

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
August 18, 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 7:00 P.M. Present were Supervisors, Marie Beudet, Dave Marshall, John Nelligan and Tom Shutt.

Scott Wyland, Solicitor; Norman Ulrich, Engineer; David Smith, Codes and Zoning; 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.**

**APPROVAL OF THE MEETING MINUTES FROM AUGUST 4, 2009**

**Ms. Beudet 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	\$136,147.86
Operations and Maintenance	\$ 4,177.42
State Fund	\$ 77,105.07
Park and Rec	<u>\$ 5,367.23</u>
Total	\$222,737.58

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

Mrs. Casey asked for approval to transfer \$80,000.00 from the State Investment Fund account to the State Fund Checking account and \$70,000.00 from the General Investment Fund into the General Fund checking account.

**Mr. Marshall made a motion to approve the transfer of funds into the appropriate accounts. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Receipts

General Fund	\$ 24,508.85
Operations & Maintenance	\$ 6,790.00
Park and Rec	\$ 1,032.47

Available Funds

General Fund	\$1,034,683.47
Operations & Maintenance	\$ 311,848.26

Street Light	\$ 6,063.11
State Fund	\$ 338,427.89
Public Sewer Fund	\$ 3,983.10
Park and Rec Fund	<u>\$ 75,241.63</u>
TOTAL	\$1,770,247.46

**CORRESPONDENCE**

The correspondence is listed as a handout and available for review during normal office hours.

**REPORTS**

**PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

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

- Mr. Longreen asked permission for Curt Cassel, Glenn Kriner, and Eric Seachrist to attend a class on Confined Space. It is \$110.00 per person. This will provide Mr. Cassel with 4 hours toward his continuing education for his license and all 3 will be certified in confined space.
- **Mr. Nelligan made a motion to provide the training for the employees in confined space rescue. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- A phone call was received from West Hanover’s Roadmaster. They have a street sweeper which is not working and needs some repairs. Mr. Longreen would like to make an offer of \$500.00 to West Hanover for the street sweeper. It will cost around \$2,000.00 to do the repairs to get it on the street. It will help when the Road Crew oil and chip to pick up the stones.
- **Ms. Beaudet made a motion to allow Mr. Longreen to extend an offer of \$500.00 to West Hanover Township for the street sweeper. Mr. Marshall seconded the motion.** Mr. Shutt asked if the repairs could be done in house. Mr. Longreen noted they could be. Discussion continued on the repairs needed and the street sweeper. **The motion was approved 5 in favor, 0 opposed.**
- Mr. Longreen noted he was approached by the Fire Company and they would like the parking lot to the west at the Station oiled and chipped. He provided them with the cost of the materials. He has not yet received official confirmation on the request.

**CODES AND ZONING – DAVID SMITH**

The Zoning, UCC and SEO reports were provided to the Board at the August 4<sup>th</sup> meeting.

**ENGINEERS REPORT – NORM ULRICH**

- There have been conversations in the past regarding the Township’s current driveway ordinance. There could be some improvements the Board may want to consider and also combine all the existing ordinances into one. Mr. Longreen agreed it would be good to pull the regulations together. By consensus of the

Board, Mr. Ulrich has permission to move forward with the consolidation of the ordinances.

- There is an upcoming Harrisburg Area Transportation Study (HATS) meeting with different municipalities regarding projects that HATS may or may not consider funding. Mr. Ulrich asked if the Board wanted LTL to attend the meeting. By consensus of the Board, LTL will attend the meeting.
- LTL is moving forward with the construction specifications and details. It is almost in draft form. Mr. Longreen will review the draft when completed.
- The Youth Sport Complex information has been finalized and forwarded to the Park and Rec Board for review. LTL will meet with the Park and Rec Board regarding the phasing and funding.
- Kickoff meetings are trying to be set up for the Zoning Immediate and the SALDO Long Term grant work that was approved last year. There will be a Board member involved and also the Planning Commission.
- A kickoff meeting needs to be set up for the Roadway and Drainage and Inventory Grant. This will involve a couple Board members and Mr. Longreen.

#### **EFMR MONITORNG GROUP – ERIC EPSTEIN**

- Verizon will be doing a presentation to the Township at its September 15<sup>th</sup> meeting. This will be on broadband and FIOS.
- The HATS meeting is an ideal time to pursue the S. Meadow Lane and Laudermilch Rd. issue.
- The Budget impasse – the Casino will continue to operate on surplus revenues from the Gaming Control Board.
- The pending legislation regarding assessment of communities \$156.00 per resident for State Police coverage – Mr. Epstein followed up with Senator Fulmer and raised some concerns. The concerns were also provided to Senator Piccola. Both Senators were provided with the concern that there should be an exemption that would cover the Township. Mr. Epstein has no idea if the legislation will pass, but he has committed to work with the Chairman and the House to try to ensure that people are not assessed based on just the numbers but on the demographics, needs and other burdens they may be encountering. The legislation is over in the State Government Committee.
- A decision from the Commonwealth Court upheld a lower Court decision which told Erie County Government Officials they could not spend Casino monies anyway they thought. This acknowledges the protocol set up here which is pretty strict and merit based.
- Act 129 compliance (Energy Environment and Conservation proposal) is at the PUC right now. Although the rate caps for Met-Ed don't come off for another year, you will likely see an increase in your electric bill on January 1<sup>st</sup> to pay for the legislation. The PPL rate looks as if it will be 32% and around 34% with the increase for the legislation. This might an opportune time for him and Mr. Stein to look at the Township's kilowatt consumption and start to do an analysis. It is also a good time to think about entering into a long term contract for electricity. The price is relatively stable at this time. He felt when Met-Ed's cap comes off, there will be around a 40% increase in cost.

## UNFINISHED BUSINESS

### CHANGES TO SALDO

The public hearing will be held on October 6<sup>th</sup>.

### H2O GRANT AGREEMENT

Mr. Stein noted there is a 60 day timeline for the agreement to be signed. He recommended the Board sign the agreement. The new costs have been provided. Solicitor Wyland has reviewed the agreement and recommended approval and signatures.

- **Ms. Beudet made a motion to sign the H2O Grant agreement. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### 2009 GRANTS – ANDY STEIN

LTL, Mr. Stein and staff have been working on the 2009 grants for submission. There will be approximately \$3.7 million in grants submitted this year to the Gaming Fund. Approximately \$1.1 million for road work, \$1.2 million for additional bridge work, \$632,000.00 for an add on to the sewer system, \$490,490.00 to South Central EMS, \$300,00.00 for the Grantville Volunteer Fire Company, and approximately \$30,000.00 for 2 studies to be undertaken by the Township.

- **Ms. Beudet made a motion to support the grants as presented by Mr. Stein. Mr. Shutt seconded the motion. Mr. Nelligan noted that as a result of his volunteer position on South Central EMS Board, he would abstain from voting on the grant for South Central EMS. The motion was approved 4 in favor, Chairman Espenshade, Ms. Beudet, Mr. Marshall, and Mr. Shutt; 0 opposed; 1 abstention, Mr. Nelligan.**
- Mr. Stein noted in conversations with the County, approximately \$93,000.00 in makeup funds from the gaming revenue have been approved and will be disbursed to the Township.
- Mr. Stein asked permission from the Board to write 2 support letters. Support letters indicate the Township thinks the grant is a good idea and the monies do not come out of the Township's funds from the MOU. The one letter is to the Grantville Volunteer Fire Company which is seeking an alternate grant from the \$300,000.00 it is requesting from the Township and the 2<sup>nd</sup> is for East Hanover Lebanon County which is seeking funds to repair Angle Road, which leads to the back side of the track. Neither of the grants will be coming out of the funds set aside for the Township by the MOU. Mrs. Casey asked if a letter would be sent to the Susquehanna Township Fire Company regarding its request. Mr. Stein noted after some clarification with the law, all the grants have to be issued to a municipality. If it is not issued to a municipality directly, it has to be through a municipality. Susquehanna Township is not a contiguous Township and is getting its grant sponsored by another Township. That Township would have to make the request for the letter of support and not the Fire Company.
- **Mr. Marshall made a motion to write letters of support for the Fire Company grant and East Hanover Township, Lebanon County grant. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

- Mr. Stein clarified the Township is putting in for a grant for the Grantville Volunteer Fire Company and also writing a letter of support for its separate grant.
- Mr. Stein noted support letters should be obtained from residents and businesses in the Township for the grants.

## **NEW BUSINESS**

### **HALBLEIB – WAIVERS**

Craig Raynor of Pennoni Associates was present to represent Kevin and Jill Halbleib.

- Mr. Raynor noted the plan was submitted to the Planning Commission, received comments, and the plan was revised and resubmitted. The packet of waivers the Board has is dated March 9<sup>th</sup>. The Township Engineer was met with to discuss the waivers. It became clear that there is an existing driveway and embankment that was installed with an 8 inch pipe underneath it. Based on the meetings with the Township Engineer and Planning Commission, it is obvious the Township is requesting that the applicant remove the 8 inch pipe and replace it with a 15 inch or larger concrete pipe, per ordinance, and also install anti-seep collars and remove a good portion of the embankment to install a clay core. The plans were produced and calculations were done and we are confident that as designed and submitted on March 9<sup>th</sup>, the plans work, the Stormwater Management Ordinance is being met, the only thing we are not meeting is some of the specifics of the ordinance such as the clay core, the anti-seep collar and pipe size since the embankment was installed prior to the preparation of the land development. The Halbleib's are relocating their farm from one side of Devonshire Heights Road to the other. The project consists of a single family residence with a walk-out basement, a breezeway, a garage, and 2 agriculture buildings. A detention basin is created naturally by damming up the field area. The berm of the embankment is a total of 9 feet in height. Any time there is a 100 year storm, the water will back up 8 feet in depth from the invert to the top of the 100 year water level and that will dewater in approximately 16 hours to where the infiltration is started into the ground. At the end of 26 hours, the basin will be dry.
- Mr. Raynor noted there are a number of waivers he would like to go through. Some of the waivers were worked out with the Planning Commission and the plan will be resubmitted with revised wording. Mr. Raynor presented the waivers. Mr. Nelligan noted he just received the large document today and has not had time to review it. He asked that Mr. Raynor note the page numbers so he can follow. Ms. Beaudet noted she was happy to listen to the presentation but would not be ready to vote on it this evening.

#### **Stormwater Water Management Ordinance**

Section 307.E – Minimum Pipe Size – the ordinance requires a 15 inch Pipe and what was installed is an 8 inch.

Section 307.F – Concrete Pipe – there is currently a plastic pipe installed.

Section 307.K – Storm pipe discharge at the bottom of the basin. This Waiver will be eliminated since it is not directly related to the embankment.

- Section 308.B – requirements for outlet structure – this is the requirement to put decorative façade on the actual structure. His client is proposing to put stone around it and blend it into the embankment.
- Section 308.D – Standards for emergency spillways – we are providing for a spillway but there are some requirements that his client cannot meet. The Township Engineer was met with and a solution has been provided.
- Section 308.E – Anti-Seep Collars – the rationale is if you look at the embankment, the top of it is 90 feet wide and the height is approximately 10 feet high. The chances of water seeping through the embankment would not happen because the water would back up and discharge within 24 hours.
- Section 308.J.2 – Slope requirement of 3 horizontal to 1 vertical – Right now there are large stones and boulders, and the embankment. The embankment is already 2 to 2 or 1 to 1.
- Section 308.J.5 – fencing and vegetative screening – Mr. Raynor noted at the last Planning Commission meeting that was recommended as a waiver with the condition if in the future, the lot was subdivided, then the new owner would have to address that.
- Section 308.M – basin embankment compaction – the embankment was installed and no one was out there to inspect it. From what Mr. Raynor was told, with the trucks dumping the soil there, the owner had an independent agency test the embankment for stability. Knowing the material came from HersheyPark, we are comfortable that it is a clay material and is compacted. A test boring could be done to check out the compaction.
- Section 308.N – Trench /clay core for basin berm – This would require removing the majority of the embankment. With the material that is already in there and the breadth of the embankment, we do not feel that is necessary.

#### SALDO Waivers

- Section 303.1 – Preliminary Plan application – this waiver was recommended by the Planning Commission.
- Section 403.6.10 – Improvement Guarantees – This is to put up monies for the improvements. This was discussed with the Township Engineer and the Planning Commission. All the work done outside of the site work will have to be bonded.
- Section 403.6.13 – Developers Agreement – Parts of this section is being asked to be waived.
- Section 502.1 – Financial Security – This goes back to all of the improvements outside of the building be secured.
- Section 506 – Inspection of Public Improvements during Construction – It is felt that there are no public improvements.
- Section 507 – As built plans – There are no public improvements - Mr. Raynor noted some of the discussions with the Planning Commission related to in lieu of waiving the entire package, the

Halbleib's should just concentrate on the embankment and the stormwater management facility.

Section 613 – Easement – An agreement was made that we would utilize the Stormwater Management Easement Agreement. There was a condition to put a note on the plan.

Section 618.2 – Existing Woodland Area – A few of the trees were already removed so we are not requesting to not have to replace the trees, but to not have to prepare a plan for the replacement. The Planning Commission recommended approval of the waiver.

Section 618.3 – Street Trees – The Planning Commission recommended approval of the waiver with the condition if the property was subdivided, the waiver would no longer apply.

- Mr. Raynor noted the applicant is asking the Board to make a decision on the waivers so he knows which direction to go. The driveway is already installed, and plans have been prepared utilizing what is already there. Everything works and the plan has been signed and sealed. However, the direction that was received from the Planning Commission is to basically remove most of the embankment and reconstruct it per the ordinance. He felt that was excessive.
- Chairman Espenshade noted the stormwater issue appeared to be the biggest concern. The SALDO issues could be dealt with in the future. He felt the stormwater should be dealt with first.
- Ms. Beaudet noted she would like some time to review the packet. Mr. Nelligan and Mr. Shutt agreed. Mr. Shutt noted if the individual would have followed the ordinance, there wouldn't be a problem.
- Mr. Marshall agreed that he would like more time, but would like to have some input from Mr. Ulrich. With the bank impactment, he heard some suggestions about a bore sample. Would that satisfy what the Township needs to know? Mr. Ulrich noted the question is more geo-technical in nature and he would like more time to see what could be obtained from a core sample. Mr. Raynor is confident that a core could be done which is less invasive than digging up the entire driveway. Initially the applicant submitted a letter from CMX which is a consulting firm who would go out and take a look at the embankment. CMX is summarizing that the driveway will suffice and serve as a driveway. CMX could only attest to the top 2 feet. The embankment is around 9 feet which leaves a lot of area underneath the top 2 feet. Mr. Ulrich would like some time to review the issue.
- Chairman Espenshade noted the pipe would dictate what occurs. He assumed the first hurdle would be whether the pipe has to be replaced. If the pipe has to be dug up, that could eliminate the core sample. Mr. Ulrich noted the digging up of the pipe is a material and size issue. The issue with the compaction is it is required to be inspected while it is going in and it wasn't since the driveway is already there. Probably the best comparison you have is the core results might give you greater information as to whether the clay core and the key trench need to go in. That is currently not in right now. If you get the results of a core sample, you might get an idea as to how the material will function from a clay core and key trench standpoint. The issue is holding back the water and will the

structure work in place of a clay core and key trench. The ordinance calls for a minimum 15 inch pipe a concrete pipe. It is an 8 inch pipe and it is plastic.

- Chairman Espenshade suggested tabling the waivers until the Board has more time to review the request.
- Mr. Ulrich noted the waiver requests were a reissue from the original submission. Some things have change since the original submission. Some of the waivers have been modified and some have been taken off since the applicant has indicated they will comply. It might make it easier for the Board if the applicant brings the waiver requests up to date.
- Mr. Raynor noted he would like to submit the waivers as they are to the Board for review.
- Ms. Beaudet asked if all the work done between April and July was reflected in the request.
- Mr. Ulrich noted although the original waivers were submitted, and the applicant met with the Planning Commission and the Township Engineer to resolve the waivers, the applicant decided it wanted to approach the Board with the original waivers. Mr. Raynor agreed. He felt the existing pipe, lack of clay core, and anti-seep collars were not acceptable and his client would have to remove the road embankment and reconstruct it. They did not feel that was necessary and that is why they are in front of the Board.
- Mr. Ulrich commented he thought some of the waivers were no longer going to be requested. Mr. Raynor noted on the next submission some of the waivers will be removed. His client wanted to go back to the original submission for clarity purposes.
- Discussion continued on the pipes and the waivers.
- Mr. Raynor noted the waivers the applicant is concerned about is the Stormwater basin and the embankment.
- Mr. Shutt asked how the drive was compacted. Mr. Raynor noted it was done by 8-wheeler trucks coming in and out of the property.
- Ms. Beaudet noted this is the same thing that was presented to the Planning Commission and the sticking point at that time was the pipe that was installed contrary to the ordinance without the Township or the engineer. Mr. Raynor noted the embankment was constructed with an 8 inch plastic pipe in it. Ms. Beaudet noted the ordinance requires it to be a 15 inch concrete pipe.
- Discussion was held on a core sample and whether it might solve some of the waivers.
- Mr. Marshall asked Mr. Ulrich what his opinion is in the difference of the size of the pipe.
- Mr. Ulrich noted the size and type of pipe is an ordinance requirement. He explained whenever you design a basin; you do not want the outlet pipe to be your control. You want the outlet structure to be the control and if the primary spillways overtopped, the extra flow can pass through the pipe. An 8 inch pipe will probably have 5 to 7 CFS. There are a number of safety measures with the design of a basin. The orifices are the first line of defense to control flow. If they were to get clogged, the water level increases. The next control is the primary spillway. That is the condition where you don't want your outfall pipe to control

the flow. Discussion continued. If the outfall pipe did control, then even if your orifices clog and you have enough depth of head that it comes down through the outfall pipe, and the outfall pipe controls, then you can still surcharge the basin and it will flow over the top of the emergency spillway. The emergency spillway should be just that, in an emergency situation. If all orifices are clogged, and flows through the primary spillway and the outfall pipe is not controlling, then it will be able to pass all the flow with it getting to the emergency spillway.

Discussion was held on storms and heavy rains.

- Mr. Raynor felt the Township's ordinances were more elaborate and restrictive than most other ordinances.
- An individual spoke from his seat, but did not identify himself or come to the microphone. This individual spoke several more times from his seat. Discussion continued.
- Chairman Espenshade noted the Township is not holding the plan up. The applicant could have come in 3 months ago and asked for the waiver requests.
- Chairman Beaudet noted she received the request today and is not a member of the Planning Commission or functions as one, and that is what the Board is being asked to do. The Township did not create the situation. She noted if the applicant wants the Township to vote on just the pipe, she could do that this evening, but there is a lot more than just the pipe in the request. Anytime you have a plan before the Planning Commission, you can come to the Board to ask for a waiver of an issue. No one did that until this evening.
- Ms. Beaudet noted the project was started before consulting the Township. The Township wrote a review letter asking that it be changed. The individual chose not to change it.
- Chairman Espenshade discussed a letter that was received from the applicant and noted the Board takes those issues seriously and tries to do things appropriately. This is a contentious issue because of some of the factors. He has tried to help Mr. Halbleib. It was Chairman Espenshade's request the waivers be brought to the Board, but he did not know he was going to receive the entire packet, only the issues that pertained to the stormwater with the driveway. This will be brought up at the next meeting. In his opinion, when he spoke with Mr. Halbleib, the driveway was the issue before the plan could proceed. That is why he was asked to bring the driveway issue before the Board. Discussion continued.
- Mr. Raynor noted his client did not come to the Board for the waivers since typically a plan is submitted to the Planning Commission and they try to work with the Planning Commission to weed the waivers down.
- Chairman Espenshade noted the Board likes to see the Planning Commission make waiver recommendations since the Board does not typically see the plan until it is through the Planning Commission. This is the first time he has seen the plan.
- Mr. Marshall noted the Board has granted waivers but typically it is 1 or 2 waivers. This request has many waivers and the Board needs some time to review the issues and make appropriate decisions. Waiver requests are made

to deviate from the ordinance and the Board has to look at the ramifications if the Board deviates from the ordinance.

- Chairman Espenshade noted that granting a waiver puts an extra liability on the Township.
- David Craig, Chairman of the Planning Commission noted the last time they saw the plan was in March. Its recommendation on a lot of the waivers was to meet with the Township Engineer and come to a decision on working out some of the issues. Meetings were scheduled and cancelled and then the engineers met and went through issues. Discussions have been held, but the plan has not come back to the Planning Commission to indicate what was agreed upon. Mr. Ulrich has informed the Planning Commission of the meetings and what was discussed.
- Mr. Ulrich noted the Township did deviate from the normal protocol and allowed the submission to save the applicant a month. Mr. Raynor noted that what came out of the meeting was not an indication that the pipe needed to be removed.
- Richard Schock noted he attended a lot of the Planning Commission meetings and attended the one in March when the plan was brought up. He felt that night the plan was not going to go anywhere because of the ordinances. Mr. Schock asked about the letter Chairman Espenshade commented on and was there a demand. He asked if the Township responded to the letter. Discussion continued. Mr. Schock asked why the Board did not answer the letter. Chairman Espenshade asked what the response should have been.
- Mr. Schock felt there were issues that were nitpicking on the site. Mr. Schock continued his discussion. Mr. Schock asked if an individual wanted to build a driveway would they have to build it according to State specifications. Mr. Longreen noted you would have to build it to the Township's specifications which are State specifications. Discussion continued on the driveway.
- Chairman Espenshade noted the issue is whether the driveway supports as a retaining wall for the detention pond, not whether it will support the driveway.
- Discussion continued.
- The Stormwater Ordinance was discussed.
- Chairman Espenshade asked if any of the Board members have questions, would they be able to contact Mr. Raynor. It was noted he could be contacted.
- Mr. Ulrich asked that Mr. Raynor send copies of the plan to the Township for the Board's review.
- Shawn Halbleib asked about the plastic pipe regarding the Chesapeake Bay. Ms. Beaudet noted concrete pipe is 100 year approved. Water and water pollution is driving everything with the The Chesapeake Bay Initiative and it is an unfunded mandate. They don't go after private homeowners who over fertilize their lawns or farms, they go after municipalities. Many municipalities are now affected by this. The next thing that is being looked at is polycarbonates. Plastic pipe leaks polycarbonates. When the Stormwater Ordinance was redone, the Township decided to go with concrete pipes since they break down into items the Chesapeake Bay is not concerned with. Mr. Halbleib noted the pipes in homes are plastic. Ms. Beaudet noted they don't go after private homeowners.

The stormwater that runs off private homeowners' property goes into the contributing creeks of the Chesapeake Bay. Discussion continued.

- Mr. Halbleib noted the Board has asked Mr. Ulrich his opinion on what he has seen on paper. Mr. Halbleib made an official request to have Mr. Ulrich come out to the property to look at it so he can his opinion on what he sees and not just what is on paper.
- Chairman Beaudet noted Mr. Schock said the site was never visited by LTL which is not true. Someone else from LTL was at the property, and not Mr. Ulrich. Mr. Ulrich needed to know if it was a 15 inch pipe or not. It was not and that is what he based his opinion on. Mr. Halbleib asked if Mr. Ulrich looked at the property and pipe and said it was sufficient, would the board consider it.
- Mr. Ulrich noted he wouldn't look at a pipe and say it is sufficient, or walk on the driveway and say it's been compacted well. The gentleman from LTL that was out to witness the infiltration referred to the driveway as an airstrip. Mr. Ulrich did drive by the site. If the Board approves his visiting the property, the things he would be able to verify won't change his opinion. Discussion continued on the stormwater, the calculations, and the ordinance.
- Mr. Halbleib noted that issues with the ordinances have been brought up and it has been noted that is what waivers are for. As soon as the waivers are brought up, no one is willing to consider them. Ms. Beaudet noted what the Board was considering tonight are the waivers.
- Mr. Marshall asked if Mr. Halbleib wanted a decision this evening. Mr. Halbleib noted he did not want a decision this evening.
- Chairman Espenshade noted the Planning Commission can't grant a waiver; only recommend approval to the Board of Supervisors. What comes from the Planning Commission is generally granted by the Board.
- Mr. Halbleib noted he is only here at the meeting because his father could not be present because of the issues.
- Discussion continued. It was noted that Kevin Halbleib had conversations with several individuals giving him advice as to what to do and where to go with the issues.
- Mr. Longreen noted when Mr. Halbleib came to him with the application for the driveway permit, he went over and checked the site distance, and issued the driveway permit. The Township did not hold the plan up. Mr. Halbleib didn't bring in the waivers until tonight.
- Chairman Espenshade commented the Board will look at the waiver requests and noted it is a complicated process. He made a commitment to Kevin Halbleib that he will try to move the plan along and get it finished.
- Richard Schock noted one of the issues seems to be the plastic pipe. He commented he recently made a trip and passed road construction sites. A lot of them had plastic pipe. LTL wanted the concrete pipe. Chairman Espenshade noted the Board approved the ordinance not LTL.
- Chairman Espenshade noted the waiver requests would be tabled until the next meeting.

**WATER WORKSHOPS – ADVERTISE**

Mr. Marshall noted John Nelligan and he met with the people involved with the water grants the first Thursday of August. It looks as though there will be indefinite meetings for the projects. He would like to advertise the Workshop Meetings for the first Thursday of every month for the rest of the year so that if any other Supervisors want to attend, they can.

- **Ms. Beaudet made a motion to advertise the Water Workshops for the first Thursday of every month until the end of the year. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Marshall noted there is one grant the committee was not given the specifics to steer or not and that is the Act 537 Plan. The people that need to do this are coming to the meetings. He asked if the Board wished for Mr. Nelligan and him to take on that endeavor.
- By consensus of the Board, Mr. Marshall and Mr. Nelligan will be the Board representatives for the Act 537 Plan.

**DAUPHIN COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS – CONVENTION OCTOBER 1<sup>ST</sup> – HALIFAX**

Mrs. Casey reported the convention is October 1<sup>st</sup> in Halifax. Mr. Longreen and Mrs. Casey would like to attend. The cost is \$10.00 per person. Mrs. Casey requested approved for Mr. Longreen and she to attend.

- **Ms. Beaudet made a motion for approval for Mr. Longreen, Mrs. Casey and any other Supervisors that wish to attend the convention. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

**GAMING FUND – CHECKING AND PLGIT**

Chairman Espenshade noted the revenue received from the Gaming Funds is around \$940,000.00 per year. The Board would like to establish that amount in its own fund with its own checking and PLGIT investment account. This would allow the Township to better track those funds and be more transparent as to what funds are used for.

- **Mr. Marshall made a motion to set up a separate fund for the Gaming Funds. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

**ACT 32 EARNED INCOME TAX UPDATE**

Mrs. Casey reported she attended a meeting at the Lower Dauphin School District office with Dr. Sheri Smith, Superintendent, Michele Shuler, Business Manager, and representatives of Hummelstown Borough and Conewago Township. Act 32 was discussed, along with the upcoming meetings for the Tax Collection Committee/TCC. It was decided the School District and Borough/Townships would stay in touch regarding the TCC and occasionally meet if necessary. It is her understanding that the votes on this committee will be weighted, which means school districts like Central Dauphin will have more of a vote than Lower Dauphin. Mrs. Casey will be attending a seminar on Wednesday, August 19<sup>th</sup> at 6:00 PM at the DCCD building on Peters Mountain regarding the Tax Collection Committee. The Act 32 Tax Collection Committee is a group of representatives from each municipality, school district and borough in the

County that is being formed to decide on one tax collector for the County for earned income tax.

#### **APPROVAL OF THE FALL NEWSLETTER**

- Ms. Beaudet would like to add to the newsletter an article on the H2O Grant.
- Mr. Nelligan suggested putting the grant committees and who the individuals are into the newsletter.
- Discussion was held on the newsletter.
- **Ms. Beaudet made a motion to approve the newsletter with the addition of the meetings and the H2O Grant write up. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

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

Solicitor Wyland noted a meeting was held with SRBC staff, and Solicitor Wyland has been in contact with counsel from Penn National Gaming to see about its compliance. It appears the delays have not been on the part of PNG but rather on the consultants and the wet weather, and there is not essential data being missed as would be if it was a dry summer. Some baseline information has been obtained and the proper authorities at SRBC are aware of the Township's wish to get the issue moving.

Mr. Marshall noted there is development of a problem at Rt. 743 and Rt. 22 with traffic during the evening hours. He did not know as a Township as to where we could go with this, but traffic often times going north on Rt. 743 will back up considerably. At Rt. 39 the northbound light has a green and everyone else has a red so that left turns could be made. Mr. Longreen noted the Township holds the permit for the light so if the Township wants to make a change to the red light, a written request has to be made to PennDOT for the change. It will do the study and report whether or not it warrants the change.

- Eric Epstein noted Mr. Marshall's concern over the light is a good issue and it is something the Township should look at with the issue of table games.

Mr. Epstein noted the Patriot News reported if table games come, there would not be an impact on the Township. He disagreed and felt it would be a huge impact and the Township would not be getting any revenues. The Township may need to explore a noise ordinance. Other Casinos that get table games usually add music venues. Down the road we may need to look at what happens with the impact. He is not sure the Township is prepared to handle some of the problems that come with table games.

- Chairman Espenshade noted the editorial in the Patriot had a statement that municipalities would get a cut of that. He asked if the bill included that. Mr. Epstein and Solicitor Wyland noted their understanding is that the municipalities would not get a cut. Discussion continued.
- Mr. Epstein asked if approval could be given for Mr. Stein and him to analyze the electric bills.
- By consensus of the Board approval was give for the analysis of the electric bills.

Ms. Beaudet asked how you can amend a law without opening the law. Solicitor Wyland noted they could go in and add additional sections to the existing statute or just tack it on as a separate chapter. Discussion continued on the gaming law.

**BUSINESS FROM THE PUBLIC**

There was no business from the public.

**Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 9:29 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