

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**8848 Jonestown Road, Grantville, PA 17028**  
**December 1, 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 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.

**The Public Hearing for the Ordinance 2009-07 – Amending Ordinance 1996-3 – Solid Waste will be held at 7:30 PM**

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

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

**TREASURER’S REPORT**

Expenditures:

General Fund	\$ 85,920.38
Operations and Maintenance	\$ 8,493.12
State Fund	\$ 4,894.66
Park and Rec	\$ 1,219.81
Total	<u>\$100,527.98</u>

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

Receipts

General Fund	\$ 42,603.97
Operations & Maintenance	\$ 3,484.00

Available Funds

General Fund	\$ 984,507.73
Operations & Maintenance	\$ 289,021.31
Street Light	\$ 5,259.42
State Fund	\$ 333,832.98
Public Sewer Fund	\$ 3,984.71
Park and Rec Fund	<u>\$ 73,314.62</u>
TOTAL	<u>\$1,689,920.77</u>

## **CORRESPONDENCE**

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

## **REPORTS**

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

Mr. Longreen presented the Board with a copy of his report. It is available for review at the municipal building.

- Mr. Longreen asked for authorization of payment to E.J. Breneman for the pavement of Firehouse and Fox Run Roads in the amount of \$497,480.54. The cost came in at \$6,953.16 under the contract price.
- **Ms. Beaudet made a motion to authorize the payment to E.J. Breneman for Firehouse and Fox Run Rds. in the amount of \$497,480.54. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Longreen asked for permission to attend a class on December 10<sup>th</sup> from 8:00 AM until 4:00 PM on Municipal Bidding: Public Works Equipment and Services. There is no cost. The class is at the PSATS training center in Enola.
- **Mr. Shutt made a motion to allow Mr. Longreen to attend the class. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Longreen asked permission for himself and Mr. Fisher to attend Pesticide classes from 8:00 AM until 4:00 PM on December 14<sup>th</sup>. The classes are at the Holiday Inn Grantville and the cost is \$60.00 per person. Both need 6 core credits to keep their certification.
- Mr. Nelligan asked if it would expand their capability to spray offsite. Mr. Longreen noted it would not but would allow them to take the courses needed for that.
- **Mr. Marshall made a motion to allow Mr. Longreen and Mr. Fisher to attend the pesticide courses on December 14<sup>th</sup> at the Holiday Inn at a cost of \$60.00 per person. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT**

- The Spaghetti Dinner was successful and they cleared over \$900.00.
- The fund drive letters have been mailed out and are coming back.
- December 19<sup>th</sup> Santa Claus will be touring the community.
- The State Grant was approved for the Fire Co. in the amount of between \$11,000.00 to \$15,000.00.

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

- No report.

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

- No report.

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

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

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

- Halbleib Land Development – LTL is working with the applicant to work out the outstanding issues for the December Planning Commission meeting.
- Shutt Subdivision – This received final approval at the November Planning Commission meeting.
- Preserve at Bow Creek – The primary amount of construction was completed for Creek View Dr.
- Penn National Gaming – Outstanding site issues are being worked on to be completed. A letter will be issued outlining those.
- Mama's Pizza – The punch list is being updated and will be issued to the owner.
- Penn National Maintenance Facility – A list of outstanding site issues is being worked on.

### **EFMR MONITORING GROUP – ANDY STEIN**

- The electric rate cap expirations are in 2011 for the Township. Mrs. Casey has contacted Jean Pugh at the League of Cities to explore rates through New Energy/Constellation.
- Rt. 22/Rt. 743 – the project must go through the HATS process. It was listed as a line item in the 2007 Transportation Study. The Township needs to start a development process. PennDOT is not aware of the department doing any surveying at the intersection, but the Traffic Design department is aware of the problems at the intersection. A PennDOT inspection needs to be done. The Township could possibly move the poles back in anticipation of road widening and install longer arms. Looking at the Rt. 22 Safety Improvements Corridor from Lebanon to Lower Paxton, the project would take 3 to 4 years and is not funded. We should also get in touch with Tri County Planning Commission; however, there is not a lot of money left in HATS.
- Table Games – The House and Senate amendments will come back out this week but it is not anticipated that there will be quick movement and they may not get signed this year.
- Penn National – On October 27<sup>th</sup> and November 11<sup>th</sup>, meetings were held with Penn National to discuss the impact and timing of table games, and procedures and protocols. The Township presented its concerns in regard to water, sewage, infrastructure, traffic, and PA State Police fees. Lines of communication, local job creation, and coordination with the County were also discussed.
- HB 1500 PA State Police Coverage – This bill is stalled and will not be decided in the near future.
- Mr. Marshall noted he contacted Rep. Marsico's office regarding the intersection and it didn't go very far. They suggested that Mr. Epstein might be able to do more for the Township than they could. Mr. Epstein would like approval to go ahead and approach the necessary people. Rep. Marsico's office can't get an

answer from PennDOT as to what it's plan are for Rt. 22. PennDOT had no knowledge that they had a surveying crew out for a month.

- Mr. Stein noted the project has to start in the HATS process and the real challenge will be the funding. The programs that HATS has applied to have been either de-funded or used up.
- Ms. Beaudet noted the erroneous information in the paper that the Township has \$19 million needs to go away or the Township will be expected to fund the project.
- **Ms. Beaudet made a motion to allow Mr. Epstein to make any of the contacts he needs to, to see the project to fruition. Mr. Marshall seconded the motion.** Solicitor Wyland noted the intersection may fall into the study that will be demanded of Penn National by PennDOT and/or the Township. Discussion continued. Chairman Espenshade's concern is that there are improvements that need to be made to the intersection, but he doesn't want to spend the money if in a year or two the intersection is improved and the improvements the Township makes will need to be done again. Mr. Marshall commented Rep. Marsico's office noted the Township could make the improvements and PennDOT said if they make a change, they would replace the poles at no cost to the Township. **The motion was approved 5 in favor, 0 opposed.**
- Richard Schock asked if HATS is involved in all projects of this type. Mr. Stein noted HATS is the Harrisburg Area Transportation Study. Any project in the area needs to show up at HATS. They make their list of priorities. Mr. Schock noted it is a State intersection and asked if the Township will be required to pay for it. Mr. Stein noted the Township is not required to pay for it, but the Township has the option of repairing it. Chairman Espenshade noted the issue is some of the poles need to be replaced and the Township is responsible for the maintenance and up keep of the traffic signals. The Township doesn't want to spend the money now if in a year or two PennDOT is going to improve the intersection. This is why the project needs to go through HATS so there is a paper trail. Discussion continued. Mr. Schock felt that it is a State intersection and the State should be responsible for it. Mr. Schock continued his discussion.
- Solicitor Wyland noted the Township is heads up on the issue with its Act 209 Ordinance, new development opportunities and HATS.

## **UNFINISHED BUSINESS**

### **OLD COMPUTER HARDWARE**

- No report.

### **REIGLE REQUEST FOR EDU**

Solicitor Wyland noted the lot has been pre-approved and the EDU is already accounted for in the development plan. The only thing that should be required is the application for connection and the fee.

- Chairman Espenshade noted the Reigle's are asking for a guarantee from the Township that the connection will be available for a future property owner. His only way of guaranteeing it is some sort of an agreement.
- Solicitor Wyland noted the thing to guard against is when they are ready to connect; there is no capacity in the plant. Discussion continued. There is the opportunity to charge them 60% of the fee until they connect.
- Discussion continued.
- Chairman Espenshade noted the property owner is looking to sell the lot and wants a guarantee to go along with the bill of sale that they can hook onto the sewer system. Solicitor Wyland noted they could take out their sewer connection permit now and pay the fee but they would have 2 years to build or then have to seek an extension. Discussion continued.
- Mr. Ulrich noted the purpose of the Reserve Capacity Agreement is to give an owner the capacity.
- Solicitor Wyland noted there are several ways to approach the issue. One the capacity is available in the plant now so they could take a risk, two they can purchase the connection permit and in 2 years they have the ability to connect, third, they could enter into a Reserve Capacity Agreement and pay 60% of retail until such time they connect. Mrs. Casey will compose a letter to the Reigles outlining their options.

**7:30 PM - PUBLIC HEARING FOR ORDINANCE 2009-07 – AMENDING ORDINANCE 1996-3 – SOLID WASTE**

Solicitor Wyland noted it is 3 minutes past the time and place advertised for the public hearing on Ordinance 2009-07, an Ordinance of East Hanover Township, amending Ordinance 1996-03, providing for the regulation of the collection, storage, transportation, removal, recycling, dumping, deposit and disposal of solid waste materials, and providing penalties for violation of this ordinance. This ordinance is a request from the contractor that provides waste collection services to allow it to pursue delinquent accounts in its own name with the blessing and permission of the Township in front of the Court of Common Pleas or Magisterial Districts as needed. It fixes the glitch the contractor has run into in some jurisdictions where it's efforts to collect have been thrown out because they should be brought in the name of the Township. This saves the Township of having to be a participant in the collection efforts, and allows the contractor to pursue it on its own. Solicitor Wyland opened the hearing for public comment.

- George Rish asked why it allows the action to be taken in Cumberland County and not Dauphin County.
- Solicitor Wyland noted that was a typographical error in the ordinance that was provided to the Township and was based on one in Cumberland County. This is a minor correction and doesn't require re-advertisement or a re-hearing.
- The record was closed at 7:36 PM.
- **Mr. Marshall made a motion to approve Ordinance 2009-07 including the correction of the County. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

## HALBLEIB WAIVER REQUEST

Chairman Espenshade noted there were waiver requests previously from the Halbleib's and action was not taken on one since it was felt it did not have a direct impact on the plan at that time. The request to reconsider this waiver was received today.

- Mr. Ulrich noted typically a subdivision would have easements associated with it that would protect basins that may need maintenance or repairs and that by providing the easement and recording it with the plan, would give the Township the right, but not the obligation to enter onto the property for repairs and/or cleaning, maintenance, etc. that might be needed. The applicant is proposing the Township utilizes the Operations and Maintenance Agreement outlined in appendix C of the Stormwater Ordinance which would be what you would refer to as a blanket easement for the entire property. This would still give the Township the same rights but would be easier for the applicant since they would not have to prepare additional work for the plan. He had no problem with granting the waiver.
- Mr. Marshall asked if Solicitor Wyland was comfortable that the Township would be protected. He noted he was.
- **Mr. Nelligan made a motion to approve the request for a waiver of the Subdivision/Land Development Ordinance Section 305 with regards to Section 613. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

## NEW BUSINESS

### PENN NATIONAL ESCROW AGREEMENT

Solicitor Wyland has reviewed the agreement and recommended approval. Penn National has already signed the agreement.

- **Ms. Beudet made a motion to approve the escrow agreement between Penn National and East Hanover Township. Mr. Nelligan seconded the motion.** Solicitor Wyland thanked Mr. Ulrich with his help with the escrow amount. **The motion was approved 5 in favor, 0 opposed.**

### SHUTT SUBDIVISION PLAN

Mr. Shutt noted he would not participate in the discussion.

- Mr. Ulrich noted at the November meeting, the plan was reviewed and the Planning Commission recommended a conditional final approval conditioned upon compliance with LTL's letter dated November 20, 2009. The outstanding comments were a note needed to be added regarding HOP requirements and the other issues was the improvement guarantee or developers agreement. Upon discussion with the applicant, he indicated he would like to verify the pins and the street trees would be put in. In lieu of a developer's agreement, he would like to have the plan approved with conditions.
- **Mr. Marshall made a motion to accept the plan for review and possible action at the next meeting. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, Chairman Espenshade, Ms. Beudet, Mr. Marshall and Mr. Nelligan; 0 opposed; 1 abstention, Mr. Shutt.**

### **HUMANE SOCIETY AGREEMENT**

This is the agreement the Township enters into to take care of stray cats and dogs. 2010 cost will be less than 2009's.

- **Ms. Beaudet made a motion to enter the agreement with the Humane Society in the amount of \$2,897.55. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **WES HANOVER BUSINESS ASSOCIATION MEMBERSHIP**

- Ms. Beaudet felt the Township should continue with its membership.
- Mrs. Casey noted she would continue to attend the meetings.
- **Mr. Nelligan made a motion to renew the membership with the WES Business Association for the year 2010 with dues of \$45.00. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **CONDITIONAL USE – BOW CREEK MALL**

Chairman Espenshade noted a hearing needs to be set for a Conditional Use request for a shopping center AKA Bow Creek Mall.

- **Mr. Marshall made a motion to set a hearing for a Conditional Use on January 19, 2010 at 7:30 PM, forward the application to the Planning Commission and advertise the hearing. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **FRANCHISE AGREEMENT ORDINANCE**

Ms. Beaudet noted Mark Stewart prepared a franchise agreement for the Township in preparation of franchises that will occur in the future. She would like to set a date for a public hearing. It would be Ordinance 2010-01.

- **Mr. Marshall made a motion to advertise for a public hearing for Ordinance 2010-01 for January 19, 2010 after the 7:30 hearing and to advertise. Ms. Beaudet seconded the motion. Solicitor Wyland noted that Mark Stewart wrote the ordinance since Solicitor Wyland's firm has a conflict with one of the entities that may be involved. The motion was approved 5 in favor, 0 opposed.**

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

There was no further business from the Board.

### **BUSINESS FROM THE PUBLIC**

Richard Schock asked if the Township knew what the schedule is for the improvements on Rt. 22 between Rt. 39 and the County line.

- Mr. Marshall noted he was told 3 to 5 years. Mr. Longreen noted there was no funding for it.
- Mr. Schock felt now was the time to do the repair before the project is put out for bid.
- Discussion continued.

Mr. Ulrich requested an Executive Session after the meeting regarding a potential legal issue.

**Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 7:55 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