

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
March 3, 2009**

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Keith Espenshade at 7:05 P.M. Present were Supervisors Marie Beaudet, Dave Marshall, John Nelligan and Tom Shutt.

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.

The 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 at 6:00 PM to discuss legal issues**

**The Public Hearing for the Ordinance 2009-02 Charges for Reservation of Sanitary Sewer System Capacity will be held at 7:30 PM**

**APPROVAL OF THE MEETING MINUTES FROM FEBRUARY 17, 2009**

**Ms. Beaudet made a motion to approve the minutes as written. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

**TREASURER’S REPORT**

Expenditures:

General Fund	\$ 75,454.64
Operations and Maintenance	\$ 42,444.03
Street Light	\$ 204.53
Park and Rec	<u>\$ 1,302.95</u>
Total	\$119,406.15

There are 2 additional bills from the General Fund; Kreiser Fuel which is oil for the old building in the amount of \$501.79 and Home Depot, paint for the building in the amount of \$110.98

**Mr. Marshall made a motion to pay the bills as submitted. Ms. Beaudet seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Mr. Marshall noted there is an outstanding bill for KTHL and there is part of it he did not think should be paid since Mr. Kovarik went to a meeting in Maryland on the SRBC after the Township voted on an agreement with SRBC. There was also no authorization from the Board or the Solicitor to attend the meeting.

- **Mr. Marshall made a motion to pay the bill as submitted less the charge for the meeting and the travel expense. Ms. Beaudet seconded the motion. Mr. Nelligan noted he would abstain from voting since he was not on the Board at the time of the expenses. The motion was approved 4 in favor,**

**Chairman Espenshade, Ms. Beaudet, Mr. Marshall and Mr. Shutt; 0 opposed; 1 abstention, Mr. Nelligan.**

Receipts

General Fund	\$ 64,051.54
Operations & Maintenance	\$ 6,347.80
Street Light	\$ 388.75
Park and Rec	\$ 1,302.95

Available Funds

General Fund	\$ 486,600.27
Operations & Maintenance	\$ 161,569.28
Street Light	\$ 5,585.69
State Fund	\$ 298,344.79
Public Sewer Fund	\$ 3,976.78
Park and Rec Fund	\$ 86,916.41
<b>TOTAL</b>	<b>\$1,042,993.22</b>

**CORRESPONDENCE**

The correspondence is available for review during normal office hours.

**REPORTS**

**PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

Mr. Longreen presented his report for February. It is available for review at the municipal building.

- Mr. Longreen requested permission for himself and Glenn Kriner to attend a class at the Dauphin County Conservation District, on March 31<sup>st</sup> from 8:00 AM until 12:30 PM. The topic is E&S Best Management Practices for Typical Road Construction and Maintenance and there is no cost.
- **Mr. Marshall made a motion to allow Mr. Longreen and Mr. Kriner to attend the class. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Chairman Espenshade noted the vendor who installed the heat system was brought back. Mechanically the system is working to the best of its ability. Some of the cosmetic items have been completed. Chairman Espenshade is satisfied with the work.
- Ms. Beaudet noted she is satisfied with Chairman Espenshade’s report.
- Mr. Marshall commented there may be some issues that will be unknown until a future time but if it is operating properly at this time, he is ok with making the final payment.
- **Mr. Marshall made a motion to make the final payment. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

**GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT**

- The Spaghetti Supper will be held on March 13<sup>th</sup>.

- The Block Shoots may be starting again with the possibility of a Ham shoot on April 3<sup>rd</sup>.
- The Fire House project on Rt. 22 has taken a different direction with DEP. There is a negotiator working through the Fire Co. attorney to talk to the final person to try to get approval.
- The gas lines are right where the Air Guard was going to dig to put in the inlets. The plan will need to be redrawn to move the inlets.

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

- The Council will meet on March 23<sup>rd</sup> at 7:00 PM in the Municipal Building. If anyone has any concerns regarding public safety, let the Township know.

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

- For the month of February, 17 volunteer hours were logged. Two plan reviews were completed. Mr. Nelligan and the 2 deputies attended one Dauphin County Emergency Management meeting and a 4 hour DEMA training program relating to counter terrorism.

#### **WWTP OPERATIONS AND MAINTENANCE – CURTIS CASSEL**

- Mr. Cassel presented his report for February. It is available at the municipal building for review.

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

- With regards to the Component 3M submission and the treatment plant analysis, LTL is looking to obtain approval to do the flying work necessary to complete the aerial photography for both projects. The estimate is around \$2,500.00 to gather the data. There will be additional costs later.
- **Mr. Nelligan made a motion to approve the expenditure for the aerial survey process to begin immediately. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Ulrich noted the work on the 537 Plan came to a stop because of various funding reasons. We are at a point, as the weather gets warmer, to move forward with the sampling and the investigation work.
- **Ms. Beudet made a motion to proceed with the sampling. Mr. Shutt seconded the motion.** This is for everything outlined in the 537 Plan. **The motion was approved 4 in favor, Chairman Espenshade, Ms. Beudet, Mr. Nelligan, and Mr. Shutt; 1 opposed, Mr. Marshall.**

#### **EFMR MONITORING GROUP – ERIC EPSTEIN**

- Met-Ed entered a filing with the PUC on Friday which relates to electric purchasing. The rate caps for Met-Ed will go off in 2011. Projected rate increases are 54% for residential. The Township should start thinking about some kind of conservation program.
- It appears DEP is the primary agent responsible for enforcement of the idling law. He felt in the Township's case, the PA State Police may also be construed as the municipal police agent. The law is very difficult to enforce since someone has to

observe a vehicle idling for more than 5 minutes. The fine is \$150.00 which is payable to the Commonwealth which goes to the Clean Air Fund unless there is a municipal enforcement agent. If it is the State Police, then half of the proceeds go to the municipality. He asked if Solicitor Wyland would follow on how the law is going to work. He wants to make sure if the Township is eligible for proceeds it receives them.

- Mr. Epstein checked into the status of the H2O grants. The Commonwealth Finance Agency is looking at the grants and is anticipating having all the applications reviewed and vetted by the end of April and vote on May 14<sup>th</sup>. The meetings are open to the public and will be held at the Dickson University Center from 1:00 to 4:00 PM.

## **UNFINISHED BUSINESS**

### **CLEAN STREET ORDINANCE**

LTL is working on the ordinance.

### **CHANGES TO SALDO**

Solicitor Wyland noted comments have been completed and will be forwarded to LTL.

### **JUNK YARD ORDINANCE**

This is under review by the Solicitor to address the issues brought up at the public hearing.

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

- Mr. Longreen noted the contractor contacted him and the work is complete. Light-Heigel has been notified to do the inspection and then the basement will be closed up. An invoice will be sent in the amount of \$8,000.00 which is the contract price. The terms of the contract have been fulfilled.
- **Mr. Shutt made a motion to pay the contractor in the amount of \$8,000.00. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **7:30 PM - PUBLIC HEARING FOR THE ESTABLISHMENT OF PROCEDURES AND CHARGES FOR THE RESERVATION OF SANITARY SEWER SYSTEM AND TREATMENT PLANT CAPACITY - ORDINANCE 2009-02**

Solicitor Wyland noted it is the time and place advertised for consideration and public hearing on Ordinance 2009-02, An Ordinance Pursuant to Section 2502 of the 2<sup>nd</sup> Class Township Code providing for the establishment of procedures and charges for the reservation of sanitary sewer system and treatment plant capacity within East Hanover Township. The ordinance was published, and generally speaking, this is an effort to have an organized system for the allocation of reserved capacity in the Township sewer plant, and to prescribe the appropriate lawful charges for reserving that capacity. Solicitor Wyland opened the hearing for public comment.

- Chuck Mundy, Englewood, had a question on Section 3 under the purpose. For potential users they are required to reserve sanitary sewer capacity and pay a

charge for the cost of the current debt service. He asked what the current debt is on the sewer. Mrs. Casey noted she would provide it shortly. Mr. Mundy asked what the position was of each Board member that if the ordinance is adopted as written if the sewer reservation fees apply to Englewood and Partridge Hills homeowners under section 6 and section 8.

- Solicitor Wyland noted his answer is no, since if you are trying to secure and reserve capacity for some future development activity, you pay a fair share for taking that capacity away from others who might want to use it and to pay some rate to reserve it for yourself. That is different from the planning the Township has done pursuant to its Act 537 Plan, expected connections as reported on an annual basis to DEP in the annual Chapter 94 report the Township files. Where you have a planning process that calls for the connection of a neighborhood of failing on-lot systems, it is a separate and distinct situation from a green field area where you are looking to reserve capacity for future connections for a distinct project.
- Mr. Mundy asked what the position was of each Board member whether Englewood and Partridge Hills would be exempt from paying the sewer reservation fees.
- Mr. Marshall would say yes, or anyone else in the Township where the 537 Plan shows there would be an expansion to the sewer system, if it happens 5 years from now or is currently happening. The only thing is in Englewood, Partridge Hills, or any other development that this would take place, if there is a lot that is big enough that could be subdivided and a new house built, that new house would apply to the ordinance. Mr. Mundy stated but existing home owners would not have to pay the sewer reservation fee to reserve capacity. Mr. Marshall noted that was correct. He believes the ordinance is designed for anything that does not currently exist.
- Mr. Shutt agreed with Mr. Marshalls comments. Anyone that comes in and builds a new home would have to pay the fee.
- Ms. Beaudet agreed with the Solicitor. Englewood and Partridge Hills was part of an agreement that she and Chairman Espenshade signed. The capacity had to be kept aside for the developments. Englewood and Partridge Hills are in a different agreement and the ordinance would not apply.
- Mr. Nelligan concurred with the Solicitor's opinion. This also puts aside any possibility of special negotiations being made by outside people. Now we have a guideline by which this will be applicable. This has always been a sensitive issue with people coming forward and asking "to reserve" a piece of the sewer for them. This puts it in black and white and gives us a guideline to operate. This has nothing to do with Partridge Hills and Englewood.
- Chairman Espenshade noted he spoke with Mr. Mundy about the issue and as far as he is concerned, the 2 developments are part of the Consent Order signed in 2004, and basically the capacity for those 2 developments was already built in and reserved with the Consent Order since that was part of DEP's concern back then that we did not use the capacity until we addressed the issues in Partridge Hills and Englewood. It is his opinion that the Township is the developer not someone coming in from the outside. You are going to be responsible for some

of the costs mentioned in the ordinance but not as soon as the planning module is approved.

- Mr. Mundy agreed with Chairman Espenshade's position but finds the interpretation troubling. Under Section 6, it says that the reservation fee shall be applied to all non-connected EDU's and the 2 developments are non-connected. Under Section 8 it can't happen until DEP approves the planning module and the planning module was just submitted and it is not approved. He knows what Chairman Espenshade is saying, it is not intended for Englewood or Partridge Hills but he thinks there is cause for some developer asking the question "well why do they have to pay this fee when these other 110 homeowners have reserved capacity and they are not paying any fee".
- Ms. Beaudet noted the Township is the actual applicant for Englewood and Partridge Hills. There is not an outside applicant, the Township is the applicant.
- Mr. Mundy has cause for concern especially when Section 16 states that inconsistencies conflicting with part of this ordinance are repealed.
- Chairman Espenshade asked if Mr. Mundy was looking for some sort of guarantee that Englewood and Partridge Hills are not under the ordinance. Mr. Mundy would like the Board to consider adding some language to Section 4 of the ordinance. Section 4 says this ordinance shall apply to all areas of the Township, he would like the Board to add except for the resident homeowners established in the Englewood and Partridge Hills developments as indicated in the Component 3M module submitted to DEP just to assure if this Board changes, the next Board has the same interpretation as what the language of the ordinance says.
- Solicitor Wyland noted the Board and himself do not interpret the ordinance to include Englewood and Partridge Hills. Mr. Mundy doesn't want it to apply to Englewood and Partridge Hills, but wants to make an argument that maybe someone else can contend that. He suggested taking this under advisement to see whether anyone thinks there needs to be a clarification. He did not feel there needed to be a clarification.
- Chairman Espenshade asked if we don't include language in the ordinance, would it be appropriate to take action by the Board to clarify its position. Solicitor Wyland was not sure this would satisfy Mr. Mundy since his point is with the ordinance language, in the future a different Board could interpret it a different way. Chairman Espenshade did not think the additional language belonged in the ordinance, but he would like to give Mr. Mundy some sort of relief that this is the interpretation of this Board.
- Mr. Marshall did not want to just single out Partridge Hills and Englewood because he didn't think that achieves what we should achieve. There may be a future expansion to the sewer system as a result of the 537 Plan in some years to come. Maybe it should read that this does not apply to any expansion due to 537 Plans.
- Ms. Beaudet suggested saying "where the Township is not the applicant". Mr. Marshall felt that language would be fine.
- Ms. Beaudet did not see the ordinance interpreted this way and felt it was a waste of money to change the ordinance.

- Mr. Marshall asked if this would be a significant change, or could we just change it and move forward.
- Solicitor Wyland felt the ordinance would need to be redone and re-advertised to prevent any challenge. There also may be other comments that should be considered.
- Solicitor Wyland noted Mr. Mundy has expressed a legitimate concern. He recently had a discussion with LTL on this issue. It is one that everyone understands how it works in practice, but it is difficult to describe where those circumstances are where you have, as part of the legitimate planning process, some reservation of future capacity to take care of problem areas, the plan for the correct sizing of the system, and then you have the situation of a specific development project where the developer is trying to secure capacity and maintain it for the project. The ordinance covers those issues, but can be reviewed to try to put some minor clarifying language in it to try to distinguish those 2 circumstances. He would like to think through Ms. Beaudet's suggestion where the Township is the applicant. It doesn't work to say where the Act 537 Plan calls for it because any sewer planning module is technically a modification to the sewage facilities plan. There should be a way to clarify it.
- Mr. Mundy asked what the debt service is. Mrs. Casey noted the current debt service is \$4,715,445.08.
- Roger Sowers noted the ordinance says, developers, landowners desiring or required to reserve capacity. Even though these 2 developments are being compelled to hookup, they are required to have the capacity. He would be reluctant to see the Board change it too significantly in that the ordinance would be something you could rely upon in the future should, in the course of getting this installed in these 2 developments, we get some people who become reluctant to connect in a reasonable amount of time. You could use the reservation fees to encourage them to make the connection and start paying the rates for the services. That would keep you from having some stragglers who might want to wait six months to a year longer after the availability of the service is made to them. Not that you would want to do that, but you never want to take away some leverage you might need in the future. He understands the intent is not to charge these people, and that certainly is reasonable in most people's expectations that they shouldn't be penalized because they have to hookup, but at the same time, you don't want them to be able to say I'll hookup when I get around to it.
- Solicitor Wyland noted in general, that is a decent point, but there are already other tools in the statute that can be used if someone fails to connect.
- Curt Williams, Salsman, Hughes, Carlisle commented on Section 6. He noted Mr. Nelligan raised the point there might be some agreements that have been made for capacity heretofore. He is wondering since Section 6 says the sewer reservation fee applies to all non-connected EDU's, will this ordinance, if enacted, basically dispense with any handshake reservations or otherwise made reservations for capacity and require everyone that needs sewer capacity going forward, or wants to reserve capacity, comply with the ordinance and pay the reservation fee.

- Solicitor Wyland noted it would depend on the formality of that earlier agreement. If there is a written agreement in place, then it would have to be looked at. He felt there are constitutional prohibitions on an ordinance taking away existing contract rights. Lacking some sort of written agreement, he is not sure how an earlier arrangement might be memorialized to be outside the scope of this agreement. He thought on a prospective basis that if the ordinance is passed and becomes applicable, that in order to reserve capacity in the plant, the idea is to have some orderly and fair process so that those that are in line first have to pay freight to help to distribute the cost across the system. The law provides for that which is 60% of what the normal rates are so we don't have a situation where one person taking up all the capacity for an extended period of time and making it unavailable for others.
- Mr. Williams asked if there is quantification on any written agreements that have reserve capacity.
- Mrs. Casey noted Keystone Custom Homes has an agreement.
- Chairman Espenshade felt in his opinion that has already been reserved.
- Mr. Marshall thought John Geesaman had a reserved EDU. Chairman Espenshade noted that is an agreement that could not be superseded by the ordinance. He knew of no handshake agreements.
- Mr. Williams felt Solicitor Wyland was right that written agreements would need to be preserved and protected. He asked how many were out there and what the total capacity was.
- Mrs. Casey noted the Preserve at Bow Creek, (Keystone Custom Homes) has a reserve capacity agreement of 162 EDU's. She thought the build out was around 50%.
- Mr. Williams asked what is the current standard sewer bill. Mrs. Casey noted it was \$150.00 per quarter.
- **Solicitor Wyland closed the public comment period at 7:52 PM.** He noted the question is whether the Board wants to consider some adjustment to the language or to vote on the ordinance as it stands. There is also a associated allocated capacity agreement that has been prepared.
- **Ms. Beaudet made a motion to amend the ordinance with some type of language that where the Township is the applicant and where the Township is not the applicant however Solicitor Wyland sees fit. Mr. Marshall seconded the motion.** Chairman Espenshade asked if this would be a substantial amendment. Solicitor Wyland felt it would and to be on the safe side, redo the ordinance and re-advertise. **The motion was approved 5 in favor, 0 opposed.**
- Ms. Beaudet noted we still have a sewer capacity agreement in place now so we are not without one. Solicitor Wyland noted that was correct, the new ordinance would replace the old agreement. There is also a Resolution in place.
- The public hearing ended at 7:54.

#### **HILTON GARDEN INN – PRELIMINARY LAND DEVELOPMENT PLAN**

Eric Brinser of Rettew Associates and Ron Lucas of Stevens and Lee were present to represent the plan. Mr. Brinser noted some additional comments were provided to the

Township engineer. Many of those comments were resolved. A couple technical items still need to be resolved. One of those is in regards to Emergency Management/Fire Department and he spoke with Mr. Nelligan regarding those issues to see if they have met the criteria for fire protection. These issues deal with the additions of some Siamese connections on the building, sprinkler systems, etc.

- The revised traffic impact study has been submitted to McMahon Associates who is the Township's traffic consultant. John Schick, Rettew's traffic engineer will be giving a presentation of what has been revised. Based on those revisions, 2 waivers are being requested.
- John Schick commented the report recently submitted was a revision due to some comments on a letter dated December 31, 2008 from McMahon. There were a few outstanding items. When the original counts were done, the EXXON station was not open. Last fall when the EXXON station came on line, new counts were done for Bow Creek at the driveways, and that was incorporated into the report. PennDOT was also contacted to receive the crash information for the intersections within the study area. The information was received from PennDOT and it was compiled as a separate document. It is not part of the study. The crash data was reviewed and there was no significant pattern of crashes at the intersections that were studied. The intersections at the EXXON station were incorporated into the study. There are 2 minor waivers that are being requested, which is Section 402.5.4, Section 402.15.2. This section of the ordinance discusses where there is a level of service, the applicant must maintain and cannot increase any delay to the intersection with the addition of the site generated traffic. The 2 intersections where the applicant does not meet are at Fox Run Rd. and Bow Creek Rd. and also at Ridge Rd. and Bow Creek Rd. What happens is we go from pre-development to post-development and that creates an unsatisfactory level of service, and it is only on the Saturday peak hour. That is from 5:00 PM until 6:00 PM. Further information was provided. The only way to correct the problem would be to put a traffic light at the intersection; however, PennDOT has criteria that you must meet to warrant a signal. Those criteria have not been met. The other intersection is at Ridge Rd. Discussion was held on the intersection. As part of the improvement plan, Bow Creek Rd. would be widened to provide turn lanes to Station and Ridge Rds. and also to put a traffic signal at Station Rd. and the lower driveway at the EXXON station.
- Mr. Schick noted there was also a request from McMahon to submit updated traffic signal coordination plans and some signal timing reports for review. As part of the process to do the traffic signal plans and the roadway improvement plans, we are going to have to prepare a set of highway plans, a complete set of construction plans, as well as a set of traffic signal plans and reports. The Township will be the owner of the traffic signals so anything that is done with the traffic signals will have to come to the Township to be reviewed and approved. The applicant is asking if these issues can be deferred until the final plan comes before the Township. The basic information is here, but a report needs to be provided to PennDOT for its approval. The report needs to be submitted to the Township before it is submitted to PennDOT.

- Mr. Brinser noted the applicant asked McMahon to be present at the meeting for its comments on what has been provided.
- Anthony Castel from McMahon Associates commented they just received the revised traffic study and have not had an opportunity to go through it in detail, but generally concur with the recommendations as far as the waivers are concerned. McMahon's recommendation is that the Township requires the signals be coordinated, or at least be addressed as having the coordination in the future.
- Mr. Brinser noted a letter was received from LTL indicating there is sewer capacity in the treatment plant, so a sewer planning module will be provided to the County for signature and it will then come to the Township for approval.
- Mr. Brinser commented about the Stormwater waivers that were requested. A withdrawal of the waiver for the pipe was submitted. A meeting was held with the Township Engineer to go over the waiver issues and the applicant is going to look at adding some additional BMPs to offset some of the water deficiencies.
- Mr. Marshall asked about the waiver on the infiltration bed that would be in the location of the road right-of-way. His concern is most of the property is up gradient to Ridge Rd. He believed the basin that is proposed is up gradient at the point of the basin to Ridge Rd. and his concern is as it infiltrates into the ground, how it will affect the quality of the road base on Ridge Rd. He would like to have an answer before he votes on the plan. He felt Mr. Longreen might have some questions as to the culverts.
- Mr. Lucas noted if the Township's consultant from STEP can be at the meeting on the 17<sup>th</sup>, they will bring their hydro geologist and talk about the well study report. A meeting was held with the Township's engineer regarding the stormwater waivers. The engineer suggested looking at some additional BMP's which will be done to see if some of the stormwater issues can be addressed. Mr. Lucas noted what is being asked is the Board's consideration in 2 weeks of the waivers and approval of the preliminary plan with conditions. The main conditions being that the final design of the road improvements to Bow Creek, Station and Ridge roads be done between the preliminary plan and the final plan. The Township engineer will have to review those designs and the Board would have to approve them. The basic cost of the improvements is what has been recommended by the traffic engineer and reviewed by the Township's engineer. Once the improvements are done, then the traffic signal design will be done and submitted to PennDOT. The third item is the final design of the pumping station. The capacity letter has been received from the engineer. This will also be done between the preliminary and final plan. There has been some discussion about moving the station to a different location. The plan will be resubmitted addressing some of the additional comments and some of the questions the engineer has raised in his review. They will also try to address Mr. Marshall's comments hopefully before the next meeting. If need been the traffic engineers could also be at the meeting on the 17<sup>th</sup>.
- Mr. Brinser showed a drawing of the proposed streetscape.
- Mr. Nelligan commented on the traffic signals and noted he would be looking hard for pre-emption devices on any traffic signals. Mr. Lucas felt the pre-emption devices are pretty standard today.

- Mr. Longreen noted the Township would like battery backups on the new traffic signals since the area does lose electricity on a regular basis. Discussion was held on the issue. It was noted the Township does not have generators to put at the lights. Mr. Longreen commented he spoke with PA Percs and it has indicated with a backup battery, you would have 4 to 6 hours and by then, electricity should be restored.
- Mr. Marshall noted a revised plan will be submitted and hoped they consider that the Board works day jobs and allow for time for them to review the resubmission before the next meeting.
- Mr. Longreen commented he would like someone from Rettew to speak with him since he has issues regarding where some of the stormwater is being run. There are already issues in the area at this time.
- Mr. Ulrich noted he spoke with Mr. Brinser and informed him that in general, we had some issues with stormwater and indicated this would be discussed after tonight's meeting.
- Ruth Funck from Funck's EXXON noted she would like to see copies of the plan. Ray Funck had provided some input as to how this plan would affect their business and also the Pizza Shop next door, cutting off traffic coming into the businesses. They would like to review the plans with the Township before they are taken under advisement. Chairman Espenshade noted the Funck's could be contacted when the revised plans arrive. Mrs. Funck noted they are leaving tomorrow and won't be returning until the 17<sup>th</sup>. If the date needs to be extended, she asked that it be done so they would have a chance to look at the plan. Chairman Espenshade noted the Township's deadline runs out on the 17<sup>th</sup> and the Board will probably have to vote on it at the next meeting. Without the Hilton Garden Inn granting an extension, the Board will have to vote.
- Mr. Funck noted they have not gotten any information from the applicant. They met with them one time, but they need to know what is happening at the intersection. Mrs. Funck noted the original plan showed a turning lane turning away from their property and would not allow any access to their business from the turning lane.
- Mr. Lucas noted they met with Mr. Funck and his representative and responded to their questions. They will meet with the Funcks right after discussions end on the issue and go over the plans with them since the issues they are concerned about will not change between now and the 17<sup>th</sup>.
- Mr. Funck noted he would need to have someone look at the plan since he is not an expert. Mr. Lucas noted he could provide a copy of the plan tonight. Mr. Funck indicated if issues were addressed, no one got in touch with him. Mr. Lucas noted they e-mailed Mr. Funck's consultant. Hilton Garden Inn representatives and the Funcks will meet after the meeting.
- Richard Schock noted he had no problem with the developers plan but his concern is the use of a pumping station. He felt a line could be run across Bow Creek, behind the pizza shop and Funck's and tie into the main line close to I81. Another pump station is going to be built and a lot of calls are already made and pumps being replaced at Funck's. The pizza shop is not hooked up at this time. All this could be done by gravity to get away from the pumping stations. He

asked why another line could not be run along the creek to gravity feed. It might cost more to do it but it would be better in the long run.

- Keith Oellig of 440 Firehouse Rd. commented at the previous meeting they said they would be using water that was infiltrated from the 120 some acres. It was noted that is the groundwater recharge area for the well. Mr. Oellig is concerned about the trend in the Township where there are high density areas being developed. He finds it a coincidence that he has to haul water to his cattle because the springs are drying up. This has not happened before. If we don't consider where the water is coming from, where will we be down the road.
- David Craig asked what planning process the plan is following and is there something the Planning Commission is not doing correctly that the plan has moved to this point. Normally when extensions are granted, the plan goes back to the Planning Commission to work through the issues.
- Ms. Beaudet felt with our ordinances the way they are, they misinterpreted the time period. Solicitor Wyland noted there was an issue as to how far in advance they had to resubmit revisions before the Planning Commission would review the resubmission. Ms. Beaudet indicated it was not about how the Planning Commission operates, but a misunderstanding of the time frame, and the applicant felt it would be out another 2 months and felt it was ambiguous. Mr. Lucas concurred.
- Karen Balaban represented Comfort Suites and Gary Sheth. They have been participating at the Planning Commission meetings and one of the issues that came up was the legal standard for consideration of the waiver. She prepared a legal analysis of the disagreement of what the standard should be and provided a copy to the Board.

### **DEP COMPONENT 3M – RESOLUTION 2009-08**

- Chairman Espenshade noted the resolution is for the Component 3M.
- **Ms. Beaudet made a motion to adopt Resolution 2009-08 as written. Mr. Marshall seconded the motion.** Chuck Mundy asked for a description of the resolution. Chairman Espenshade provided Mr. Mundy with a copy and noted LTL has prepared the Component 3M for the municipal sewer extension for Partridge Hills and Englewood and the final design will be done in 2010. There were no further questions. **The motion was approved 5 in favor, 0 opposed.**

### **NEW BUSINESS**

#### **RANDAZZO PROPERTY**

Frank Grottola of Act 1 Consulting represented the Randazzo's. Mr. Grottola noted he submitted a letter, after consultation with Mr. Ulrich, to the Township. The Randazzo's have an 11 acre parcel at 8461 Jonestown Rd. They have some modest improvements they would like to make. Mr. Ulrich suggested the Randazzo's come before the Board for interpretation. Mr. Grottola believes it is a minor land disturbance permit judging by the barn that used to be there and the barn that is being proposed.

- **Ms. Beaudet made a motion to treat the improvements as a minor land disturbance. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **SRBC SETTLEMENT AGREEMENT**

Solicitor Wyland noted the agreement has gone through several revisions, the most recent one being to tighten up the language and to incorporate by reference by attaching the conditions the SRBC imposed on the Mountain View Thoroughbred Racing Association (the Casino). He has reviewed the new agreement. He received some comments from Mr. Epstein, however the Settlement Agreement had already been approved by the Board, the Casino and the SRBC. There were points of clarification to ensure that everyone was interpreting it the same way, and Solicitor Wyland felt everyone was by a separate communication and the agreement is ready for adoption and signatures. There is a deadline of March 24<sup>th</sup> to report back to the Court the issue is settled. The basic terms are much increased communication between the SRBC and the Casino and the Township being a full participant in the conferences that might be required by the SRBC due to ground water issues, and the Township being included with copies of correspondence. The Casino will underwrite the \$10,000.00 per year for the Township to have a hydro geological consultant review the information that has been collected. There was an additional condition imposed by the SRBC at the Township's request to have the Casino do additional groundwater monitoring.

- **Mr. Marshall made a motion to approve the settlement agreement with the SRBC and all other parties named. Mr. Nelligan seconded the motion since he was part of the issue since its beginning.** Mr. Epstein commented the Township never received notification of the original issue and it was brought to the Township's attention by Mr. Nelligan. He trusted the Solicitor to focus on the issues. This had to do with the timeliness the Township receives the information. **The motion was approved 5 in favor, 0 opposed.**

### **APPOINTMENT TO THE ACT 209 COMMITTEE – JOHN GEESAMAN AND PAUL LONGREEN**

- Ms. Beaudet noted Mr. Geesaman and Mr. Longreen have volunteered to help the Township round out the Act 209 Committee. Mr. Nelligan had to resign since he was appointed as a Supervisor.
- **Ms. Beaudet made a motion to appoint John Geesaman and Paul Longreen to the Act 209 Committee. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Ms. Beaudet thanked Mr. Geesaman and Mr. Longreen for volunteering since the Township is close to wrapping up the Act 209.

### **LOWER DAUPHIN CARE CLUB**

Mrs. Casey reported a letter was received from the Lower Dauphin Care Club asking for a \$500.00 donation towards the After Graduation Party for the 2009 graduating class of the Lower Dauphin High School. The Township has donated to the party for the past 3 years. She noted her son attended the party last year and it is a drug and alcohol free party where car keys are taken from the participants so they can't leave.

- **Mr. Nelligan made a motion to authorize a \$500.00 donation to the Lower Dauphin Care Club. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

#### **USE OF SPECIAL FIRE POLICE ON MARCH 24, 2009**

A request has been received for the use of the Special Fire Police for a public auction.

- **Mr. Marshall made a motion to allow the Fire Police to go to Laudermilch Rd. on March 24<sup>th</sup> for traffic control for a public auction with the understanding they are available and has the manpower to do it. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

#### **DAWN EPPINGER TRAINING – MAY 13<sup>TH</sup> – MISTAKE FREE GRAMMAR AND PROOFREADING**

- **Ms. Beaudet made a motion to grant permission for Ms. Eppinger to take the course at a cost of \$149.00. Mr. Shutt seconded the motion. Mr. Marshall asked if this is covered under what is budgeted for training. Mrs. Casey noted it is. The motion was approved 5 in favor, 0 opposed.**

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

Mr. Shutt noted he was at the Township building the other day and a resident was complaining about traffic and speed on Jonestown Rd. and wanted to know what the chances were of getting a 4-way stop way at the intersection of Jonestown Rd., and Shells Church Rd./Sand Beach Rd.

- Mr. Marshall noted this has been mentioned in the past and the Township does not own most of those roads.
- Mr. Longreen noted the Township owns 3 of the 4 roads. A study has been done and the intersection does not warrant a 3 or 4 way stop sign.
- Mr. Shutt commented he did not think there were enough accidents to warrant the stop signs.
- Mr. Longreen noted PennDOT did the study and due to the alignment of the intersection it does not meet the criteria for the stop signs.

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

Richard Schock noted Mr. Epstein talked about the 50% increase with Met-Ed electric bills. He did know what the administration is talking about which is cap and trade. If the cap and trade passes, you can look at your electric bill going up from \$700.00 to \$1,400.00 per year.

Mr. Schock noted last March the Township was talking about the Stormwater Ordinance and there was a grant put in for reimbursement for those costs. He asked if the Township received any money.

- Ms. Beaudet felt money will be received from a grant application through the County. Mr. Ulrich noted one of the grant applications was for Stormwater but felt what Mr. Schock was discussing was the reimbursement from DEP. At this point there has been no reimbursement. It is his understanding DEP is

requesting some additional information. The reimbursement is still being considered. A number of inquiries have been made.

- Mr. Schock asked what the amount of the reimbursement is. Ms. Beaudet noted it was 75% of the cost of the ordinance but she did not recall what the amount was.
- Mrs. Casey felt it was around \$45,000.00 but will provide the information to Mr. Schock.
- Mr. Ulrich noted a grant was put in for reimbursement of the cost to cover what was not received from DEP.

Mr. Longreen noted you cannot use a stop sign to control speed. That is in the regulations.

Dan Stefanovich of 751 Manada Bottom Rd. announced the East Hanover Youth Football Association this year is going to give free registration to everyone within the Township who wants to play football or cheer. This is being done through fundraising. He will contact Mrs. Eppinger to put something into the newsletter.

**Ms. Beaudet made a motion to adjourn the meeting. The meeting was adjourned at 8:51 PM.**

Respectfully submitted,

Deborah A. Casey

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

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