

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
December 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 7:09 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, and Larry Spitler. Supervisor Tom Shutt was absent.

Scott Wyland, Solicitor; Norman Ulrich, Engineer; Marty Sowers, Codes and Zoning; Charles Longreen, Director of Public Works; and Deborah Casey Secretary/Treasurer were also present.

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

**There was an Executive Session held on November 24<sup>th</sup> to discuss legal issues.**

**Fence Bids for the ball fields will be opened with possible award at 7:30 PM.**

Chairman Beaudet noted East Hanover Township will conduct a presentation before the Industrial Development Authority on December 8<sup>th</sup>.

**APPROVAL OF THE MEETING MINUTES FROM NOVEMBER 18, 2008**

Mrs. Casey noted 2 changes were made to the draft. On page 7 the vote for the motion for the grant of an extension of time for the Halbleib plan was changed to read "The motion was approved 3 in favor, Chairman Beaudet, Mr. Espenshade, and Mr. Shutt; 0 opposed; 1 abstention, Mr. Marshall." Also on page 8 under Other Business from the Board, "Angles" was changed to "Angels" and in the Business from the Public; the spelling of "DeWees" and "Whip" was corrected.

**Mr. Marshall made a motion to accept the minutes with the changes. Mr. Espenshade seconded the motion. The motion was approved 3 in favor, Chairman Beaudet, Mr. Espenshade, and Mr. Marshall; 0 opposed; 1 abstention. Mr. Spitler abstained from voting since he was not present at the last meeting.**

Mrs. Casey asked for a correction of the November 5<sup>th</sup> approved minutes. On page 7, the date for the extension of time for the Hilton Garden Inn plan should be until December 16<sup>th</sup> and not December 2<sup>nd</sup>. This will be penned in on the approved minutes

**Mr. Espenshade made a motion to approve the change to the November 5<sup>th</sup> minutes. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

**TREASURER'S REPORT**

Expenditures:

General Fund	\$ 61,638.14
Operations and Maintenance	\$ 34,864.40

State Fund	\$ 13,275.10
Street Light	\$ 205.05
Park and Rec	<u>\$ 22,000.50</u>
Total	\$131,983.19

Mrs. Casey noted there are 2 bills from the last meeting that need approval, one from KTHL in the amount of \$727.50 and Light-Heigel in the amount of \$5,040.00.

**Mr. Marshall made a motion to pay the expenditures as submitted. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

**Mr. Marshall made a motion to pay the KTHL and Light-Heigel bills. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

#### Receipts

General Fund	\$ 23,255.50
Operations & Maintenance	\$ 665.00
Park and Rec	\$ 108.00

#### Available Funds

General Fund	\$ 557,190.38
Operations & Maintenance	\$ 164,741.81
Street Light	\$ 5,618.02
State Fund	\$ 340,683.08
Public Sewer Fund	\$ 3,968.66
Park and Rec Fund	<u>\$ 128,932.22</u>
TOTAL	\$1,201,134.17

### SIGNIFICANT CORRESPONDENCE

The Correspondence is available for review during normal office hours.

### REPORTS

#### PARK AND RECREATION – JANET ESPENSHADE

- The Christmas Tree lighting will take place on Friday, December 5<sup>th</sup>.
- Breakfast with Santa will take place on December 13<sup>th</sup>.
- A proposal has been received for the purchase of picnic tables for the pavilion in the amount of \$7,029.09. This is through a State contract.
- **Mr. Marshall made a motion to purchase the tables in the amount of \$7,029.09. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**
- Mrs. Espenshade noted Gumpher and Met-Ed will soon begin installing the electric at the ball fields.

**PLANNING COMMISSION – DAVID CRAIG**

- Hilton Garden Inn – The plan is due to expire on December 16<sup>th</sup>. An extension of time will be granted to the Township until February 17, 2009. Discussion was held on the plan. The sewer planning module is still outstanding regarding capacity and sewer lines. Other issues are traffic and how the timing of the traffic lights will be handled. Stormwater issues and the groundwater study were also discussed.
- Halbleib Subdivision – This has been recommended for approval by the Planning Commission. The plan expires on December 17<sup>th</sup>. Waiver requests were also recommended for approval by the Planning Commission.
- Shutt Plan – The plan is not officially before the Planning Commission. A letter indicating deficiencies was submitted to the applicant.
- Discussion was held on developing a rapport with other agencies to deal with problems that arise on plans.
- A letter was received from the Dauphin County Planning Commission regarding the Township's requirements when a plan goes to the County in relation to GIS information. Mrs. Eppinger will guide applicants to refer to the County's website.

Solicitor Wyland asked if the Board wanted to consider authorizing LTL to go ahead with the sewer capacity study for the Hilton Garden Inn. In order for the applicant and Township to process the sewer planning module, a study needs to be done as to how the sewage will get from the project to the treatment plant. The Township Engineer needs to do an analysis of the capacity, the pumping station, and the line that will be used. It would be up to the applicant to fund the study. LTL has estimated that a \$10,000.00 escrow fund would need to be established for the study. The applicant is willing to fund the study.

- Mr. Spitler asked if the cost would exceed \$10,000.00 would the Township have to pay the additional cost. Solicitor Wyland noted if the cost exceeded \$10,000.00, the applicant would have to pay for it. LTL tried to provide an estimate that would completely cover the cost.
- Mr. Spitler asked if the engineer has a feel for the scope of the project. Mr. Ulrich noted you are not sure of what the scope is until you get into the process. LTL would not do any work above what is being escrowed unless the applicant is willing to pay for it. Mr. Spitler asked if the Township should be looking further into the study relating to its future growth.
- Solicitor Wyland noted Hilton Garden Inn has indicated that if the Township determines there is an optimal place for the pumping station so the Township can handle upstream future flows if necessary, they are willing to work with the Township. It was brought up if the Hilton Garden Inn underwrites the study and it benefits other properties, would there be a possibility of reimbursement. This could be discussed in the future.
- Mr. Marshall noted there is a problem with Funck's EXXON. In the past, there was discussion with the Hilton Garden Inn regarding sewage and there is a possibility that a common pumping station might be used in the future.
- **Mr. Marshall made a motion to allow LTL to proceed with the sewer line capacity study as long as the escrow is in place. Mr. Spitler seconded the**

**motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

#### **OPENING OF FENCE BIDS – 7:30 PM**

The bids are for the installation of 1,100 linear feet of 6 foot high galvanized chain link fence.

Amity Fence Co.	\$16,959.00
BMW Fences and Decks	\$14,150.00
Derrick S. Halbleib	\$14,950.00
Swida Fence	\$10,846.00
Marion Fence Co.	\$12,898.00
Del Longo Fence	\$14,100.00
New Holland Chainlink	\$15,952.00
Central Penn Fence	\$13,300.00
Abel Fence, LLC	\$15,880.00
Pro Max Fence	\$14,420.90

It was noted each vendor was onsite to view the project.

**Mr. Spitler made a motion to award the contract to Swida Fence in the amount of \$10,846.00 for the installation of 1100 feet of six feet chain link fence. Mr. Espenshade seconded the motion. The Chairman asked for public comment.**

Keith Oellig asked if there were specifications regarding the quality of the fence. Mr. Longreen noted there was a mandatory pre-bid meeting and Steve Espenshade specified the gauge of the fence and posts. Mr. Oellig was concerned about the quality of the fence. Chairman Beaudet noted the RFP was written to meet or exceed the specifications provided. Mr. Marshall commented there is a quite a difference between the low bid and the next bid and questioned why there was that difference. If the proposal does not meet or exceed the specifications, does the Township have the option to back out. Solicitor Wyland noted if there is a fundamental misunderstanding, or the bid was submitted with a mistake, the Township can back out. Mr. Ulrich noted the next process after opening the bid is to check to see if the bid is the lowest and responsible bidder. Cut sheets need to be submitted to show the materials do meet the specifications. Once installation begins, tags need to be checked on the materials to ensure what is being installed. It was noted Steve Espenshade is handling the fence. Mr. Spitler noted all the bidders were out to look at the existing the fence and that is what was used to create the proposals. **The motion was approved 4 in favor, 0 opposed.**

#### **HILTON GARDEN INN**

Solicitor Wyland noted Hilton Garden Inn is in the design phase where it has to make a decision as to where the pumping station is located. It would be useful to have guidance from the Board as to whether it would accept or reject Hilton Garden Inn's offer to move the pumping station to a location that is more convenient for the Township. Currently on the plan, the pumping station is located on the property and would only serve the Hilton Garden Inn. If the Township wants, the property owner is willing to move the pumping station to a location that is more convenient for the Township's purposes if, in the future, it would want to accept flows of other areas in that

location and then accept the dedication of the pump station into the Township's sewage system. In order to do this, the Township would have to grant some latitude on the requirements on the distance of boundaries, etc. The property owners are looking for guidance on its offer to move the pumping station, or just keep it in its present location on the plan which would only benefit the Hilton Garden Inn and no future development in the Township.

- Mr. Ulrich noted the relief that is being looked at is various stream buffer requirements and setbacks issues that could come into play. The reason the Township may want to consider this is if the pump station is put in a lower location, then gravity can be used to get it to the pump station and also use it for future sewer expansion in the Township. The existing pump station plan would only service Hilton Garden Inn and there is nothing that would require any relief from the Township. If the pump station is moved to benefit future issues of the Township, Hilton Garden Inn wants to know if it can receive relief from the Township's ordinances. Most of the relief's are setback issues. There might not be any benefits right now, but there would be in the future if there are additional areas that might need to be sewerred. Regardless of where the pump station is, it is still Hilton Garden Inn's pump station until the Township would have the need to take it over.
- Mr. Marshall felt there is one potential benefit and that is Funck's EXXON, but the Township won't know until the study is done. Mr. Ulrich noted he would have to discuss the issue with Mr. Cassel to know if it would be beneficial.
- Mr. Spitler asked if the intent of the study would reveal these types of situations. Solicitor Wyland noted the study presumes the Hilton Garden Inn would generate so much flow. The study talks about what happens to the flow after it leaves the Hilton Garden Inn and goes to the plant. This issue is dealing with should the on-site pump station be moved to a more convenient location to accept future flows. Mr. Ulrich noted the plant has capacity, but until the study is done the Township is not sure the affluent generated by the Hilton Garden Inn has the ability to get through the existing lines. If it is determined that the lines cannot handle the flow, it is the developers responsibility to update the existing lines.
- Mr. Spitler noted if the study indicates there is sufficient flow now, he does not want to cut the Township short if there is something that could be done now. Mr. Ulrich noted what the Township could permit now is to the put the pump station at a lower elevation so if there is a need in the future, the Township doesn't have to put in another pump station. The pump size might need to be increased but there would not have to be anything done as far as the structure. The study will deal with the existing facilities and its capacity for the Hilton Garden Inn and not a projected future use.
- **Mr. Marshall made a motion to consider moving the pump station to another location once more information is received from the report.** Solicitor Wyland felt the Hilton Garden Inn is willing to move the pump station as long as it does not get an indication from the Township that it's plan is not compliant with the ordinances. He suggested the motion be to support moving the pump station to a lower elevation with the recognition that Hilton Garden Inn would need some relief from the setback requirements. Mr. Ulrich noted Hilton

Garden could move forward with the pump station exactly where it is at. The only reason to move the pump station is in the best interest of the Township.

- **Mr. Marshall amended his motion to support the relocation of the pump station with the recognition that the Hilton Garden Inn would need relief from some setback requirements. Mr. Spitler seconded the motion. The Chairman Beaudet asked for public comment.** David Craig asked how the Township knows if Hilton Garden Inn needs relief if the pump station gets moved to a different location. Mr. Ulrich noted when speaking with the applicants engineer he indicated that the relocation would violate the stream side riparian buffer requirements. There was also another setback concern. The applicant felt the location would be the most advantageous for the Township but it would like to know as soon as possible for the design. Mr. Craig felt it was not only beneficial for the Township but also for the future development of the applicant. **The motion was approved 4 in favor, 0 opposed.**

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

- Mr. Longreen presented his report for the month of November. It is available for review at the municipal building.
- Mr. Longreen asked for permission for him and Mr. Fisher to attend a class at the Holiday Inn, Grantville for the Professional Pest Managers class on December 15<sup>th</sup>. The cost is \$60.00 per person. This will allow them to get the necessary credits to extend their license for another 3 years.
- **Mr. Espenshade made a motion to allow Mr. Longreen and Mr. Fisher to attend the class. Mr. Marshall seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**
- The intersection at Rt. 743 and S. Meadow Lane was discussed. It was noted PennDOT has requested an engineering analysis for the intersection. Mr. Ulrich noted a survey would need to be done to see what would need to be cut off and how to realign the intersection. It would need to involve some engineering time. LTL could provide a proposal for the work. Mr. Longreen noted PennDOT wants an engineer's stamp on the study before it would consider it for approval.
- Mr. Epstein noted it was his understanding that the parties involved want a limited scope study for the intersection, by the Township's engineer, before the Township can get to the next phase of correcting the problem.
- Discussion continued.
- Mr. Spitler asked if the sight distance was the only issue at the intersection. Mr. Longreen noted it was.

#### **GRANTVILLE VOLUNTEER FIRE CO. – WAYNE ISETT**

- The Christmas Tree lighting will be held on December 5<sup>th</sup>.
- On December 18<sup>th</sup> and December 20<sup>th</sup> rigs will go out with Santa on board.
- The last Spaghetti Supper was successful.
- A grant was applied for new hoses on the trucks. The grant was received in the amount of \$45,520.00 to replace the hose and also to buy high rise packs to go into higher structures.

- State grants have also been applied for.

#### **PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN**

- The Public Safety Advisory Council will have its next meeting in March.

#### **EMERGENCY MANAGEMENT – JOHN NELLIGAN**

- Mr. Nelligan noted he and Mr. Longreen attended the South Central Task Force Public Work Shop on November 19<sup>th</sup> at HACC. The South Central Task Force covers 5,200 square miles and a population of 1.8 million people. There are 143 police departments, 326 fire departments, 135 EMS departments, and 16 hospitals. The purpose of the Task Force is to amass a group of experts who can deal with specific issues. There are currently 11 working groups within the Task Force who have been effective within issues that have occurred. The purpose of the workshop was an effort to get acquainted and to get started to bring aboard another task force that includes a public works task force. When there is a local emergency the task force can pull in, if needed, additional personnel on a mutual aid basis. The purpose of the workshop was to bring in the experts in public works for the first time to acquaint them with the program. Speakers at the work shop were a loss prevention specialist and a public works individual from Seminole County Florida who is a first responder and discussed the major issues that occur with a tropical hurricane. The final speaker discussed debris management after a disaster. There were public works representatives from eight counties within Central Pennsylvania

#### **WASTEWATER TREATMENT PLANT – CURT CASSEL**

- Mr. Longreen noted there will be a written report for the next meeting. The grinder pump also had to be replaced at Funck's EXXON again.

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

- The Land Use Assumption Report has been completed and forwarded to the County, School District and neighboring municipalities for the 30 day review period. The public hearing is scheduled for December 16<sup>th</sup>. After the public hearing, the report will be considered complete and will be forwarded to McMahan Associates to be included in the Act 209.
- The grading and erosion and sedimentation ordinance is in draft form and has been sent out for review and comment.
- The Grantville Volunteer Fire Co. is close to completing erosion and sedimentation control installation.
- The design for the bridge over the Manada Creek on Jonestown Rd. is in process.
- Mama's Pizza – LTL is working with the owners to complete the punch list items that are outstanding.
- The SALDO revisions have been provided to the Board for comment.
- The design for the Youth Sports Complex is moving forward.
- Geesaman Property – preliminary infiltration studies have been conducted. No plan has been submitted at this time to the Township.

**EFMR MONITORING GROUP – ERIC EPSTEIN/ANDY STEIN**

- A letter has been sent to the PA State Police regarding the issues associated with the rest areas at I81.
- Mr. Epstein noted he is working with Mr. Longreen, Mr. Nelligan, LTL, Senator Piccola, and Representative Marsico regarding the intersection at Rt. 743 and S. Meadow Lane.
- A meeting is scheduled with Derry Township to discuss Rt. 743.
- The Industrial Development Authority (IDA) authorized an \$83,000.00 supplemental check to the Township on November 20, 2008.
- There is a meeting scheduled for Monday, December 8<sup>th</sup> with the IDA to present the grants.
- Mr. Epstein met with Solicitor Wyland regarding issues with Hilton Garden, Keystone Custom Homes, 3M, RVG, and SRBC.
- A 5 minute commercial was recorded about East Hanover Township regarding the MOU which should start airing on Comcast. Mrs. Casey has a copy of the CD.
- The State deficit is now \$560,000,000.00. The projected deficit is 2 to 3 billion dollars. This could affect monies the Township receives from the State since cuts will have to come from somewhere.
- Chairman Beudet noted the \$83,000.00 is what was negotiated with the MOU, which was the difference between what the Department of Revenue and Township thought it should have.
- Mr. Stein noted on December 8<sup>th</sup> the Township's grants will be presented at a public hearing to a joint meeting of the Dauphin County Industrial Development Authority and the Gaming Advisory Board. Mr. Stein will be doing the main presentation. Mr. Ulrich will help with the technical explanations and Solicitor Wyland will also be there to help with the presentation. Seven grants were submitted that included 28 projects. 26 projects are being requested for funding this year. The determination can be made anytime after January 1<sup>st</sup> but a decision is not expected before March of 2009.

**SOLICITORS REPORT – SCOTT WYLAND**

- Keystone Custom Homes outstanding fees will be dealt with in a lawsuit if the fees are not paid.
- Solicitor Wyland requested the Board's approval to enter into a settlement agreement with The Susquehanna River Basin Commission (SRBC), the Casino and its owners, the Mountainview Thoroughbred Racing Association (MTRA). This would settle an appeal the Township filed with rulings of the SRBC with the consumptive use of withdrawals of water the Casino obtained. The settlement agreement achieves what the Township was looking for. The Casino, MTRA, has agreed to provide the Township with all the information, filings, and data it supplies to the SRBC with respect to its groundwater monitoring program. The Casino has also agreed to add an additional well to its groundwater monitoring program. This additional well is of interest to the Township in the down gradient effect of the Casino's water withdrawals. The Township has been invited to

participate in future discussions and consultations between the SRBC and the Casino on the amount of water withdrawals. In addition, the Casino has agreed to provide the Township with direct funding in the amount of \$10,000.00 per year for 4 years to underwrite the costs the Township would incur to have the data and information reviewed by a Township consultant. The agreement also allows for the SRBC to recite and repeat their enforcement authority if there are problems with the groundwater and the Township's residents wells caused by the withdrawals of the Casino. The SRBC has tremendous enforcement authority and it is hoped the SRBC will use that authority, if needed, to protect the Townships water. A copy of the agreement has been provided to the Board. Solicitor Wyland recommended approval of the agreement.

- **Mr. Marshall made a motion to enter into the settlement agreement with the SRBC and MTRA. Mr. Espenshade seconded the motion. The Chairman asked for public comment.** Mr. Epstein noted he issued comments supporting the settlement and congratulated Solicitor Wyland and the Township for their efforts on the settlement. It is a win, win situation for the Township. **The motion was approved 4 in favor, 0 opposed.**

## **UNFINISHED BUSINESS**

### **STORMWATER MANAGEMENT - THOMPSON**

This is with the Solicitor

### **CLEAN STREET ORDINANCE**

This is with the Solicitor.

### **WINFINDALE PROPERTY**

This is with the Solicitor.

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

The Board has the changes for its review.

### **JUNK YARD ORDINANCE**

Mrs. Casey is checking into the fees

### **PROPERTY ON EARLYS MILL ROAD AND RT. 743**

- Mr. Longreen noted he is ready to go forward with the Request for Proposals and has the specifications prepared. He requested approval from the Board to open the bids on January 20, 2009. Approval has already been given to advertise. By consensus of the Board, the bids will be opened on January 20<sup>th</sup>.

### **LAND USE ASSUMPTION REPORT – PUBLIC HEARING DECEMBER 16<sup>TH</sup>**

- The Public Hearing will be held on December 16<sup>th</sup> at 7:30 PM.

## **NEW BUSINESS**

### **COSTABILE PROPERTY**

Marcia Costabile was present for the property owners. The property is located at 9377 Mountain Rd. Ms. Costabile presented a sketch of the property to the Board. It was noted the appropriate solicitors have spoken regarding the issue.

- Solicitor Wyland noted discussions have been held and the basic problem is there is an access way to a rear lot, which is a dedicated part of the lot and the owners of the front 2 lots, which are on either side of the access way have, over the years, built improvements on the area. The owners want to find in a cooperative way, a solution to the issue. This issue has also been discussed with the Township engineer. It seems one of the ways to solve the issue is to relocate the access way to the rear lot and perhaps create a flag lot, and then combine the 2 front lots to incorporate the improvements that were made.
- It was noted the property owners might be agreeable to the solution. Solicitor Wyland felt the owners might need to submit a subdivision plan that would show the combination of the 2 front lots and the relocation of the access way to the back and proceed through Planning Commission and Board approval.
- Mr. Ulrich felt the issue would need to go through the subdivision process to move the lot lines around. There are non-conforming issues addressed by Mr. Smith, the Zoning Officer, with the situation, but the best route for the Township would be to have a plan submitted to it and go through the process. The engineer for the applicant realized there were some issues and those issues were put through zoning, engineering and the solicitor. The best process would be to go through the subdivision process. Sketch plans were provided to the Board.
- It was noted the issue would go before the Planning Commission.

### **HARRISON BINK – 6068 FIREHOUSE RD. – DINNER THEATER**

Harrison Bink represented the proposal.

- Chairman Beaudet noted the property was zoned Industrial and it was her understanding the applicant would like the Township to downzone the property. Mr. Bink noted she was correct.
- Mr. Bink commented there is no specific category in the Zoning Ordinance that is clearly a dinner theater type of use. He presented ideas of what is being proposed and asked if the Board would give its feeling of where it would like the proposal to go.
- Chairman Beaudet noted there would have to be a zoning change. Mr. Bink noted Light-Heigel indicated there is a possibility the Board could grant a conditional use based on the use not being specifically defined in the ordinance. Mr. Bink presented an aerial view of the property which showed the existing uses. The proposal includes the existing buildings and there will only be the addition of buildings around the existing ones.
- Discussion was held on the subject.

- Mr. Espenshade felt the Zoning Officers opinion was since there is nothing in the Township's zones that is specific to this venture; the Township could include this in the existing zone, but it would require a conditional use.
- Mr. Bink's request is that this would be a permitted use in the zone.
- Discussion continued.
- Mr. Epstein asked if liquor would be served at the establishment. It was noted the applicant would apply for a liquor license. It was noted the Township has turned down applications for liquor licenses in the past.
- Discussion continued. Solicitor Wyland felt it was premature to make any decision at this time. The concept has to go through the process and review procedure of the Township. He suggested that he work with Mr. Smith, Mr. Ulrich, and the applicants to develop an approach that makes sense to the Township's procedures. The applicant will be paying for the costs.

#### **HILTON GARDEN INN – GRANT OF AN EXTENSION OF TIME**

- **Mr. Marshall made a motion to accept the grant of an extension of time for the Hilton Garden Inn land development plan until February 17, 2009. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 4 in favor, 0 opposed.**

#### **HALBLEIB SUBDIVISION PLAN – ACCEPT FOR REVIEW**

Mr. Marshall noted he would abstain from voting on the plan.

- **Mr. Espenshade made a motion to accept the Halbleib subdivision plan for review. Mr. Spitler seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 3 in favor, Chairman Beudet, Mr. Espenshade, and Mr. Spitler; 0 opposed; 1 abstention, Mr. Marshall.**

#### **OTHER BUSINESS FROM THE BOARD**

Chairman Beudet noted she read the article in The Sun and asked Chuck Mundy if he received an e-mail from her regarding the letter from DEP. Mr. Mundy did not recall receiving an e-mail. Chairman Beudet asked if Mr. Mundy came to the Township Building the next day to ask for a copy of the letter. Mr. Mundy noted he came the next day after the Township meeting that the letter was disused to ask for a copy.

#### **BUSINESS FROM THE PUBLIC**

Chuck Mundy asked if there were any meetings or discussion with DEP regarding its rejection of the Board's recommendation. He asked if the meetings were opened to the public. It was noted those meetings were not opened to the public.

- Solicitor Wyland noted a meeting was held with DEP and its direction is unchanged since the letter was sent to the Township rejecting its idea. DEP remains committed to the fact that the area needs to be publicly sewered. DEP's attorney indicated the next step is to file a contempt petition in Commonwealth Court to try to force the Township to file a Component 3M that calls out for public sewerage of those areas. Discussions were held and the Township is in the position to decide how to proceed. DEP believes it is clear the Township needs

to submit something that addresses the public sewerage of the area. Solicitor Wyland disagreed somewhat as to how clear DEP thinks the language is in the existing Consent Order Agreement that talks about whether address means public sewerage or whether address means something the Township thinks addresses the situation.

- Mr. Mundy noted the Board gave options and DEP rejected it. He asked if the Township was waiting for action from DEP.
- Solicitor Wyland felt the next step would be for the Board to take up action at the next meeting as to how it would proceed.
- Mr. Mundy noted the last correspondence from DEP did not give its intention. It only indicated that it rejected the Townships recommendation. He asked if the Township is waiting for an order from DEP.
- Solicitor Wyland noted the Township did not know at the time if DEP was going to issue an order, or whether it was waiting for the Township to submit something. Discussion was held with DEP and it indicated it was considering going to Commonwealth Court to take some sort of action against the Township. This information is being considered and it will be discussed and voted on in a public meeting.
- Mr. Mundy asked if there is anything in writing from DEP regarding its decision. Solicitor Wyland noted there was nothing in writing but its attorney made clear that if there was no action from the Township, then a petition would be filed in the Commonwealth Court.

**Mr. Marshall made a motion to adjourn the meeting. The meeting was adjourned at 9:05 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	