will try to make sure this is elevated in PennDOT's attention. He asked if the Township has had communication with PennDOT regarding the intersection. Mr. Longreen noted he has spoken with and sent letters to PennDOT. Recently, PennDOT repaved Rt. 743 and he tried to get them to cut the road down more before the paving to get the sight distance and he was informed it was not in the contract. This was a verbal response. Mr. Longreen noted PennDOT is putting a lot of this on the local municipalities since it is a Township road that is entering a State road. The Township can't afford to fix the intersection.
- Chairman Beudet asked Senator Piccola to keep the Township informed of the issue and the updates would be put on the website.

David Craig asked if Senator Piccola would take note of the amount of tractor trailers that park on the shoulders at the I81 rest areas. Senator Piccola noted that is being worked on. PennDOT needs to be involved with this issue.

REPORTS

PLANNING COMMISSION – DAVID CRAIG

Mr. Craig presented his report for September.

- Royer Subdivision – the plan has been recommended for approval by the Planning Commission contingent upon verification of monuments. The plan will expire on October 19th.
- Gingrich/Jones Subdivision – the plan has been recommended for approval by the Planning Commission. The waiver for Section 403.3 and Section 402.3.4 which is existing features within 200 feet of the site has been approved. Also the removal of note for waiver request for Section 403.5 and Section 402.3 was recommended by the solicitor and the engineer.
- Hilton Garden Inn – This is due to expire on October 21st. A grant of an extension will be received from the applicant. Updates to the plan were reviewed and discussed. Stormwater Management was also discussed.
- Halbleib Subdivision – this is a new plan which will expire on October 21st. A grant of an extension will be received from the applicant. Discussion was held on the zoning and engineer's comments.
- The East Hanover grant applications were discussed. Mr. Craig recused himself from the discussion since he is a member of the Gaming Advisory Committee. The most prevalent comment was it is hoped there will be more time with future grants for public review and comment. There was a recommendation of approval of the grant items that were submitted to the County.
- Mr. Craig did not have a report at this time for the Workshop that was held on September. He noted the Planning Commission did not invite extraneous individuals to the Workshop. No one was asked to come that does not normally come. He asked for direction from the Board as to who should show up at the meetings. Chairman Beudet noted at workshops, the engineer is usually there. If the Planning Commission feels it needs legal counsel at the workshops, it should let the Board know. LTL took it upon themselves to provide the additional people in order to guide the Planning Commission with the comp plan so there will be no cost to the Township. Mr. Marshall noted if any additional people are required for workshops; the Board needs to approve of those individuals. Mr. Craig noted the solicitor had tried to get a planner to attend, but that fell through. It was Mr. Craig's hope if the planner was present, Mr. Hannum of LTL would be able to help show the Planning Commission how the comp plan and the Act 537 dovetailed into the plan. That was the Planning Commissions only request to have additional people. Chairman Beudet noted those plans need to dovetail and the Planning Commission needs the help on that issue. She does not want to over regulate on something that has been working well. Mr. Craig noted the Planning Commission is a volunteer group and are not planners. He felt they have the Township's best interest in heart.

- Mr. Craig noted LTL has presented a proposal to the Township to provide help to the Planning Commission. He asked if there are any comments from the Board on the proposal. Chairman Beaudet noted the Board is reviewing the proposal and will talk with the Planning Commission.
- Mr. Craig asked how much effort the Planning Commission should put forth into following the proposal at this time. Chairman Beaudet noted the Township has to move forward. The question is how the Township is going to pay for the money expended. The Planning Commission needs to be asked who it wants to work with regarding the plan before the Board can make a decision. Mr. Craig noted the Planning Commission will try to follow the proposal at this time. He also asked about responsibility for the Planning Commission as to how it is to communicate back and forth regarding the project and the expenditure of hours and costs. He wants to make sure they do not spend more money than is being allocated.
- Mr. Spitler noted if the Planning Commission feels there is an issue with expenditures, they should contact any of the Board members and the Board will provide feedback as to what can or cannot be done. Mr. Craig asked for good black and white direction as to what the Planning Commission can and cannot do. He wants to know how many hours during a month LTL can be present at meetings since he can't judge what they are doing offsite.
- Mr. Ulrich commented the Planning Commission was looking at, as described to LTL, 12 separate tasks for the comp plan. LTL could take the estimated cost and break it down into the 12 tasks so the Planning Commission could better monitor the progress and costs. Mr. Craig felt that would work. Mr. Ulrich noted LTL would internally regulate and if something was getting out of hand, it would say something before the costs are incurred. The Planning Commission has suggested 2 meetings per month, 1 where LTL would be present and the other, a workshop with just the Planning Commission.
- Mr. Spitler has suggested to the Board that it adopts a different strategy as to how it conducts internal business. He has not yet had time to lay it out to the Board but, hopes to do so within the next couple weeks. This may provide guidance to the Planning Commission as to how it should function in its capacity and who to go to for what items, and when. Mr. Craig noted if he had a point of contact, it would be beneficial. Mr. Spitler noted it would be a point of contact, accountability, cost, consultant involvement, etc.
- Mr. Shutt noted the Planning Commission volunteers its time and is concerned whether the Township is giving them the proper tools and guidance to do their job.
- Chairman Beaudet felt if the Board goes to a committee system, it would work better not only for the Planning Commission, but also the consultants and other projects in the Township.
- Mr. Craig noted at the last Water Subcommittee meeting, discussion was held regarding the sampling of wells. This relates to the Act 537 Plan update. Mike Webb is present and can speak to the subject better. He offered a proposal as to the sampling regiment. Mr. Craig asked if it was still the wish of the Board to address the proposal. Chairman Beaudet noted the Board has talked to Chris

Hannum. He has provided the water assessment as he sees it and the Board is aware of Mr. Webb's proposal. The Board is looking at both assessments.

- Mike Webb noted his concern is that using a purely random approach towards selecting sampling events doesn't necessarily tell whether you are having issues from malfunctioning systems, but may tell you that there are issues with poorly constructed wells. In an effort to get a better handle of what is going on, it is better to look at the entire universe of sampling points, and then select those that are most suitable towards determining whether or not there is ground water impact as opposed to whether or not what you are getting is infiltration from the surface. The other issue is making sure the sampling process itself and the selection of appropriate analysis techniques is clearly laid out and applied during the sampling process. If you are taking bacteria samplings, there is a good chance of biasing results to get positives. If there is a protocol, this is a good way of ensuring that you have a good chance of getting good data. It is always better to get quality data to support the decision that is to be made. Another issue is there should be a certain amount of quality control. This cannot only mean the sampling but the labs involved. Government is always willing to take the time to sample the second time if it wasn't done right the first time. They never seem to take the time to do it right the first time.
- Chairman Beaudet asked about a poorly constructed well. Mr. Webb discussed wells; a cased or uncased well, grouted or ungrouted wells. Is the sampling going to be perfect, probably not. If you immediately go through and toss out uncased wells, you will eliminate positives on those wells since they will almost always test positive for total coliform and fecals. Fecal coliform is not an indication of a failing sewer system, it is an indication there is contamination from fecal material from a warm blooded creature such as a horse, raccoon, etc. These reside in soil systems for a long time and can infiltrate through the ground into the system. There are techniques to determine whether or not fecals are from human activities, but he does not recommend these tests. DEP considers these tests somewhat experimental and are expensive. He recommended the Township pick the best constructed wells as possible and test those vs. the poorly constructed ones.
- Chairman Beaudet asked if the suggestion was for LTL to eliminate any well from its testing that was not cased. Mr. Webb noted she was correct. LTL was asked if that would be a problem. Mr. Ulrich noted he would have to refer that to Mr. Hannum for comment.
- Mr. Spitler asked if Mr. Webb had this conversation with Mr. Hannum. Mr. Webb noted he did. Mr. Hannum felt everything being said was accurate from a scientific view, but he was urgent to get the sampling done this fall. Mr. Webb suggested to Mr. Hannum if a good sampling plan is put together and it is clearly defined how you are going select your sampling points, and then drop it in DEP's lap and ask for 30 days for it to tell the Township what to do, they have no reason to come back later and inform the Township it did not want to do it that way. Outside of Act 537 plans, DEP typically requires a sampling plan. Chairman Beaudet noted Mr. Hannum will be met with in 2 weeks. Mr. Webb noted if the minimum number necessary and randomly accepted data points that aren't really

good and data is provided that is not felt to be valid, this is difficult to explain to DEP and it will tell you to do something or go back and do more sampling. Mr. Webb felt his proposal would be the best way to look for the groundwater quality.

- Mr. Spittler asked if his recommendation could be provided to the Board in written format. Mr. Webb noted this was done through an e-mail. He noted Township's have a tendency to rely on their paid professional staff and professional staff's have a desire to get as much done as quickly as possible for billable hours. It is very easy to cross contaminate samples and get positive samples.
- George Rish asked if the sampling is for the Act 537 Plan and is it Township wide. Chairman Beaudet noted it was for the plan and is Township wide.
- Richard Schock asked about the comprehensive plan. He was at the Workshop meeting and made a mistake and said the Comprehensive Plan was adopted in 2003. That was incorrect; the LDARPG Comprehensive Plan was adopted in 2005. He has asked in the past what is wrong with the LDARPG plan. He looked at the objectives and goals and does not know what is wrong with the plan and does not understand why a new plan is being done. LDARPG spent a lot of money to do the plan and it only cost the Township around \$500.00. The figures he has heard to do a new plan are quite high. The Township can't afford to do a new plan every time a new administration comes in. He was told the new plan was to protect him from people coming in. He has no fear of those people but he does fear government. This new plan will be more control. He against the new plan unless someone can explain to him why it is needed. There is some question as to whether or not the LDARPG plan is legal, but it was sent to the County and it approved of the plan.
- Keith Oellig asked at a previous meeting as to what the comprehensive plan would cost. The Board's response was it would cost nothing since the Planning Commission was going to do it. Chairman Beaudet noted the grants would take care of the cost. Mr. Oellig noted he was involved with the Regional Comprehensive Plan and felt it was ironic at the County Planning Commission meeting that Conewago's Comprehensive Plan was adopted and it is almost similar to the regional plan. He is concerned that the person writing the regulation is benefiting from the fees it is collecting from the regulations and felt that it could be a conflict of interest. He suggested that a RFP be submitted to see if there is an outside firm that would be interested in working on the plan to prevent the person writing the plan from benefiting from the regulations. He would like to see at the end of the year what each firm has collected from the Township. The citizens need to know that and he is sure they will be appalled at what has been spent on professional services.
- Chairman Beaudet noted the costs can be tallied and the bills can be viewed at any time.
- Richard Schock commented he would like to see minutes from the sub-committee meetings. He has not seen any minutes or the announcements of meetings.
- George Rish noted he is aware the Township is not required to have competitive bids for professional bids. The County's rules for the grants say you have to have competitive bidding for a project. Professional services are required to

have a competitive proposal process when at least 50% of the costs are funded from funds made available under the grant agreement. Mr. Rish asked if the Township was going to follow those regulations since it appears that all the things asked for through the grants are already being worked on. Chairman Beaudet noted part of the funding is reimbursable for monies already spent by the Township because of the impacts caused by the Casino. Some of the items money was spent on happened before the County put out its guidelines, therefore, those bills are reimbursable. Mr. Rish asked if that was in writing. Chairman Beaudet noted the Township was told those are reimbursable. Mr. Rish asked if there is documentation, he would like to have a copy of it.

- Mr. Espenshade noted there are no guarantees with the casino funds. There is nothing that is in writing. The Township is putting its cards on the table and the money was spent. These are items that need to be done now, and if the money is not spent now, he can't imagine what it will cost in the future. The County has told the Township it needs to do certain things in relation to the MOU. The County wrote the guidelines and this is the information that was provided to the Township verbally. He understands that this is a potential problem, but from day one of the MOU, there has been no guarantee. The Township has taken this on good faith and had already started on projects before the grants were even considered. You can't go back and put something out for bid that has already been started.
- Chairman Beaudet noted guidelines were put on the Township to do baseline studies within a 2 year period and it has to do those studies. There was never a capital list improvement for the Township in the past. This all needs to be provided now to show the impact of the Casino on the Township. If we can't prove it, then someone else will get the grants.

PARK AND RECREATION – JANET ESPENSHADE

- A written report was provided to the Board.

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

Mr. Longreen presented his report for the month of September. It is available for review at the Municipal Building.

- A request was made for a street light at Evergreen Lane and Pineview Drive. It was suggested the request be submitted to the Board in writing. There is a concern from a resident of children standing at the intersection waiting for the school bus in the dark. The individual was advised to talk to the property owners where the street light is requested since they will have to pay a street light tax for the light.
- Mr. Spitler noted he saw the proposal from BWB for the demolition of the house at Earlys Mill Rd. and Rt. 743. Mr. Longreen noted the proposal is strictly for budgetary purpose. Mr. Spitler asked if anything was done regarding advertising for the demolition. It was noted no advertising has been done. The back fill will be done by the Township.

GRANTVILLE VOLUNTEER FIRE CO. – WAYNE ISETT

- On October 18th and 19th the Air Guard will be returning to the property for the new firehouse to do work to prepare for inspections.
- On October 18th, the Fall open house will be held along with a Chicken and Rib BBQ from 10:00 AM until 2:00 PM. A blood drive will also be held.
- By October 17th the application will be completed for a State grant for between \$2,500.00 and \$15,000.00. The Fire Company has been averaging around \$11,000.00 per year from the grant. This year there are 4 more certified fire fighters so the grant may be higher.
- All the dry hydrants have been backwashed and tested.
- A 39er will be put out shortly along with the annual fund drive.
- The Halloween Parade will be held on October 23rd.

PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

- The 3rd meeting of the year was held on September 22nd. All members were present and all open action items were reviewed. Most of the items have been completed. There are not any new items and the only open item is the intersection at S. Meadow Ln. and Rt. 743.
- The next meeting will be in March of 2009.

EMERGENCY MANAGEMENT – JOHN NELLIGAN

- It was a busy month for EMA with completion of the many papers required.
- In August of 2004 EMA of East Hanover and other Townships made a comprehensive study of all mitigation issues. This relates to identifying and correcting problems that are foreseen as causing emergency conditions to worsen. In 2004 a report was submitted from the Township and at that time 84 items were reviewed as problems. There were 30 deficiencies and those items needed to be corrected. By addressing those items properly, this puts the Township in a positive funding position with FEMA and PEMA should a major disaster occur. This year, 14 of the deficient items have been corrected which is a positive sign. Discussion has been held this evening regarding what the volunteers do, what has the Township done to better itself, has the money been spent properly and are we doing the right thing. The Board has adopted and implemented the Uniform Construction Code. This was a major negative during the 2004 study list of deficiencies. Major revisions were made to the subdivision and land use ordinances. Stormwater compliance planning is one of the major concerns. The Board has adopted a new Stormwater Ordinance. The Board approved the Dauphin County Emergency Management Agency Emergency Operating Plan. This was another deficiency that was resolved. Most recently was the inadequacy of public supply issues for handling fire protection. The dry hydrant implementation resolved that issue. Sixteen items remain and they will be revisited over the next 5 years.
- Mr. Nelligan has been asked to represent East Hanover Township to act as a consultant with the Lower Dauphin School District in the development of its Emergency Operations Plan. This is for the entire school district. This process began last year and will be completed this year.

- The Fire Company has stated through a phone call that they have back flushed and serviced all the dry hydrants in the Township. This is critical to maintain the regulations. Mr. Nelligan informed the Fire Chief that he appreciated the call but would like to have this put into writing.

WASTEWATER TREATMENT PLANT – CURT CASSEL

Mr. Cassel presented his report for the month of September.

- There were 19 issues with the grinder pump at Funck's EXXON. This ultimately required grinder pump and motor start replacement. This is the 2nd pump this year for Funck's EXXON.

ENGINEERS REPORT – NORMAN ULRICH

The Engineer provided his report to the Board. It is available for review at the Municipal Building.

- Triple Diamond is nearing completion. The property owner has agreed to miscellaneous base repairs and overlay work to Kelly Court and Herr Drive.
- Hilton Garden Inn – There have been some meetings to go over the outstanding issues regarding the SALDO, stormwater, and water issues. The plans have been revised.
- Rossi Project – A letter needs to be received from the property owner to request the release of the letter of credit. There are still zoning issues outstanding but those are note related to the plan and are new issues.

EFMR MONITORING GROUP – NEW CONTRACT

The Board discussed the new contract.

- The terms are to represent East Hanover's interests with State, County and local stake holders, interested parties and issues related to East Hanover's government relations, strategic planning, Casino impact, public policy and County revenue sharing. Point of contact – the contractor works for the East Hanover Township Board of Supervisors and will report to the Supervisors. The contractor will keep the Board apprised of developments, meetings, correspondence in a timely manner, and legislation, prepare a monthly report and attend at least one meeting of the Board of Supervisors per month. The rate is \$3,000.00 monthly as a retainer for base services. In the event the monthly service goes beyond 20 hours, or the Supervisors request special assignments requiring more than base service hours, then EFMR rate is \$150.00 per hour. Billing statements to be submitted monthly with reimbursement for all document and Township approved expenses, a \$25.00 travel fee for destinations more than 10 miles, and more than 20 \$35.00. More than past the \$35.00 is reimbursable at the IRS rate. The contractor is responsible for office support services, coping, postage, lobbying and registration.
- Mr. Marshall noted he had an issue with the \$3,000.00 per month retainer for 20 hours. He felt that if the Township only used him for 10 hours, it is still obligated to the \$3,000.00 per month.

- David Craig asked if there was a non-compete clause in the agreement. Chairman Beaudet noted Mr. Epstein has agreed to only work for East Hanover Township.
- **Mr. Marshall made a motion to enter into the agreement with EFMR Monitoring Group for a one year period. Mr. Shutt seconded the motion.** Mr. Espenshade did not agree with the \$3,000.00 per month retainer and would like to see it at \$1,500.00 per month and cutting the base service to 10 hours per month. He did not have a problem paying Mr. Epstein for the time he works, but he would rather not see the \$3,000.00 per month commitment if the Township doesn't need it. It was felt Mr. Epstein would be open for discussion. Chairman Beaudet noted the reduction was not the contract the Township has to vote on and there is only so long to sign it.
- Mr. Marshall suggested he amend his motion to enter into the contract but try to negotiate the \$3,000.00 retainer to \$1,500.00 and 10 hours per month. Mr. Espenshade intends to retain Mr. Epstein but would like to reduce the retainer. Solicitor Lovette indicated the Board should review the contract to see if there is language in it to amend it. If the existing contract is voted on now, there is a 30 day termination period in which the Board could terminate the current contract if a new contract can be negotiated. Mr. Espenshade will contact Mr. Epstein.
- **A motion is on the table. The Chairman asked for public comment.** Mike Webb noted Mr. Epstein would be owed a minimum of 2 months if the contract was approved and then possibly terminated. He did not understand the urgency on doing this tonight as opposed to negotiating over the next week and half and perhaps getting what the Board would like. Chairman Beaudet noted the Board has had the contract for several weeks. The reason the Board is on the line is because someone else might want him. Mr. Webb felt it is better to have it in black and white before the contract is signed. If he does not agree to renegotiate and the contract is void, then he can go somewhere else. George Rish felt if the contract is not right, it should be voted down. There is nothing to stop the Board from paying his previous rate over the next 2 weeks until he can be contacted.
The motion was approved 5 in favor, 0 opposed.
- Andy Stein's contract is also up for renewal. His has not changed but there has been an addition to it that the parties agree to proactively avoid miscommunication, unapproved work, unexpected billings and timeliness of deliverables by the following: that they report and it is directly monitored by East Hanover Board of Supervisors and the Board only. All assignments are to be confirmed in writing or e-mail with at least 2 Board members approving, one of which must be the Chair or Vice Chair. Chairman Beaudet felt it should be changed to 3 Board members to protect not only Mr. Stein but also the Board. Discussion was held. Solicitor Lovette noted Mr. Stein's contract has the same termination terms as Mr. Epstein's and provides for amendments if both parties agree. Chairman Beaudet noted the Board would be voting on the contract with the request for 2 Board members approval for projects, but will tell Mr. Stein he should have 3.
- **Mr. Shutt made a motion to approve Mr. Stein's contract. Mr. Spitler seconded the motion.** George Rish asked if either of the contracts were

reviewed by the solicitor before this evening. Chairman Beaudet felt Solicitor Wyland probably reviewed them. Mr. Rish asked if the other Board members got information as to whether or not they had questions regarding the contract and asked if they had knowledge of Solicitor Wyland reviewing the contracts. Mr. Spitler was not aware if the contract was reviewed by the Solicitor. Mr. Rish noted the Solicitor is being paid \$30,000.00 per month and if he can see the bills, without them being redacted, he might be able to tell if the contracts were reviewed. Chairman Beaudet noted Mr. Rish had been a supervisor and knows the rules. Mr. Rish noted it's alleged to be confidential but he doesn't know if it is because it is blacked out. When he was a supervisor, to his knowledge, there were never redacted bills. He felt the contracts should have been reviewed by the Solicitor. Mr. Shutt noted he was at a meeting before he was a Supervisor and a group from Lancaster came in the meeting with a stack of papers regarding the rezoning and they were handed to the Supervisors to review and vote on at the same time. He asked what Mr. Rish had read before he approved it. Mr. Rish did not recall the incident. Discussion continued. Mr. Espenshade did not feel the Solicitor needed to review it since it was the same contract as last year and the only thing that changed on Mr. Epstein's contract was the retainer. The only thing that changed on Mr. Stein's contract is that he wanted protection so that no one Board member could give him direction and the rest of the Board members question his bill. He noted Solicitor Wyland did have a copy of the contracts, but Mr. Espenshade has no knowledge as to whether or not he reviewed them since there were no comments from him. **The motion was approved 5 in favor, 0 opposed.**

UNFINISHED BUSINESS

STORMWATER MANAGEMENT - THOMPSON

- This is with the Solicitor.

CLEAN STREET ORDINANCE

- A meeting will be held later this month.

WINFINDALE PROPERTY

- This is with the Solicitor.

CHANGES TO SALDO – LTL CONSULTANTS

- Mr. Ulrich noted a review was done and has been documented if the Board wishes him to send it out. These are the major deficiencies in the SALDO. It was noted the list should be sent out.

JUNK YARD ORDINANCE

- This will be reviewed at another meeting.

PROPERTY ON EARLYS MILL ROAD AND RT. 743

- It was noted the individual that inquired about the property is no longer interested at this point in time. The individual was going to salvage the property at a cost to the Township of \$32,000.00.
- Mr. Marshall felt the Township could advertise the property and it doesn't have to accept the RFP.
- Mr. Marshall noted the ground that was removed from the bank was hauled to the old wastewater treatment plant site since Mr. Longreen did not want to disturb any ground that could be a potential septic system. Mr. Marshall suggested the Board move forward and do the percs and probes to establish a septic site so when the demolition is done, it is known where the site is.
- **Mr. Marshall made a motion have Mr. Longreen work with Light-Heigel to do the percs and probes to establish a septic site at the Rt. 743 and Earlys Mill Rd. property. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**
- Mr. Espenshade felt the Township should proceed and get the RFP out. This will be discussed at the next meeting.

ZONING HEARING BOARD ALTERNATE

There have been 4 individuals that have expressed an interest in filling the Zoning Hearing Board alternate position. They are Timothy Yuncker, an attorney; Mark Stremmel, an engineer; George Rish, former Supervisor and Planning Commission member; and Chuck Mundy, retired VP of the American Train Dispatcher Union. All are residents of the Township.

- Mr. Spitler felt Mr. Stremmel was a knowledgeable, intelligent, forthright individual.
- **Mr. Spitler made a motion to appoint Mr. Stremmel as the alternate. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

ACT 209 – LAND USE ASSUMPTION REPORT (LUAR)

This regards a Land Use Assumption Report and is intrinsic to the Act 209. There is around \$40,000.00 in costs for the Act 209 and the LUAR is not shown in those costs.

- Chairman Beaudet noted the 209 Committee assess monies to a new business that might come into the Township so the tax payers don't have to pay for infrastructure improvements. The LUAR, along with the traffic study, is one of the first things the 209 Committee does when a new business comes in. LTL will be doing the report at a cost of around \$10,000.00.
- **Chairman Beaudet made a motion to approve the Land Use Assumption Report to be done by LTL and as soon as possible have it ready for McMahon Engineers with costs not to exceed \$10,000.00.** Mr. Spitler asked about a completion date. Mr. Ulrich noted he spoke with Jodi Evans of McMahon and to keep on track to get the Act 209 adopted, the LUAR needs to be done by the end of the year. This includes a 30 to 45 day review period of the report. **Mr. Shutt seconded the motion. The Chairman asked for public**

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

COMPREHENSIVE PLAN

LTL will provide a report at the next meeting.

NEW BUSINESS

DEP DECISION – COMPONENT 3M

Chairman Beaudet noted the Township heard from DEP regarding Partridge Hills and Englewood. DEP has rejected the idea of increasing the OLDS pumping. The Board would like to send LTL to DEP for a meeting. It was noted Chris Hannum or Lisa Sweigert of LTL will attend along with Solicitor Wyland. Solicitor Lovette noted any motion that would include sending the Solicitor should be contingent since the Township would not want to send a lawyer if DEP does not have one present.

- **Mr. Espenshade made a motion to send LTL, and if Solicitor Wyland is requested to go along, to meet with DEP if they will meet with the Township. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

USE OF SPECIAL FIRE POLICE

St. Johns United Methodist Church is requesting the use of the Special Fire Police on December 12th, 13th, 14th, 19th and 20th from 6:30 PM until 9:00 PM for its Nativity at Fabe Walters property on the corner of Rt. 22 and Rt. 743. The Fire Police have agreed to do this.

- **Mr. Marshall made a motion to allow the Fire Police to go on the fore mentioned dates for St. Johns United Methodist Church for the Nativity Scene providing the Fire Police have agreed to it. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

SHAFFER – RELEASE OF ESCROW

The Shaffer's have an escrow for their stormwater. All inspections have been done and escrow needs to be released.

Chuck Mundy asked what action was taken by the Board regarding the letter from DEP and what did the letter say. Chairman Beaudet noted DEP rejected the Townships plan to increase the pumping in Englewood and Partridge Hills. The Township will send LTL and possibly the Solicitor to speak with DEP as to what it wants. The Board, if possible, does not want to see any fines or consent orders from DEP.

- Mr. Mundy noted in the minutes of one of the June meetings, the Solicitor said the Board would appeal that decision. Chairman Beaudet noted he said the Board COULD appeal the decision. The Township needs to find out what DEP wants.
- Mr. Mundy commented he did not see the letter in the correspondence list. It was noted the letter will be posted on the website.

SHAFFER – RELEASE OF ESCROW – CONTINUED

The release includes the withholding of the payment of the engineer's inspections plus interest.

- **Mr. Marshall made a motion to release the escrow account for Mr. & Mrs. Shaffer for the amount of \$7,552.41. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

BOARD OF SUPERVISORS WORKSHOP – GIS AND OTHER ISSUES

It was decided not to have a Workshop at this time.

BUDGET WORKSHOP

- **Mr. Spitler made a motion to have the budget workshop on October 20th at 7:00 PM. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

ACT 209 COMMITTEE MEMBERS – MIKE YINGLING, DAN CASEY

Mike Yingling will fulfill the real estate requirement; Dan Casey is a retired engineer.

- **Mr. Marshall made a motion to appoint Mike Yingling and Dan Casey to the Act 209 Committee. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

HILTON GARDEN INN – GRANT OF AN EXTENSION OF TIME

The grant of an extension of time has been received until November 18th.

- **Mr. Marshall made to accept the grant of an extension of time until November 18th from Hilton Garden Inn. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

HALBLEIB SUBDIVISION – GRANT OF AN EXTENSION OF TIME

The grant of an extension of time has been received from Hershey Trust/Halbleib.

- **Mr. Marshall noted he will recues himself from the vote since Hershey Trust is involved.**
- **Mr. Espenshade made a motion to accept the grant of an extension of time until November 21st. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, Chairman Beaudet, Mr. Espenshade, Mr. Shutt, and Mr. Spitler; 0 opposed; 1 abstention, Mr. Marshall.**

ROYER SUBDIVISION – GRANT OF AN EXTENSION OF TIME

- **Mr. Espenshade made a motion to accept the grant of a 30 day extension of time. Mr. Shutt seconded the motion. The Chairman asked for public**

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

ROYER SUBDIVISION PLAN – ACCEPT FOR REVIEW

- **Mr. Marshall made a motion to accept the Royer subdivision for review. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

GINGRICH/JONES SUBDIVISION PLAN – ACCEPT FOR REVIEW

- **Mr. Marshall made a motion to accept the Gingrich/Jones subdivision for review. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

DAUPHIN COUNTY PLANNING COMMISSION – EXCEEDED CONTRACT COSTS

A representative from DCPC typically attends the Planning Commission meetings. The \$1,000.00 of service has been exceeded. DCPC will still review plans since that is paid for by the applicant, but will not attend any meetings through the end of the year.

- Mrs. Casey noted in the past, a representative was not sent to all the meetings. This year, a representative has attended most of the meetings.
- Mr. Ulrich noted a representative is not needed at all meetings since DCPC tends to offer comments that are broader and not specific to the Township.
- **Mr. Marshall made a motion to not have a DCPC representative attend Planning Commission meetings through the end of the year. Mr. Spitler seconded the motion.**

OTHER BUSINESS FROM THE BOARD

There was no other business from the Board.

BUSINESS FROM THE PUBLIC

David Craig asked if it is a good rule of thumb with regards to having a solicitor at Planning Commission meetings that if the applicant has a solicitor present, the Township should also have one.

- Mr. Spitler was looking to Mr. Craig to tell the Board what he is comfortable with. If he feels a solicitor is needed, then one should be there. Mr. Marshall noted Solicitor Wyland should be informed of Mr. Craig's concerns and let the solicitor make the final decision.
- Mr. Shutt felt the Board needs to discuss this very seriously. The Planning Commission has 1 meeting a month, the Board 2. Perhaps the Board needs to only have the solicitor present at 1 meeting per month and not make the Planning Commission do without.
- Chairman Beaudet noted direction to the Planning Commission will be provided at the next meeting.

Mr. Shutt noted he spoke with Paul Boyer at the cemetery. Mr. Boyer commented as to how pleased he was with the mowing that David Craig has been doing at the cemetery.

Mr. Craig asked that the Board provide direction as to any special areas of the Township that need attention relating to the Comprehensive Plan. Chairman Beaudet noted she would provide the information once the Board agrees on its concerns.

Mr. Ulrich noted there are legal issues that come up from time to time with the reviews of plans. The review letter will usually indicate if there is an agreement or something that needs to be reviewed by the solicitor.

Keith Oellig noted under GIS, there was not much discussion. He was wondering what LTL is doing. The County had regional sessions for Townships to attend and one of the issues was demonstration of its GIS program. Only 2 Townships showed. Mr. Oellig felt there could be a lot of services provided by the County in regards to GIS that LTL is doing. The work is being done whether the Township uses it or not and he felt it would be a lot cheaper to use the County's information vs. LTL's.

- Chairman Beaudet noted the Township has gotten information from the County through LTL. Secondly, developers are being asked to hand over their cad drawings so the Township has the information.
- Mr. Ulrich noted the County will do things that are available to the County. What is going to be changed in the Township's SALDO is when a plan is approved; the applicant will be required to turn over their computer files so the information does not have to be recreated. That is the type of information the County would not have interest in since it is local and not regional.
- Mr. Oellig felt the Board should look at what is available. He is disappointed there was no representation from the Township at any of the meetings.

Mr. Marshall noted he attended a meeting regarding the 2009 Gypsy Moth program. The cost of spraying is going up to \$10.15 per acre. DCCD will be contacting the Township as to the amount of acres that are going to be sprayed within the Township, but according to the map that was presented, it appears there is a minimal amount for the Township.

- Mr. Oellig felt the Gypsy Moth issue could be solved if farmers were given an incentive to spray for grubs before they hatch.

George Rish noted during the discussion of the bills, a water authority was mentioned. He asked if the Township had one. It was noted there is no water authority but there had been discussion about forming one.

George Rish indicated a couple months ago, the Swatara Creek Watershed Association wanted to change the name from Swatara Creek to the Swatara River and asked the Township its opinion. He asked if the Township did anything about the name change.

- It was noted a vote was not taken on the issue.
- Mr. Marshall noted the Solicitor was to check into what the difference was between a creek and a river. Mr. Rish asked if the information was provided. Mr. Marshall did not recall seeing any information.

- Mr. Rish noted his bills reflect he did 2 memos on the issue but the Township did not act on the issue. Mr. Rish provided the costs from the bills which totaled around \$2,000.00
- Chairman Beaudet commented the research was done to see if it would affect the Township if it ever wanted to put an interceptor line down to the Swatara Creek.

Mr. Espenshade made a motion to adjourn the meeting. The meeting was adjourned at 10:13 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	