

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
October 6, 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 7:08 P.M. Present were Supervisors, Dave Marshall, John Nelligan; and Tom Shutt. Marie Beaudet 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.

There was an Executive Session held at 6:00 PM to discuss personnel issues.

A Public Hearing for Ordinance 2009-03 will be held at 7:30 PM.

APPROVAL OF THE MEETING MINUTES FROM SEPTEMBER 15, 2009

Mr. Shutt 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	\$148,284.90
Operations and Maintenance	\$ 41,292.69
Street Light Fund	\$ 329.81
Park and Rec	<u>\$ 4,727.56</u>
Total	\$194,634.96

Mr. Marshall made a motion to pay the expenses as presented. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.

Receipts

General Fund	\$ 46,161.31
Operations & Maintenance	\$ 5,580.00
Street Light	\$ 132.24
Park and Rec	\$ 529.76

Available Funds

General Fund	\$1,006,420.45
Operations & Maintenance	\$ 223,617.67
Street Light	\$ 5,589.23
State Fund	\$ 338,066.07
Public Sewer Fund	\$ 3,983.80

Park and Rec Fund	\$ 67,204.55
TOTAL	<u>\$1,644,881.77</u>

VERIZON – CHRIS BRENNAN

Eric Epstein introduced Chris Brennan from Verizon to talk about Broadband and internet.

- Mr. Brennan noted he would have liked to have an engineer present to discuss specifics of the issues, but will provide a broad overview of where Verizon is at with broadband, DSL, , etc. In East Hanover, Verizon is served out of 2 different wire centers which are Hummelstown and Hershey. Broadband/FIOS is not to be confused as FIOS Cable television which Verizon does not have a franchise within the Township at this time. FIOS/broadband internet is available for telephone exchanges 566, 583, 531, 533, 534, 520, and 312. There are 3 options for high speed internet; 1 is FIOS broadband which is the fastest; DSL; and wireless. Verizon is currently in the process of building out its network, but the budget is getting tight and Verizon has just signed 2 deals with Pittsburgh and Philadelphia. A lot of the capital expenditure has been going to those 2 locations. This takes away from the central part of the State and it will take time to get the monies to provide the service to this area.
- Mr. Brennan discussed the Bonifide Retail Request program which can provide high speed internet service for an area which does not currently have it, but it requires you to commit to the service for 1 year. Under the program, if 50 customers, or 25% of the retail access lines in the carrier serving area commit to purchase high-speed internet service for 1 year, Verizon will provide the service within 12 months.
- Mr. Epstein asked if Township residents could piggyback on the hotels and the Casino if they requested it. Mr. Brennan noted he would check into the issue.
- David Boyd asked why the Township has not been approached for a franchise for the TV part of the package.
- Mr. Brennan noted Verizon would like to be in the Township but there is an operating budget they have to follow and it is not possible at this time with the Pittsburgh and Philadelphia projects.
- Mr. Epstein asked when the Township is expected to be connected. Mr. Brennan did not have any idea when it would happen.
- Keith Oellig asked about Comcast service. Chairman Espenshade noted the Township has a franchise agreement with Comcast. It is not exclusive with the Township. Anyone that wants to bring service into the Township would have to provide an agreement with the Township to provide service. Discussion continued.

CORRESPONDENCE

The correspondence is listed as a hand out and is available for review during regular office hours.

REPORTS

PARK AND RECREATION – JANET ESPENSHADE

- Park Day and the Car Show went well.
- The Pumpkin Carving will be held on October 24th.
- The Halloween Parade will be held on October 22nd at 7:30 PM.
- Flu shots will be held for the Seniors with Medicare on Tuesday, October 13th.
- Chairman Espenshade asked about the road closings for the Halloween Parade. Mrs. Casey noted she would get with Mrs. Espenshade on the road closings for the next meeting.

DUE TO THE PUBLIC HEARING, THE AGENDA HAS BEEN CHAGED

GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT

- A Block Shoot and Pig Roast were held on October 3rd.
- The Once and Done Run at Penn National was not organized well. The Fire Police coordination was also not done well with the organizer.
- The fire hose has been purchased and received. This was from grant money. The old hose will be sold.
- The Federal grant that was applied for the construction of Fire Houses was not received.
- October 24th will be a Pork Rib and Chicken BBQ, along with a blood drive.

PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

Mr. Nelligan reported the Council met on the September 28th. There were not significant findings at this time. Minutes will be distributed to the Board of Supervisors in the near future.

EMERGENCY MANAGEMENT – JOHN NELLIGAN

No report.

7:30 PM - PUBLIC HEARING FOR ORDINANCE 2009-03 CHANGES TO SALDO

Solicitor Wyland noted it was the time and place advertised for a public hearing on Ordinance 2009-03. The ordinance proposes to amend various sections of the Township's Subdivision and Land Development Ordinance by revising some wetland criteria; updating various plan and improvements guarantee requirements; updating street improvements and specifications; adding and updating criteria for both driveway and access drive design and construction; providing criteria for easements; revising and adding landscaping requirements; revising steep slope regulations; adding lighting criteria; and other general revisions. This has been part of a process that has been going on for over a year to identify parts of the ordinances that need some improvement. The public hearing has been published twice in The Patriot News.

- The hearing was opened up for public comment.
- There was no public comment.
- The public record was closed at 7:32 PM.

- **Mr. Nelligan made a motion to adopt the revisions of Ordinance 2009-03 as presented. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

Mr. Longreen presented his report for September. It is on file at the municipal building for review.

- Mr. Longreen noted he needed classification of Short Drive as to whether it is an alley or a street. The property is being surveyed for sale and the property owner needs to know what the right-of-way. Mr. Longreen's recommendation is that it is an alley. There is not enough right-of-way for a street under the 2nd Class Township Code.
- Chairman Espenshade asked if there is anything in the Township's definitions to define an ally. Mr. Longreen noted in the new SALDO there is but it would not accommodate Short Drive.
- Solicitor Wyland noted in the code, a street needs to have a minimum of a 33 feet right-of-way and alleys need a minimum of 15 feet. There cannot be a street that is less than 33 feet.
- Discussion continued.
- Chairman Espenshade noted Short Drive needed to be defined so there is no question as to what it is. The drive has been maintained by the Township for many years.
- Solicitor Wyland noted since the road has been used by the public and has been maintained by the Township for many years and its right-of-way is less than 33 feet but more than 15 feet, it is by operation of law, an ally.
- **Mr. Marshall made a motion that Short Drive will become a 16 foot wide ally. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, 0 opposed.**
- Mr. Longreen reported he contacted PA Percs regarding the traffic signal at Rt. 743 and Rt. 22. The controller is too old to handle certain changes, one being changing the time and letting a left turn go first. To replace the controller would cost a minimum of \$5,000.00. The red lights have been put into the grant program for next year. Discussion continued on the subject. Mr. Longreen felt if the Township changes the controller, it should change the lights. The cost of a new controller would not include LED lights.
- **Mr. Marshall made a motion to proceed with what the engineer needs to do with the intersection. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, 0 opposed.**
- Mr. Longreen noted PennDOT contacted him about putting a salt shed at the southbound Rest Area on I81 to the west of the rest area. He recently received a phone call indicating PennDOT has moved the proposed shed to the east side of the Rest Area. There is a sewer line that runs through the east side. Dale Good of PennDOT and Mr. Longreen had an on-site meeting. Manholes were opened and the sewer line is only 3 feet underground. There is a 5 foot bank between the road coming into the Rest Area and where the salt shed is to be located. The bank will have to be cut down to get a driveway in. The sewer line would either

be exposed or the driveway would not provide any cover over the line. The project is currently on hold until this is discussed with the Board. Mr. Longreen read a letter he drafted indicating the Township is concerned about the relocation of the salt shed because of the potential of salt, or its runoff entering the water system and heavy loads going over the sewer line which could cause a break or crush the sewer line and could lead to blockages or leaks that could allow contaminants to enter the water system. The Township does not recommend building the salt shed at this location and is asking PennDOT to reconsider the location of the shed.

- Mr. Espenshade noted a sewer line needs to have at least 3 feet of cover. Mr. Longreen commented the only way that cover could be obtained would be to run a whole new line and manholes.
- Solicitor Wyland noted he spoke with PennDOT's counsel and was assured PennDOT was looking to cooperate in the location of the line. PennDOT's counsel recommended the Township continue to coordinate with PennDOT through Mr. Longreen. He felt the proposed letter is appropriate to send at this time. If they don't agree to change the location of the shed, then the Township will need to take a stronger stand.
- Discussion was held on what is PennDOT's sewer line and what is Township owned. Chairman Espenshade felt the property line determines ownership.
- Mr. Longreen noted the Township installed the lines to the PennDOT existing lines. There are issues where the Township stopped installing the lines and the connection to the existing PennDOT lines. The PennDOT lines are terra cotta pipe and there have been blockage problems with tree roots coming through the terra cotta pipe. He suggested to PennDOT that they may want to replace the line.
- Discussion was held on whether or not there is a right-of-way agreement. It was noted this would be researched.
- Mr. Marshall asked since the Township put the line in on PennDOT's property, does the Township own the line or is it a gift. Solicitor Wyland noted if there are any paper records, that would answer the question but felt if it's on PennDOT's property and is a service lateral to PennDOT then it is the customer's problem. If an agreement can be produce that it's the Township's then this is a different situation. If the line breaks, it is PennDOT's responsibility.
- Solicitor Wyland has already reviewed the letter. By consensus of the Board, the letter will be sent and the Township will wait to see PennDOT's response. It was noted that PennDOT's counsel will receive an electronic copy of the letter.

WWTP OPERATIONS AND MAINTENANCE – CURTIS CASSEL

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

ENGINEERS REPORT – NORM ULRICH

- Mr. Ulrich attended the HATS meeting representing the Township. Regional transportation issues and concerns were discussed. The signal timing issue was

discussed at the intersection of Rt. 743 and Rt. 22. Additional information will follow once the minutes of the meeting are complete.

- A meeting was held with Triple Diamond regarding the punch list items for the property and specifically Kelly Court and Herr Drive. The Township is waiting for a response from Triple Diamond regarding the meeting.
- Groy Land Development – all the punch list items have been completed and at the next meeting, a recommendation will be made to release Mr. Bonawitz of his letter of credit.
- Hilton Garden Inn – discussion continues on its alternative planning module submission.
- Preserve at Bow Creek – there has been some recent construction activity with the installation of Creek View Drive.
- Richard Schock noted there has been discussion about the light at Rt. 22 and Rt. 743. He didn't see changing the light as a solution and wondered why there was not a discussion about turning lanes being put in which is the only solution for the intersection. Mr. Ulrich agreed and noted at the HATS meeting they did not want to hear about intersection problems but were concerned about the Rt. 743 corridor, from Mountain Rd. to Hershey. The Board is looking at what they can do now. The HATS meeting discussion was what could be done over a longer period of time. The intersection issues would be addressed by doing a large scale project on Rt. 743.
- Mr. Marshall noted it was his suggestion to change the timing of the light but it was not meant as a permanent fix. It was an interim solution to try to make things better than they are now. Rt. 22 is being rebuilt. He attended a meeting a few years ago and asked to be kept updated on the Rt. 22 construction. That has not happened and they have not approached the Township about what will be done on Rt. 22 in East Hanover.
- Mr. Schock continued to discuss the intersections and Rt. 743 and Rt. 39.
- Keith Oellig asked if this is something the gaming revenue would pay for. Mr. Marshall noted there is a grant application for next year for updating the traffic lights at the intersection. Mr. Oellig asked why it wasn't put in for turning lanes. Mr. Marshall noted the Township doesn't know what PennDOT is going to do.
- Discussion on gaming funds, traffic, etc. continued.
- Chairman Espenshade noted he would like to see East Hanover Township, Derry Township, and perhaps Penn National get back to the Rt. 743 study that was supposed to be happening to address the issues. He felt with a joint effort, something can be done. Discussion continued. The intersection is a problem but the State has to help with its highways. It was noted Hershey has contributed a lot to the traffic on Rt. 743.
- Chairman Espenshade noted if Gaming Revenues could be obtained to redo the intersection, he would love to do it, but has no idea what it would cost. Discussion continued. Chairman Espenshade noted the Township is trying to establish a baseline for the Township so that it knows the impact of the Casino and what can come out of the gaming funds. There is some of the gaming money that is being used to do the baseline studies. The next round is going to be used for "bricks and sticks" projects. If the Township could obtain enough

money out of grants to rebuild the intersection, it would be great, but Chairman Espenshade didn't think that would happen.

- Richard Schock agreed that Rt. 743 and Rt. 22 are State roads and they are PennDOT's problem. He asked what the Township had to do to get PennDOT moving on the issue. Chairman Espenshade noted the Township took the first step inquiring about a study. PennDOT informed us that it was our responsibility to do the study. A letter can be written, but with the state of the State budget, there would not be much hope of a response.
- Discussion continued. Mr. Epstein noted the Township can put the project on the radar but there is no funding at this time.

EFMR MONITORNG GROUP – ERIC EPSTEIN

- The Township should start considering the next MOU since the current one will expire in 2 years. The County Commissioners should be approached in the near future to see if the MOU can be extended.
- There will be table games; however, it is not known what will be in the bill. It appears table games will be passed concurrently with gaming reform. The House attached a 34% tax on table games at the Governor's request. That went back to the Senate. Mr. Epstein felt the tax was too high, but the provision included local share which would include the Township. The Senate sent the legislation back to the House and modified the percentage and allocated a County share. The bill is still going back and forth for the license fee. It is likely the Conference Committee will be determining if there will be local share, if it will be going just to the County, or if it will be shared with the municipalities. East Hanover and Mt. Airy are the only 2 communities that have had an impact on the debate.
- House Bill 1500 – State Police charge – this probably won't pass this session; however, Mr. Epstein felt this will be revisited.
- Senate Bill 711 – Mr. Epstein did not know if this would disturb the Townships ability to appeal land issues to the Supreme Court.
- Richard Schock noted he receives e-mails from Representative Marsico and the one update indicated that he had an amendment in the House Bill for monies for East Hanover Township out of table games. Mr. Epstein noted he did not see it offered. Mr. Schock got the impression from the e-mail that it passed and was part of the bill. Discussion continued. It was noted this would be checked into.

WATER COMMITTEE MEETING – DAVE MARSHALL/JOHN NELLIGAN

- Mr. Nelligan reported the Water Committee met on October 1st. Chris Hannum of LTL was present. A considerable amount of time was spent on discussing the next level of plans for the sewerage project at Englewood and Partridge Hills. This is not fully developed at this time and there is some additional engineering that needs to be done before the plan is complete.
- A gant chart is available in the meeting room to show the progress of the number of projects under the Water Committee.
- Discussions were held on the requirement for connection under the 2nd Class Township Code. This was brought to the Solicitor for further review.

- The next meeting is November 5th and there is a 2 hour schedule for the entire Board of Supervisors to be present for a review of the proposed complete revision of the Act 537 Plan. The meetings have been advertised and are public meetings.
- David Boyd asked why there is duplicity of committees. Mr. Marshall noted the committee is for wastewater and drinking water. Mr. Nelligan noted there are 7 grants the committee is following. Mr. Boyd noted on the website there is a Water Subcommittee. It was noted that was in the past. Mr. Marshall noted if you look at the gant chart, it will tell you what the Water Committee is covering.
- Chairman Espenshade noted that since there are 25 grants, 2 Supervisors have agreed to keep track of certain grants. This Committee is handling wastewater, the Act 537 Plan, Aquifer study, comprehensive watershed management plan, etc. The meetings are open to the public and have been advertised so all the Supervisors can attend when needed. Mr. Marshall noted the public is invited, but it is a workshop for the Supervisors and if a decision needs to be made it will be at a regular Board of Supervisors meeting.
- Mr. Marshall noted that hopefully, before the end of the year, there will be a meeting scheduled for the public for the sewer system.
- Mr. Boyd commented he heard something about August of 2012 the system should be completed. It was noted the project is on scheduled to be done in 2011. It was noted the H2O Grant has set requirements for completion of the project.

UNFINISHED BUSINESS

FUNDING FOR THE YOUTH SPORTS COMPLEX

This will be discussed at the Budget Workshop Meeting.

OLD COMPUTERS

- Mrs. Casey noted if Full Circle Solutions came in to wipe the hard drives, it would cost \$120.00 per hour. She did not know how long it would take per computer.
- This will be discussed at the next meeting.

SET PUBLIC HEARING FOR BROADWAY CLASSICS CONDITIONAL USE

- **Mr. Marshall made a motion to set a public hearing for November 4th at 7:30 PM for the Broadway Classics conditional use hearing and advertise. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, 0 opposed.**

NEW BUSINESS

REICHELDERFER – ACCEPT FOR REVIEW AT THE OCTOBER 20TH MEETING

Mr. Ulrich noted the plan was recommended for conditional approval by the Planning Commission. It is before the Board for acceptance for review at the October 20th meeting. There are a couple of outstanding items.

- Ed Kaylor represented the plan. Mr. Kaylor noted the plan was a lot annexation plan at Rt. 743 and Shady Lane to get a garage entirely on one property. The Planning Commission has recommended approval of the plan. There was some discussion on street trees and that has been worked out. The plan expires on October 16th which is before the next Board of Supervisors meeting. The outstanding conditions is for the Township Engineer to review the placement of some street trees, the concrete monuments and some macadam removal. Mr. Kaylor asked if approval of the plan could be done on the conditions with no signatures until the items are complete.
- Mrs. Casey noted there are outstanding engineering fees. She did not know about the Planning Commission approval until yesterday.
- Chairman Espenshade noted he was looking at a waiver of the street trees. It was his understanding that the applicant wants to plant a different type of trees.
- Mr. Kaylor noted the list of trees in the ordinance did not include the existing trees on the property. The Planning Commission recommended a waiver for the trees. Mr. Kaylor's client is not asking for a waiver of the trees, just being able to plant the type of trees that are currently on the property. Discussion continued.
- Mr. Ulrich noted the ordinance suggests a list of acceptable street trees, however, does suggest if upon further review by the Planning Commission, the applicant suggests a different tree that would be appropriate and acceptable by the Township that could be chosen. Mr. Ulrich did not feel a waiver was needed. He felt Mr. Kovach was suggesting the waiver for completeness and to be thorough.
- The Board noted it would like more time to review the plan.
- Mr. Kaylor had a letter for a grant of an extension of time of 60 days for the Board of Supervisors consideration.
- **Mr. Marshall made a motion to accept the grant of an extension of time for 60 days for the Reichelderfer plan. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, 0 opposed.**

REVIEW OF FEE SCHEDULE

This will be addressed during the budget process.

FIRE POLICE – CONSENSUS – OFFICIAL APPROVAL

- **Mr. Nelligan made a motion to ratify the request for the Grantville Volunteer Fire Company Fire Police to be present at the October 3rd 5K run. Mr. Marshall seconded the motion. The motion was approved 4 in favor, 0 opposed.**

HALBLEIB – GRANT OF AN EXTENSION OF TIME

- **Mr. Nelligan made a motion to accept the grant of a 90 day extension of time for the Halbleib plan. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

OTHER BUSINESS FROM THE BOARD

Mr. Epstein noted he would check into the proposed amendment Representative Marsico made to the table games bill and would report to Mrs. Casey.

BUSINESS FROM THE PUBLIC

There was no business from the public

Mr. Marshall made a motion to adjourn the meeting. The meeting was adjourned at 8:54 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