

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
June 2, 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 7:02 P.M. Present were Supervisors Marie Beaudet, Dave Marshall, and John Nelligan. Tom Shutt was absent.

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.

**APPROVAL OF THE MEETING MINUTES FROM THE MAY 12, 2009 WORKSHOP**

Ms. Beaudet noted she would abstain from voting on the minutes since she was not present at the workshop.

**Mr. Marshall made a motion to approve the meeting minutes as submitted. Mr. Nelligan seconded the motion. The motion was approved 3 in favor, Chairman Espenshade, Mr. Marshall, and Mr. Nelligan; 0 opposed; 1 abstention, Ms. Beaudet.**

**APPROVEAL OF THE MEETING MINUTES FROM MAY 20, 2009**

**Ms. Beaudet made a motion to approve the minutes as written. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**

**TREASURER’S REPORT**

Expenditures:

General Fund	\$124,341.92
Operations and Maintenance	\$ 38,377.25
State Fund	\$ 9,782.90
Street Light	\$ 204.53
Park and Rec	<u>\$ 1,307.93</u>
Total	\$174,014.53

**Ms. Beaudet made a motion to pay the bills as submitted. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, 0 opposed.**

Mrs. Casey asked for approval of a transfer in the amount of \$100,000.00 from the PLGIT General account into the General Fund checking account and \$10,000.00 from the PLGIT State account into the State Fund checking account.

**Mr. Nelligan made a motion to approve the transfer of funds as recommended by the Treasurer. Ms. Beaudet seconded the motion. The motion was approved 4 in favor, 0 opposed.**

## Receipts

General Fund	\$ 7,566.25
Operations & Maintenance	\$ 660.00
Park and Rec	\$ 294.00

## Available Funds

General Fund	\$1,139,254.37
Operations & Maintenance	\$ 292,075.24
Street Light	\$ 6,652.34
State Fund	\$ 472,565.05
Public Sewer Fund	\$ 3,981.00
Park and Rec Fund	\$ 82,800.76
TOTAL	\$1,997,328.76

**CORRESPONDENCE**

The correspondence is available for review during normal office hours.

**ARTHUR MORRIS, P.E. –PRESIDENT, UTILITY SOLUTIONS, INC. & KEYSTONE NATIONAL ALLIANCE, INC.**

Eric Epstein introduced Mr. Morris and noted Mr. Morris came from Lancaster this evening as a courtesy and is not charging for his services. Mr. Epstein provided a biography of Mr. Morris's accomplishments. The biography is available at the municipal building for review. Mr. Epstein noted the rate cap will not come off for Met-Ed customers until January 1, 2011, however the energy market is very attractive right now. His concern is the Township may be missing an opportunity if it waits. Mr. Morris is very involved in energy issues and the bidding for energy. He has also been involved in local government and has a lot of experience in the energy, technology and government sectors. He is currently dealing with this period of deregulation of electric and helps to form aggregates which can purchase electricity at a rate beneficial to his clients.

- Mr. Morris commented in 1997 after the Governor signed into law deregulation, he and another individual by the name of Lou Collin created Utility Solutions, which was targeted to help people and associations deal with the energy market. Back then you could actually beat the rate caps. He serves the Pennsylvania Foundry Association which is about 60 large foundries across the Commonwealth, the Association of Independent Colleges, and the Municipal Utility Alliance, which is through the Pennsylvania League of Cities.
- Back in 1998, rate caps were set on the cost of the generation portion you would be paying with some modest increases. As a result of this, the electricity you pay for is lower than the market. The cap will go off for Met-Ed customers in January of 2011 and the rates will go up. Mr. Morris is currently involved with PPL and is helping the Municipal Utility Alliance of the PA League of Cities by going out with the municipalities interested in participating. They selected a firm by the name of Constellation Energy which provided the best pricing. Now is the optimum time to buy whether the rate caps go off now or in 2011. You can wait until next year; however the rates are lower now than they have been in the past 4 to 5 years. He likened the cost of electricity to the price of gas. If you could

buy gas now for 2011 at \$2.35 would you lock in or wait. This is the type of thing that is going on with electricity. If the past is any indication, the cost of electricity will probably go higher. If the Township is interested in participating, Mr. Morris suggested it take a look at the PA League of Cities. Whether the Township joins in or not, it should be looking at the increase in rates and begin conversations with someone to look at pricing. He encouraged the Township to look into locking into prices now for the year 2011. Those customers who have locked in now will be paying 20% higher than they are now. If they would have waited for PPL, their rate increase would be 30% higher.

- Mr. Morris noted the Township is currently served by Met-Ed who supplies every thing; transmission costs, distribution costs, generation costs and stranded costs. These are currently rolled into one price. When January 2011 comes, Met-Ed will only serve you for distribution. The transmission costs and generation costs will come from someone else unless you decide to stay with Met-Ed who will serve you at a price currently unknown. They have not yet decided how they will provide electricity to the people who will default back to them. PPL has already bought 5/6ths of its total estimated load. The average increase for residential is 30%. Light industrial manufacturing is 24 to 40% increase. It is not known how Met-Ed will do it. If they pick a good month when the rates are low, they will offer you a good rate. If they pick a bad month, like when Katrina hit, you will pay an incredible amount.
- Mr. Morris noted if the Township does nothing, it will be served by Met-Ed in January of 2011. The question will be what you will pay. If you did not stay with Met-Ed, the only thing they would provide is distribution which is set by the PUC. If you chose to use Met-Ed for the generation, it has to find a way to provide that energy and whatever cost it chooses to charge. Most of the utilities do not have a way to generate electricity anymore. PPL and Met-Ed were required to diversify. They obtain their energy from someone else to provide to you. Maintenance of the wires and response during storms will still be with Met-Ed no matter who the Township would get its electricity from since Met-Ed would still be responsible for the distribution. The energy will be provided from who Met-Ed decides to purchase from. The market is currently down right now, in a year, it could be much higher.
- Mr. Nelligan asked about locking in and what the time duration is. Mr. Morris commented a supplier will charge a certain amount per kilowatt hour, which includes all costs with the exception of the distribution cost from Met-Ed. This will be at a fixed rate for whatever time frame you lock in for whether the price goes up or down. Prices on the wholesale market are volatile. If a Katrina hits, it affects prices everywhere. You can lock in for anywhere from 1 to 3 years. Usually municipalities and colleges lock in for a longer period of time because of budgets. Electricity is now based on speculation and not supply and demand.
- Mr. Epstein noted East Hanover is a growing Township and asked if there is a point where they would lose the lock in price if they consume more than a certain level. Mr. Morris noted usually a 10% band is put on the contract. If you go over or under, there would usually be a penalty. Typically with a municipality you won't see that since a 10% band is usually pretty good.

## REPORTS

### PARK AND RECREATION – JANET ESPENSHADE

No report.

### PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

- Mr. Longreen presented his report for May. It is available for review at the municipal building.
- Mr. Longreen asked for approval to advertise for bids for the recycling and paving of Fire House and Fox Run Roads under the Gaming Grants.
- **Mr. Nelligan made a motion to authorize Mr. Longreen to advertise for bids for the repair of Fire House and Fox Run Roads. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**
- By the next meeting the final quotes should be available for the dump truck.

### GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT

- Mr. Isett thanked the Board for re-approving the Fire House plans.
- The final approval was received on the Highway Occupancy Permit and the NPDES plans for project.
- The National Guard is expected to do some excavating on the grounds this weekend.
- A Homeland Security/FEMA grant was applied for in the amount of \$43,200.00 to put GPS units in all the vehicles.
- Mr. Isett will provide Mr. Stein the first draft of the Fire Company's grant for the gaming funds.
- Homeland Security just came out with another new fire station construction grant. By consensus of the Board, Mr. Isett has permission to work with Mr. Stein on this grant. Mr. Isett noted since 2004 in submission to grants to FEMA, the Fire Company has been telling them they are in the process of building a new building. FEMA will review back through all previous applications.
- Mr. Nelligan as the EMA director has asked for the qualifications of all the Fire Company Officers. Mr. Isett has provided him with the information.
- The Bar-B-Q team has had a successful month. The Fire Company book is due to the printer at the end of the month. If anyone would like to place an ad, Mr. Isett has the forms.

### PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

- There is still an opening on the Council. The Council only meets 3 times per year.
- The next meeting will be on June 22<sup>nd</sup> to be held at the Municipal Building.

### EMERGENCY MANAGEMENT – JOHN NELLIGAN

- Emergency Management was slow during May and time was spent on equipment maintenance and standard reporting issues.

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

- Mr. Cassel presented his report for the month of May. His report is available at the Municipal Building for review.
- Gumphier Electric has put together a proposal to decrease the plant's electric consumption by 15 to 20 percent. Units that have been put into place at other locations have seen this percentage drop in use. Mr. Cassel will review the proposal and provide a report to the Board.

### **ENGINEERS REPORT – NORM ULRICH**

- The Water Sampling program is moving forward. Currently 198 wells have been sampled and there are 6 currently scheduled. The target is 239. The sampling has been harder to find and LTL would like to wrap up the sampling by June 15<sup>th</sup>. A request has been made to Mrs. Casey to have the sampling posted on the website. For anyone who wants to have their well sampled, if they are not home at the time, a water sample can be taken from an outside faucet. He also asked the Township to encourage anyone associated with the Township to participate in the sampling so LTL can get this part of the program completed.
- The upcoming SRBC meeting is in Binghamton, New York. The agenda has been reviewed and Mr. Ulrich did not feel there was any reason to attend.
- Mama's Pizza's punch list and work is being finalized.

### **EFMR – ERIC EPSTEIN**

- H2O Grant – Mrs. Casey circulated and executed a response to a follow-up from the grant contact, Eric Emerson which had to deal with ownership of the treatment plant. Mr. Epstein felt this was a positive sign; however, he is not sure where the process is going. By mid-July we should know something.
- Information was circulated to the Board from the Auditor General on his audit of the Gaming Industry. Penn National seems to be fine. Revenues are up there.
- The State Budget deficit is \$3.2 billion. Mr. Epstein felt there is a good chance the personal income tax may be increased. There has been no progress made on the budget.
- Mr. Epstein attended the Broadband meeting last week and some of the ways they are appropriating stimulus money is not an exact science. Verizon has laid the wire and should be approaching the Township about a franchise.
- The IDA local share agreement has provided the Township with more money this year since the Casino has been in a full year of operation. Last year it was based on 10 ½ months vs. 12 months. Solicitor Wyland has sent a letter to the IDA to verify the numbers. Next year, the money received by the Township should be around \$93,000.00 which is based on the MOU. This will continue on the next 2 years. After that, it is not known what will happen.
- Solicitor Wyland noted last year the Township was a little later in the year when it made it's request and clarification was needed for the process and the escalation factors. This year was simpler and the payment should be received sooner. The money is unrestricted and goes into the General Fund. The Township would have received \$93,000.00 less per year if the MOU was not in place.

- Mr. Epstein noted there is a CPI in place and if there is inflation, then the amount the Township receives will go up.
- Ms. Beaudet noted the Auditor General's report indicated the Gaming Control Board should get the General Assembly to amend the State's Slots Casino Law. When they amend that will it be opened? Mr. Epstein noted the law will be opened and the Township should be there to participate.

## **UNFINISHED BUSINESS**

### **CLEAN STREET ORDINANCE – PUBLIC HEARING JUNE 16<sup>TH</sup>**

Solicitor Wyland noted he, Mr. Ulrich and Mrs. Casey have discussed the ordinance and it is recommended that the public hearing be cancelled and the ordinance be put through the Planning Commission and the Dauphin County Planning Commission. It is a free standing ordinance but will be tied in to the Stormwater Floodplain Ordinance.

- **Ms. Beaudet made a motion to cancel the public hearing scheduled for June 16<sup>th</sup> for the clean street ordinance and redirect it through the Planning Commission. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**

## **CHANGES TO SALDO**

The changes to the SALDO have been recommended for approval by the Planning Commission. The changes need to be put into ordinance format.

### **ORDINANCE 2009-05 – PUBLIC HEARING JUNE 16<sup>TH</sup>**

The public hearing is scheduled for June 16<sup>th</sup>.

## **DEANN MOBILE HOME PARK**

Mr. Nelligan noted he spoke with the commercial property manager and since the revised plan was received, he and Mr. Shutt reviewed the plan. There was a letter sent to the property manager from Mr. Smith. Mr. Nelligan contacted Ms. Orpin on May 28<sup>th</sup> and left a message indicating the letter from Mr. Smith should be held until the Board of Supervisors reviews the plan and the issue is in the Board's hands. He has not heard back from her. It will be discussed by the Board in the future.

## **NEW BUSINESS**

### **REICHELDERFER WAIVERS**

Ed Kaylor was present to represent the Reichelderfer subdivision plan. Darlene Reichelderfer is the owner of a .4 acre parcel of land at the intersection of Shady Lane and Laudermilch Rd. Her son is the owner of a 1.8 acre parcel adjacent to Ms. Reichelderfer. There is a house on each lot and a framed garage that is divided by the existing property line. They desire to make an equitable distribution of the 2 acres of land in such a manner as to produce 2 one acre lots. There is no construction anticipated. The line is being moved away from the garage to comply with the current setback for accessory buildings. As part of the process, the Planning Commission and Township engineer have reviewed the plan twice and there are 5 housekeeping items

that will be addressed that pose no problem for the approval of the plan. The one outstanding item is the waiver of Section 602.3.1.2 which is improvements to existing streets, which is additional right-of-way. The waiver was brought before the Planning Commission at its May 26<sup>th</sup> meeting. After conversation with the Township engineer and an understanding of what was being requested, they voted 2 in favor and 2 opposed to the waiver. The reasons for the waiver is there is no earth moving as part of the plan, the existing septic systems set close to Shady Lane and might be impacted by any road improvements, and the existing dwelling of Ms. Reichelderfer is a non-conforming house now and moving the line closer to the home will increase the non-conformity. His client does not feel they are setting a precedent unless another applicant comes in with the same circumstances and then that would be reviewed on an individual basis.

- Ms. Beaudet noted Mr. Kovach of the Planning Commission felt these issues should be looked at on a case by case basis. This is what waivers are for.
- **Ms. Beaudet made a motion to approve the waiver for Section 602.3.1.2. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**

### **BACKENSTOES REQUEST**

Chairman Espenshade noted this has to do with the purchase of a mobile home.

- Mr. Backenstoës noted he bought a mobile home for his daughter privately and after the title was received, the Tax Bureau sent a request for \$3,600.00 in back taxes. He contacted the School District, County Tax Office and Township and made an offer of \$1,800.00 and the School District and County don't want to accept that. He is asking if the Board will forgive the 3 years in back taxes. If the Board would forgive the back taxes, then perhaps he can persuade the School District and County to forgive the taxes so his daughter and her 2 children can stay in the home. He doesn't have the money to pay the back taxes. He asked the Board to consider it.
- Chairman Espenshade noted the Board would have to get direction from the Solicitor as to what the Board can do. Mr. Backenstoës noted he would be making a \$100.00 per month in the meantime. This will be discussed at the next meeting.

### **COSTABILE ANNEXATION PLAN**

Randy Allen of Dauphin Engineering was present to represent the plan. The plan is an annexation plan for Rocco and Marsha Costabile and Michael Longenecker/Patricia Skinner. The site is located on the southern side Mountain Rd., approximately 9/10's of a mile east of the intersection of Mountain Rd. and Manada Gap Rd. The project consists of 3 existing lots totaling 3.9 acres and is zoned Rural Agriculture. Two of the lots contain existing single family dwellings with a common driveway. The 3<sup>rd</sup> lot is vacant. The existing lots 1 and 2 are owned by Rocco and Marsha Costabile, lot 3 is a flag lot which is owned by Michael Longenecker and Patricia Skinner. The purpose of the plan is to reconfigure the existing 3 lots and consolidate them into 2 new lots with each new lot containing an existing single family dwelling. In addition, a driveway with stormwater management control will be constructed to serve lot 2. The proposed lot

annexation plan will also correct some of the existing non-conforming lot and encroachment issues that are present with the existing lot configuration.

- Solicitor Wyland noted the motion made by the Planning Commission indicated there were some conditions in LTL's comment letter of May 18, 2009. He asked if the applicant is willing to accept the conditions. Mr. Allen noted the applicant will accept the conditions.
- Discussion was held.
- **Ms. Beaudet made a motion for conditional approval of the Costabile annexation plan, the condition being compliance of the May 18<sup>th</sup> LTL letter and payment of all fees.** It was noted there were waivers that need to be approved. **Ms. Beaudet withdrew her motion.**
- **Ms. Beaudet made a motion to approve the waivers for significant topographical features, Section 401.3.1 and the waiver of the existing features within 100 feet of subject property, Section 401.3.3.** Mr. Marshall seconded the motion. **The motion was approved 4 in favor, 0 opposed.**
- **Ms. Beaudet made a motion to grant conditional approval for the Costabile annexation plan, the conditions being compliance of the LTL May 18<sup>th</sup> letter and that all fees are paid.** Mr. Marshall seconded the motion. **The motion was approved 4 in favor, 0 opposed.**

#### **SHUTT – EXTENSION OF TIME**

- **Mr. Marshall made a motion to accept the grant of an extension of time until October 4, 2009.** Mr. Nelligan seconded the motion. **The motion was approved 4 in favor, 0 opposed.**

#### **UCC INSPECTOR/CODES AND ZONING OFFICER**

Chairman Espenshade noted this was talked about last year, but other issues came up. He would like to see this proceed.

- **Mr. Nelligan made a motion to approve the preparation of a position description and a salary base range so it can be advertised for the position of a UCC Inspector/Codes and Zoning Officer to be presented to the Board for its review at the next meeting.** Ms. Beaudet seconded the motion. **The motion was approved 4 in favor, 0 opposed.**

#### **CELL PHONES – VERIZON PROPOSAL**

Mrs. Casey reported there have been major issues with the existing phones and the billing with Nextel. A proposal was received from Verizon. The phones are heavy duty, water and dust resistant, have the ability to take pictures and video. The push to talk ability is there for \$5.00 per month per phone. If someone finds they do not heed the push to talk feature it can be removed at any time. There is a one time charge for equipment and accessories in the amount of \$299.84. For 1600 minutes for 8 phones, the cost per month will be \$269.52 with the push to talk. Every push to talk removed will result in a \$5.00 per month savings per phone. The cell numbers will be transferable. Mr. Longreen has seen the phones and has approved of them. Any calls made Verizon to Verizon are not charged to minute usage, with Nextel there is the minute charge.

Considering the problems with Nextel, Mrs. Casey made the recommendation to switch to Verizon. Mrs. Casey will confirm if that there is not cost to dropping Nextel.

- **Mr. Nelligan made a motion to pursue the switch of the cell phones from Nextel to Verizon. Ms. Beaudet seconded the motion. The motion was approved 4 in favor, 0 opposed.**

### **COMPUTER HARDWARE – ADVERTISE FOR BIDS**

Ms. Beaudet noted she and Mr. Nelligan were at meetings to review the hardware and the Laserfiche system. Mrs. Casey and she went to see a system in place at South Hanover Township.

- Mrs. Casey reported the computer hardware is for a document management system and to replace the computers since they are old. This will allow the Township to go into a mainframe system with the ability to share documents. All employees will receive new equipment. The Laserfiche system is under State contract so that will not have to be bid out; however, the computer hardware will have to be bid out. She asked for permission to prepare the proposal and advertise for the equipment. This will be paid for through grant money.
- **Ms. Beaudet made a motion to advertise for bids for the computer hardware to upgrade East Hanover Township. Mr. Nelligan seconded the motion.** Andy Stein asked that the proposal match the different items in the grant. This will be coordinated with Mr. Stein. **The motion was approved 4 in favor, 0 opposed.**

### **GRANT COORDINATION**

This was discussed earlier.

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

There was no other business from the Board.

### **BUSINESS FROM THE PUBLIC**

Richard Schock noted at the last Board of Supervisors meeting Chairman Espenshade brought up his name because of a flyer he passed out on Election Day. He used the words consider the source. Mr. Schock does not consider that of words of endearment but an attempt to discredit him. To this day, no one has questioned anything in the flyer. He broke down the expenses and put it on the back of the flyer.

- Chairman Espenshade noted he has questioned the flyer.
- Mr. Schock noted he missed \$3,155.00 which increased the total.
- Chairman Espenshade noted then his flyer was not factual.
- Mr. Schock noted he can provide anyone in the public copies of the flyer. The notion he is doing something the Township does not do is laughable. At the last Planning Commission meeting it was announced that an individual has to put over \$16,000.00 into an escrow fund, but the last Township Newsletter states all developers must put money into escrow to pay for all their Township engineering fees. Who would have thought that the Township Supervisors would consider individuals as developers? How many people know how much property is

demanded and becomes pretty much untouchable by the Board of Supervisors for wetlands, riparian buffers, right-of-ways, and easements. He recommended reading the transcript of the March 18, 2008 public hearing for Ordinance 2008-01 and see how the Stormwater Management Flood Reduction Ordinance was presented as a harmless ordinance. One year later we can see the consequences of the ordinance in how harmful it is in so many ways. It seems the Board of Supervisors considers riparian buffers as untouchable even if improvement is made and there is no danger to the health, safety, or welfare of the people. He noted on the flyer, he cited a minor subdivision costing \$8,272.74 for reviewing fees by LTL Consultants. When that was brought up at the May 20<sup>th</sup> Board of Supervisors meeting, Mr. Ulrich said one of the reasons for the high figure was the engineer for that plan was confrontational. How does the Board explain high cost and long times needed by other engineers? There is no doubt the Supervisors have changed from a Board to serve the people to a Board who is master of the people. Mr. Schock continued.

- Mr. Marshall asked if Mr. Schock had his hearing aid on. Mr. Schock noted he did not. Mr. Marshall thought that was true because there was a plan the Board waived to not extend the road right-of-way.
- Ms. Beaudet commented that no one is saying what was on the paper is not true. There is a difference between truth and accuracy. If she told Mr. Schock she had children that would be a true statement. If she told him she had 3 children that would be an accurate statement. Would Mr. Schock say he put down the gross number the Township spent? Mr. Schock noted he was not following Ms. Beaudet. Ms. Beaudet noted the amount Mr. Schock put on his flyer was the gross amount spent. Mr. Schock noted she was correct. Ms. Beaudet noted the accurate amount was less than that because the gross amount is offset by reimbursables to the Township, whether it is from the developers, money from State Agencies, so the statement was true, but not accurate.
- Chairman Espenshade noted Mr. Schock is debating philosophy and not what gets accomplished. If he took Mr. Schock's philosophy, there would be no government and he is way on the other side of Conservative. When he got onto the Board, Mr. Schock told him he needed to run the Township like a business. There are tons of CEO's out there losing billions of dollars and making millions of dollars in bonuses. We work for a \$150.00 per month, are making millions for the Township and you want to get rid of us. Everything you have said is subject to interpretation.
- Mr. Schock noted he has a problem with the Stormwater Ordinance. It has taken him a year to figure out some of the personalities but it is starting to come together.

**Mr. Nelligan made a motion to adjourn the meeting. Ms. Beaudet seconded the motion. The meeting was adjourned at 8:33 PM.**

Respectfully submitted,

Deborah A. Casey

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